

BREAKING THE SILENCE: VIOLENCE AGAINST WOMEN IN ASIA

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Equal Opportunities Commission

in collaboration with



Women in Asian Development

&



UNESCO National Commission of the Philippines

EDITED BY

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Foreword

In the name of Women in Asian Development (WADEV) and the Social and Human Sciences Committee of the UNESCO National Commission of the Philippines, we wish to express our deep appreciation and gratitude to the Equal Opportunities Commission of Hong Kong for the valuable support and cooperation extended to us in making the publication of this book possible.

Breaking The Silence: Violence Against Women in Asia is a modest contribution by women leaders and women scholars towards the transformation of culture of violence into a culture of peace.

As we celebrate the fiftieth anniversary of the Universal Declaration of Human Rights, women continue to experience systematic violations of their human rights and to be largely excluded from decision-making. In times of war and civil disturbance, women and children are the victims and targets of aggression.

We must address the issue of violence against women in the home and everyday life, the glorification of war in media and in the teaching of history, the trafficking of women and girls, terrorism and the denial of human rights and fundamental freedoms.

A culture of peace requires that we confront the root causes of violence, economic and social deprivation, exclusion, discrimination and intolerance.

Equality, development and peace are inextricably linked. There can be no lasting peace without development, and no sustainable development without full equality between women and men.

We hope this book will help to increase awareness, concern and cooperation not only among women but also among all sectors of society towards women's empowerment.

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Fanny M. Cheung

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INTRODUCTION: VIOLENCE AGAINST WOMEN AS A GLOBAL CONCERN

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Violence against women (VAW) is recognized as a form of inequality and a priority issue for women around the world. According to a World Health Organization (1997a) Information Pack, at least one in five women suffer rape or attempted rape in their lifetimes. From 20% to 50% of the women interviewed in 24 countries reported physical violence from their male partners. VAW is present in most societies but has mostly been unrecognized and unreported. It used to be and, in some places, is still accepted as part of nature. It affects the capacity of women to participate freely and fully in society. It brings harmful consequences to women's physical and psychological health. It is also a leading cause of death of women through murder or suicide.

In the UN Declaration on Elimination of Violence Against Women (December 1993), VAW is defined 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 and includes physical, sexual and psychological violence perpetrated or condoned by the state, wherever it occurs."

Gender-based violence occurs in different forms throughout the life cycle of women. In the pre-birth period, it may take the form of coerced pregnancy or sex-selective abortion. During infancy, gender violence takes the form of female infanticide or deprived access to food and medical care for female infants. For the girl child, there may be genital mutilation, child prostitution, child marriage, physical as well as sexual abuse by strangers or family members. From adolescence onwards, girls and women may be exposed to violence during courtship, prostitution, trafficking in women, sexual harassment in schools and at the workplace. In reproductive age, women are not only subject to sexual abuse and harassment in the workplace, or kidnapping and trafficking of women. They are also vulnerable to different forms of abuse in the private sphere by intimate male partners resulting in physical injury, marital rape, dowry abuse, as well as partner homicide. Elderly abuse affects mostly women. Rape by strangers and the fears of it affect women of all ages. There is no stage in the life cycle in which women are exempt from the threat of violence.

The idea for compiling a book on VAW in Asia was initiated by a network of Asian women scholars in recognition of the pervasiveness of VAW in the region. The network,

WADEV (Women in Asian Development), was formally initiated in 1990. It operates as a loose network of Asian women leaders in public service, higher education and community-based projects from eight Asian countries or regions: Hong Kong, India, Indonesia, Japan, Korea, Pakistan, Philippines and Thailand. In a 1994 meeting in Manila, VAW was identified as an area of concern that needed more scholarly attention in the region. An editorial group was chosen to publish a book on VAW in Asia as a strategic cross-national project. The editorial group met in Thailand in 1995. Through personal networks, Asian scholars were identified and invited to write a chapter on the key issues of VAW in their own countries. The project was the result of an international collaboration on the part of the individuals and institutions involved. The United Board for Christian Higher Education in Asia funded the editorial meeting. The Equal Opportunities Commission of Hong Kong sponsored the publication of the book. The UNESCO Commission of the Philippines supported its distribution.

International Concern

VAW is acknowledged as a violation of human rights. It transcends the boundaries of nationality, culture, religion and socioeconomic status. VAW issues have emerged on international and national agendas through the relentless efforts of feminists and human rights activists. Under the pressure of women's groups during meetings on the Convention on Human Rights, the United Nations General Assembly adopted the Declaration on Violence Against Women in 1993. This specific Declaration significantly situates VAW within the discourse on human rights and identifies the gender-based roots of VAW (Heyzer, 1998).

Focus on VAW as a human rights concern, however, is relatively recent. Earlier concerns with women's issues focussed on the problems of political and economic discrimination. While VAW is fundamental to the provisions of the 1979 United Nations Convention to Eliminate All Forms of Discrimination Against Women (CEDAW), it was not specifically addressed in the original CEDAW articles. It was subsequently included in the General Recommendation No. 19 of CEDAW in which traditional stereotypes perpetuating gender-based violence are deemed to deprive women of their human rights and fundamental freedoms.

Domestic violence was recognized as an obstacle to gender equality at the world conferences on women in 1980 and 1985. However, VAW was not part of the major agenda. The issue of VAW was raised more or less as an afterthought at the 1985 Nairobi conference when the achievements of the United Nations Decade for Women were reviewed. VAW was considered a major obstacle to the achievement of peace, development and equality. At the 1993 World Conference on Human Rights in Vienna, VAW was finally acknowledged by governments as a fundamental violation of women's human rights.

VAW as a global issue received more prominent attention in the 1990s. The rights of women and VAW were integrated into the human rights mechanism of the United

Nations in 1994. A Special Rapporteur on VAW was appointed under the Commission on Human Rights to monitor the problem around the world and to recommend measures to eliminate the problem and remedy its consequences at the national, regional and international levels. The problem areas include violence in the family (e.g. domestic violence, infanticide, and incest), violence in the community (e.g. rape, sexual assault, sexual harassment, trafficking of women, and pornography), and violence by the state (e.g. custodial violence and VAW in armed conflict). VAW is highlighted as one of the 12 priorities adopted in the Platform for Action in the 1995 Fourth UN Conference on Women in Beijing and the subsequent Beijing Declaration.

The World Health Organization proclaimed VAW to be a public health and a human rights issue. It estimated that at least 20 percent of the world's women have been assaulted physically or sexually by men at some point in their lives. Acknowledging the serious adverse consequences of VAW on the physical, mental and reproductive health of women, the WHO (1997b) organized a special workshop in 1997 to review the magnitude of the problem and to search for solutions. The Women's Health and Development Programme (WHD) coordinates WHO'S work on VAW and has produced an Information Pack on VAW to provide an overview of the issues to health workers. It also initiated a multi-country study to explore the dimensions, health consequences and risk factors of violence on women.

Since 1991, an international campaign to heighten awareness on VAW has been initiated by the Center for Women Global Leadership around 16 days of "Activism Against Gender Violence" from November 25 to December 10 each year. The dates were chosen to link VAW with human rights, as November 25 is the International Day Against VAW and December 10 the International Human Rights Day. Women worldwide were encouraged to organize activities around the 16 days. In recognition of the 50th anniversary of the Universal Declaration of Human Rights, the theme "Women Light the Way for Human Rights" was adopted for the 16 days of activism in 1998 as a symbol of the strength, courage and leadership of women's human rights defenders around the world.

The issues of VAW are taken up by various UN agencies including the Commission on Human Rights, UNIFEM, CEDAW and Division for the Advancement of Women. A Trust Fund in Support of Actions to Prevent and Eliminate VAW was set up under UNIFEM to implement the Beijing Platform for Action. A virtual working group was started through electronic communication in cyberspace to discuss policies, legislation, strategies and partnerships to coincide with the 16 days of Activism Against Gender Violence. Using the Internet, networks and partnerships were built; information on policies, legislation, strategies and new communication technology was shared; and ideas on government and civil society efforts to eliminate VAW were discussed among women across the globe. These activities aimed to raise awareness, promote training, develop services, identify remedies, and strengthen domestic legislation. Due to the enthusiastic response to the End-violence Working Group, the original 6-week period

of networking scheduled to end in December 1998 was extended beyond March 1999. The campaign culminated in a UN interagency global videoconference "A World Free of Violence Against Women". The multimedia videoconference linked advocates in the field with delegates from UN agencies and member states. Advocates and governmental officials at four international sites (Kenya, India, Mexico and France) interacted with decision makers from UN agencies and other member nations at the UN General Assembly during the two-hour conference. The event was viewed live through the World Wide Web or any videoconferencing facility. Viewing sites for the live event were posted on the electronic network. The international dignitaries who spoke at the conference lent support to the significance of the event.

The Asian Perspective

The efforts of the non-government organizations have been instrumental in increasing public awareness on VAW issues in Asia during the past decade. Governments in Asian countries, however, are slow in recognizing the validity of the gender perspective of VAW issues. The South Asia Regional Office of UNIFEM has initiated efforts in India, Pakistan, Bangladesh and Nepal to raise consciousness on gender-based violence. The campaign tried to reach out to diverse groups across society to break the silence that still shrouds gender-based violence in this region. While there are active non-governmental organizations within many Asian countries advocating women's concerns, few reached an international audience. Even in India, Korea and the Philippines where women's studies have been relatively active since the 1970s, VAW is not yet a priority area of research. Issues such as rape, dowry deaths or domestic violence may be raised separately in individual Asian countries. They are not integrated into the broader framework of VAW or women's rights. In many Asian countries, these issues are mostly dealt with in a welfare approach that focuses on providing relief and support for women. The contribution of the women's movement in the 1990s in many Asian countries is the introduction of the feminist perspective that locates VAW in the whole spectrum of patriarchal practices.

Examination of VAW in the Asian context is an important response to the global concern. The Asia population constitutes over half of the world. Many Asian countries have undergone rapid economic growth and transformed into developed economies. If simple objective indicators are used, women may appear to be doing well because they ride on the coattails of the economic development. However, this economic prosperity has not been translated into gender equality. This is evident from the discrepancy in the country rankings in the Human Development Index (HDI) when gender disparity is taken into account (United Nations Development Programme, 1998).

The gender disparity is especially apparent in Asia's more highly developed economies. For example, based on its Human Development Index (HDI) which measures the average achievements in three basic dimensions of human development, i.e., life expectancy, educational attainment, and real Gross Domestic Product (GDP)

per capita, Japan's country ranking is the 9th in the world in 1995. In terms of the Gender-related Development Index (GDI) which takes account of inequality between women and men in achievements in the same dimensions as those in the HDI, Japan's ranking dropped to 13. A Gender Empowerment Measure (GEM) is also used to indicate whether women are able to actively participate in economic and political life and decision making, as distinct from the GDI, which covers gender inequality in the basic capabilities. Japan's ranking in this measure is 38. Similarly for Hong Kong, its HDI ranking is 25 and GDI ranking is 33 (figure for GEM not available). For South Korea, its HDI ranking is 30, GDI ranking is 37, and GEM ranking is 83.

Women's status is further threatened in times of economic downturn. With the economic crisis in Asia, the level of poverty disproportionately affects women. Women are doubly oppressed in poverty groups. In most Asian countries, women's educational attainment and participation in the paid labour force are relatively low. Women's labour participation concentrates in unskilled and semi-skilled jobs in the manufacturing sector. With globalization and economic re-structuring in the region, women are more likely to be displaced in the labour market. Not only are women affected by the global and regional economic trends, they are also subject to discriminatory practices in decisions of enterprises to downsize. Women are considered secondary wage earners who have less to lose in retrenchment. They are encouraged to return to the family to take up unpaid labour and thus would not be counted towards the unemployment rate. In more explicit forms of discrimination, they are deemed more costly to keep due to maternity benefits and other family responsibilities that are thought to be interfering with their devotion to work. Women are more likely to be laid off in such situations. As an illustration, in 1998, the All China Federation of Women has expressed concern about the resurgence of these discriminatory stereotypes that underline the implementation of the large-scale state enterprise reforms in China.

More women than men fall below the poverty line in all countries. Increasingly in Asia, women constitute the main recipients of welfare from the state due to changes in the family structure, higher divorce rates and disproportionate unemployment. Under financial strains in the family, women are more vulnerable to domestic violence especially when more men who are unemployed are staying home.

VAW is also increased at the community level during the economic downturn. Women become the scapegoat of class, religious and ethnic conflicts, which are magnified by the economic hardship. The mass rape of ethnic Chinese women in Indonesia epitomizes the brunt taken by women during the economic and political turmoil of the country in the 1998 May riots. These atrocities, however, were initially denied by the authorities and received relatively little attention in the West. It was only brought to light by the dedicated efforts of the women's groups in Indonesia and the outrage in the Asian community.

Despite cultural diversities, there is a connectedness in the issues of VAW worldwide, and in Asia in particular. While there may be different forms of manifestation,

common concerns are expressed. In most Asian cultures, the hierarchical structure of human relationship is emphasized. Patriarchy, as a system of power, is rooted in the ideological distinction between home and market, family and economy, private and public, and between women and men. Indian scholars in gender studies have emphasized the "dynamics of power and powerlessness" in VAW (Karlekar, 1998; Kelkar, 1991; Poonacha, 1990). VAW is situated in the socio-economic and political context of power relations especially in a hierarchical society based on exploitative gender relations.

In most Asian countries, women are considered secondary to men. There is still a high rate of illiteracy among women. Women are limited in their political and economic development. Except for China, the rate of women's paid economic participation is generally lower than that of other Western countries. Even with the rapid economic development in the past decade during which more young women have joined the labour force, married women with young children tend to stay home to take care of the family. Women have a limited role in the public arena.

Reliable data and research on VAW in Asia are scarce. Large-scale studies (WHO, 1997b) showed that the trends of wife battering in Cambodia, India, Korea and Thailand were similar. The reported rates ranged from 16% to 38%. These rates cannot be directly compared, however, given the different research methodologies adopted by the researchers. In addition to the prevalence of VAW, the underlying and contextual factors that perpetuate VAW in different Asian countries also need to be examined. Research and documentation is an important strategy to assess the severity, scope, causes and consequences of VAW. It also provides the basis to examine effective forms of prevention and intervention. Unfortunately, many Asian scholars publish their research work locally and in their own languages. There is a paucity of information in the international literature. The impetus to compile a book on VAW in Asia is to fill this void and to stimulate research in the area.

The Role of the Family

Even in the private domain, women have little power in the patriarchal family. The family plays a central role in the lives of women. The family also socializes its members according to prescribed cultural norms that perpetuate male dominance and control. Women are properties of fathers and husbands. As commodities, they are regarded as poor investment. Gender inequality is institutionalized in the oppressive structure of a family ideology committed to an age- and gender-hierarchy. The esteem of women is undermined in a patriarchal family ideology. In most Asian cultures, sons are preferred over daughters. Female foeticide has increased with the spread of amniocentesis that is misused for sex determination and sex-selective abortion. Female infanticide is still reported in some rural villages of countries like India and China. Daughters have less access to the family resources including food, nutrition and education.

Early marriage is common in the less developed economies. Early marriage and childbirth deprive women from full access to education and economic independence.

Tied down to the family that defines their identity and role, they have no escape from the situation when the family becomes the source of their abuse. In many cases, the family is the seat of VAW.

While patriarchy prevails in Asia, it should be pointed out that its manifestations vary among countries. Patriarchy interacts with other cultural dynamics. As shown in the chapters on Nepal and India, it interacts with poverty and the caste system. Patriarchy may take on more subtle forms. For example, attitudes towards girls may be less harsh in Hong Kong, Philippines and Thailand, and in urban settings, where education and employment opportunities for women have expanded. Dependency on daughters in old age also places some values on them. In particular, the chapter on Thailand shows that kinship is bilateral. Matrilocal residence may ease the pain of dislocation for young brides. On the other hand, cultural acceptance of polygamy has created emotional threats of abandonment, rendering women vulnerable in the power relationship in marriage. VAW in Thailand could take on a subtler psychological dimension.

The feminist movements in Asia in the 1970s and 1980s have not challenged the fundamental institution of the family. These movements ranged from campaigns for more protection of women, to advocacy for equal rights and opportunities for women. Most campaigns on violence against women in Asia still focus on women as the victims to be protected rather than the assertion of women's liberation from the patriarchal system. Most Asian feminists recognize basic differences between men and women and do not deny the important roles played by women in the family. While they advocate more choices for women in their lives, the family is still accepted as an integral part of the community as well as that of a woman's life. The modern value of individual freedom for women has not replaced the traditional Asian value for the collective embodied by the family unit.

It is worth noting that many of the authors of this book have converged on the topic of domestic violence when they were asked to contribute a chapter on VAW in their own countries. Their concerns reflect the awareness that is just being raised in bringing domestic violence into the open. Domestic violence is no longer a family matter that is taken for granted and accepted as part of the culture. There is, however, still a long struggle before the issue is transformed from a private matter into a public agenda. Cultural contexts may be found in every country to explain the violence. Yet, one may ponder whether these cultural explanations are in fact post hoc rationalizations. While they contextualize the manifestation of VAW, these culture-specific explanations do not account for the prevalence of gender violence across all cultures.

The strong Asian emphasis on the family poses an enigma when the family in fact houses violence against women. When there is conflict, the patriarchal power structure needs to be upheld and women's interests subjugated in order to keep the family intact. Women have internalized their submissive role and their responsibility to maintain harmony. They endure the abuse dutifully until the suffering becomes intolerable. Many escape to their parental families only to be pressured into returning to the violent conjugal

families. As shown in all the chapters on domestic violence, the battered women inevitably turn to their family members for help and support. However, they are turned back by family members to the batterer in order to preserve the family's "harmony". By asking the women to respect their husbands' authority, to tolerate the batterers' eruptions from frustration, and to sacrifice themselves for the sake of the children, the family unity could be maintained.

The break-up of the family brings shame to the woman, her parents and her children. A woman's identity outside the family is an anomaly. Even for many Asian women who have expanded their role into the labour force, their primary identity remains attached to the family. Educated and uneducated women, women with and without paid employment alike, are subjected to domestic violence.

The Role of the State

When the family becomes oppressive, women begin to turn to the state for intervention. They call for legislation and public security measures to protect their safety; they seek outlets from the situation such as shelters and support services. The state, generally, is not responsive to these calls. Support mostly come from the collective action of other women. Women's groups campaign for change in legislation, initiate services for women, and promote public awareness on the issues. As shown in the chapters from China, Hong Kong, India, Indonesia, Korea, and Taiwan, the state generally ignores or denies the problem when it is first raised.

The state typically reifies the patriarchal system in dealing with domestic violence. The state usually relies on the reported crime rates or mortality statistics.

These are dependent upon the existence of laws and services, as well as the willingness of the victims to report crime and the sensitivity of the officials in recognizing the connection of the reports to VAW. Official statistics on the prevalence of domestic violence are generally lacking; those available would only reflect the tip of the iceberg. The inadequacy of the prevalence statistics, in turn, results in official denial of the problem and the reluctance to provide services.

For the less developed countries, social services for women are deficient. Even when services are provided in the more developed countries, they lack a gender perspective. The services lack coordination among the law enforcement agencies, the social services sector, and the women's groups, resulting in poor access to the services. Traditional law enforcement and social services uphold the ideology of family unity and subsume women's needs to that of the family unit. Thus, most women are reluctant to seek help from outside bodies unless their lives are in danger. When they seek help from the police, they typically encounter a skeptical attitude that trivializes domestic violence, and an insensitivity to the real threats to which the women continue to be exposed. The police often regard domestic disputes as private matters and expect the couples to make up afterwards. Even if women were badly hurt, they would just be treated and then sent home to the abusers.

Other forms of VAW in Asia are likewise trivialized in the criminal justice system. Because of the stigma attached to the victims, the report rates on VAW are low across all countries. Statistics derived from services reflect an incomplete picture also. Only those women who seek services are recorded. Many others who suffer in silence remain hidden. Even with crime victimization surveys in the more developed countries, the lack of sensitivity in the design and collection of the data often results in gross underestimates of the problems. The need for good research methodology to gather sensitive information from women is still not met. The chapters from Hong Kong and the Philippines provide an overview of these theoretical and methodological issues.

In most Asian countries, VAW remains a woman's issue in the campaign of women's groups instead of a community-wide issue. The key concerns so far surround improving access to protection and services. As seen from all the chapters, the role of the government is peripheral. At the most, VAW is handled under the general criminal justice system. Separately, there may be subsidies for shelters for battered women. There is no unified government strategy to promote effective prevention or to address the various forms of violence against women as a whole.

Strategies to end VAW

A strategic approach is needed to end violence against women. It involves strengthening legislation to criminalize various forms of VAW, especially those currently not covered by the criminal justice system because they occur inside the family. In many Asian countries, laws on domestic violence and marital rape are relatively new or absent. Even when these laws are available, they may not be sensitive to the needs of women who may just want the violence to stop rather than to incriminate the provider of the household and thus break up the family unit. With low legal literacy, Asian women also need to learn to use the law in order to seek remedies in the court and support for the victims in the judicial process.

Many of the chapters in this book illustrate the insensitivity of frontline professionals and the stigmatization by the community as problems for the victims. A strategic approach to end VAW should include training and education, from training of judges, law enforcement personnel, and social service providers, to educators and school children. Both the public and the frontline professionals need to become sensitized to the underlying gender dimensions in VAW. These initiatives have come mainly from the women's groups with little support from the authorities and training institutions. Examples of these educational initiatives are found in Hong Kong since the early War-on-Rape campaign in the late 1970s (Cheung, 1987). In that community-based campaign, professionals as well as men and women in the community are rallied to change their attitudes towards rape victims. To sustain these attitude changes, however, training and education need to be mainstreamed into regular coursework and in-service programmes.

Research on VAW is particularly deficient in Asia. As seen from all the chapters,

official statistics on VAW are lacking or inadequate. They depend on reported crime rates and do not reflect the full extent of the problem. Data collected by women's shelters or other intervention services only represent the situation of those who have access to these services. Even with large-scale crime victimization surveys, the insensitive designs of these surveys have often resulted in under-reporting of VAW. Research is needed to improve data collection on the prevalence of VAW, to develop effective interventions with perpetrators of VAW, and to identify underlying cultural and social factors perpetuating VAW. Research is also needed as the foundation to develop services to support women and to change male behaviour. In all of these areas, the search for culturally relevant and gender-sensitive research approaches poses challenges to the Asian scholars.

Ending VAW is not only a woman's issue although women's voices have broken the silence. To mainstream the concern within each country, there should be mobilization and political advocacy. Effective strategies in other parts of the world have used regional and international procedures and involved the media. Although CEDAW is ratified in many Asian countries, local women are still ignorant about these international instruments or find them unrelated to their daily existence. The Asian media lags far behind Western media in assuming an effective advocacy role. In the Asian context, a strong role of the government in policy-making is necessary to integrate strategies to end violence.

The strategic approach requires the commitment of the state and the participation of the whole community, including non-governmental organizations, religious bodies, and civic leaders, not just women's groups. Given the patriarchal context of Asian societies, a community approach which involves men in the fight against VAW is likely to be more efficient and effective than a radical feminist model which pitches women against men and denounces VAW as a form of oppression by men against women (Cheung, 1987). VAW should be viewed in the wider framework of human rights violations. Its pervasiveness across Asia is a clear indication that women's equality with men is far from realization.

Conclusion

In this book, we have attempted to present objective and gender-sensitive perspectives to VAW in nine Asian regions. The overviews of issues included in the chapters by no means cover all the important concerns in VAW. Nevertheless, it is our belief that sharing our knowledge will help us to identify gaps in understanding and promote measures to end violence.

As scholars, knowledge has set our minds free. As women, knowledge has empowered us. As women scholars in Asia, we intend to contribute to the global strategy to end gender violence by enhancing our understanding of VAW in this region. By breaking the silence and freeing women from violence, we will remove a major barrier to equal opportunities for women.

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Domestic Violence in China

Xingjuan Wang

Situation of Domestic Violence in China

Is maltreatment of the wife an accidental phenomenon?

Since the founding of New China in 1949, the Constitution of the People's Republic of China, a basic law of the state, has empowered Chinese women to "enjoy equal rights with men in all spheres of life, political, economic, cultural, social, including family life". In China, women's status is comparatively high, especially since the beginning of the new historical period of reform and opening to the outside world in the 1980s. The term "Qiguanyan" (the homophone of tracheitis in China's witty dialogues), which means keeping the husband under strict control, is becoming widely popular in China, having thereby popularized the image of women's high status in the family. It may be construed as a true reflection of women in today's China. Therefore, when articles about domestic violence were carried in newspapers, there was an outcry of public opinion against it only for a short moment. However, people just treated it as an individual case which did not arouse serious concern of the society.

In October 1992, the Law of the People's Republic of China on the Protection of Rights and Interests of Women was promulgated and put in force, which stipulates in its General Provisions that "The state shall protect the special rights and interests enjoyed by women according to law, and gradually perfect its social security system with respect to women." and that "Discrimination against, maltreatment of, or cruel treatment in any manner causing injury even death of women shall be prohibited." However, from beginning to end, this Law has not included any specific articles or provisions to stop domestic violence.

Is women's status in China as high as we have believed? Is maltreatment of the wife an accidental and isolated phenomenon of an individual case here, or is it a problem of universal significance? To find a clue to the mystery, many scholars and practitioners in women's issues have started to examine this problem.

From what is shown by investigative figures

The first national survey of women's status in 1990, jointly done by the former

Women's Research Institute under the All-China Women's Federation and the State Statistical Bureau, was a large-scale one covering 11 cities and provinces. The situation of domestic violence between husband and wife was one of the themes included (see Table 1) (Overview of Chinese Women's Social Status, 1993).

Table 1. Percentage of Violence between Husband and Wife in 11 Cities

	No answer %	Frequently %	Sometimes %	Occasionally %	Never %
Female	0.3	0.9	8.2	20.1	71.0
Male	0.1	0.5	4.3	15.0	80.1

From this table we find that 71% of females have never suffered from domestic violence, which is the society's mainstream. However, 0.9% of them are frequently subjected to the threat of violence, 8.2% are beaten sometimes, and 20.1% are beaten occasionally. As a whole those who suffer, to varying degrees, from domestic violence make up over 1/4 of the total number of females under survey. This is really a surprising figure. Of course, 19.9% of males think they are being maltreated by their wives, too; however, the proportion is much lower than the violence suffered by females. Besides, as the latter are physically weaker, we haven't found, so far, a case reporting about serious injury or disability caused by the wife's maltreatment of husband.

Concerning the question of husband's maltreatment of the wife, there are great differences between urban and rural areas as were found during the investigation (see Table 2).

Table 2. A Comparison of Occurrence of Domestic Violence between Urban and Rural Areas in 11 Cities

Areas	Sex	Situation				
		No answer %	Frequently %	Sometimes %	Occasionally %	Never %
Urban areas	Female	0.4	0.8	4.6	15.8	78.4
	Male	0.2	0.3	3.0	13.2	83.3
Rural areas	Female	0.3	1.0	9.1	21.3	68.3
	Male	0.1	0.5	4.7	15.4	79.3

The figure of females being beaten by males in rural areas is higher by 10 percent than that in towns and cities. The number of rural females being beaten to varying degrees by their husbands makes up nearly 1/3 of the total number of females under survey. As far as the comparison between males and females are concerned, in towns

and cities the figure of husbands who have never been beaten by their wives is 4.9 percent higher than that of wives who have never been beaten by their husbands. While in rural areas, the proportion of husbands who have never been beaten by their wives is 11 percent higher than that of wives who have not been beaten by their husbands.

The second national survey of the social status of Chinese women was made in 1991 by the Institute of Population under the Chinese Academy of Social Sciences, which covered 6 cities and provinces. It was done according to strict sampling standard among 9,033 pairs of 20-54-year old married couple living together (Wang, 1995). The results on violence between husband and wife are shown in Table 3.

Table 3. Percentage of Violence between the Husband and Wife in the Urban and Rural Areas of Six Cities

Areas	Husband beating wife (%)	Wife beating husband (%)
Urban	1.57	0.49
Rural	4.68	1.22

Table 3 does not show whether the beatings are light or heavy. It only gives the statistics on the frequency of domestic violence. These figures are close to the results of the survey conducted by the Women's Research Institute under the All-China Women's Federation. Besides, this survey also shows that in the rural areas, the phenomenon of husband beating wife is more serious, being 3.11 percent higher than that in urban areas.

Surveys were also conducted in Beijing and Shanghai (Li, 1995). The one conducted by the Beijing Marriage and Family Research Institute was on the quality of marriage, which was carried out in 8 districts in 1994 with 2,200 effective questionnaires. Data of Shanghai came from analyzes on survey done in 1987 and 1990. Table 4 shows the figures for the two cities (Li, 1995).

Table 4. Comparison of Domestic Violence between Beijing and Shanghai

Has the husband ever beaten his wife	Beijing, 1994 (%)	Shanghai, 1990 (%)	
		City Proper	Suburb
Frequently	1.0	0.8	0.2
Sometimes	4.4	0.6	5.2
Seldom	15.9	6.2	11.0
Never	78.7	92.4	83.6
Sample size	2029	268	268

From this table we find that the situation of domestic violence in Beijing is similar to situations in other cities.

China is taking action against abuse

1994 was the year in which China paid more attention towards domestic violence. In this year, the Government arranged a special chapter on the Elimination of Violence against Women in the "Report of the People's Republic of China on the Implementation of the Nairobi Forward-looking Strategies for the Advancement of Women", in which it advocated: "to strengthen the ability of women to safeguard their rights according to law as well as their ability to prevent and resist violence."

During the Fourth World Conference on Women held in Beijing in August 1995, three out of a series of NGO Forum themes were on domestic violence. a) "Fight against and Eliminate the Violence against Women" by the Association of Chinese Women Judges. b) "Marriage and Family in China and Women's Role (including domestic violence)" by the China Marriage and Family Research Society. c) "Women's Groups and Social Help" by the Women's Research Institute under the China Academy of Management Science (now the Beijing Maple Women's Psychological Counselling Center). All possible ways to give social support to the vulnerable and maltreated women were explored during the discussion.

The Chinese Government, at the Fourth World Conference on Women, made its commitments to the world, which led to "the Programme for the Development of Chinese Women (1995-2000)" (hereafter abbreviated as the Programme). In this Programme, the general target for the development of Chinese women by the end of this century and 11 major targets have been laid down. It has dealt with, time and again, the question of ensuring the overall implementation of the laws and regulations protecting women's rights and interests and the question of dealing severe blows to such criminal acts as abduction, trafficking, abandonment, maltreatment, persecution and insult of women and safeguard women's personal safety and dignity. It has also put forth under Article 11: "Protect equal status of women in the family in accordance with the law", and for the first time it has been put down in explicit terms to "resolutely curb domestic violence".

1996 was a year of great importance for the whole society to declare war against domestic violence.

On 4th January of that year, a report about a husband throwing his wife down from a tall building thereby leading to her death was carried in the "*China Women's News*". Such a bloody fact shocked people just like the spring thunder.

It happened on the morning of 27th December 1995. A sharp cry for help was heard all over a street in the City of Changsha. A powerful man was carrying a woman in his arm and throwing her downwards from the balcony of a six-storey building. Right away, the woman was lying flat on the ground, dead. Her name was Yao Yizhao. She was only 37 years old, working as the head of a neighbourhood committee of the Changsha City. In 1992, she became acquainted with Tan Zizhong, a factory worker in Jianxiang County of Changsha, through a matchmaker and finally married to him. Tan behaved boorishly; beating wife was his usual practice. His former wife left home and

died in a car accident as she could no longer bear his maltreatment. During the three years after their marriage, Yao was also beaten black and blue all over by Tan with wooden club, iron stick, tongs, kitchen knife, bicycle pump or firelock by turns. Every time after she was beaten she wept but dared not to tell her relatives, fearing that her mother would feel sad and others would carry on endless discussions about her. Being driven beyond forbearance, Yao wanted to divorce him three times, and at last she moved to live with her mother. On the day of the incident, Tan came to his parents-in-law's home with the firelock and fire irons made by himself, pretending to look for a woolen sweater. Yao took it to be true, trying to look around for the sweater. Then, the malicious husband said, "I have come here to settle a final account with you, not to find my woolen sweater." He took out his firelock and fired it at Yao. At this moment, Yao's 85 years old mother dashed ahead to protect her daughter, completely disregarding her own safety. However, the old lady's hand and right leg were broken by Tan's iron stick. And immediately Tan took Yao in the arms and threw her downwards from the sixth floor of the building.

After this terrible news was published, the *China Women's News* began a special column to discuss about how to declare war against domestic violence. Experts and scholars of various circles, women's, legal, philosophical and educational, including public figures, sent one after another their speeches or articles to the newspaper to condemn such outrageous behaviour.

Newspapers of many other cities and provinces also took part in the discussion, so as to make it known that domestic violence is not an isolated behaviour of an individual person in a specific place, but a serious social problem.

According to the Sichuan Women's Federation, a considerable proportion of the visitors it received were about complaints against the husbands' maltreatment of wives. In 1993 and 1994 only, they handled over 500 cases, of which 50% were about family and marriage disputes.

In Guangzhou, the number of cases of domestic violence is also on the rise. In 1991, the City Women's Federation received 638 written complaints against domestic violence, making up 25% of the total number of complaints received that year. In 1994, the figure went up to 2,567, making up 63% of the total during the corresponding year. In 1995, it reached 2,830, constituting 78% of the total. This shows that the proportion of complaints related to domestic violence grows year by year.

In 1986, the statistics of a district court in Tianjin showed that of the 100 divorce cases they sampled at random, cases involving domestic violence between husband and wife constituted 52% of the total.

Among the written complaints received by women's federations at all levels in Hunan Province, 30% was about maltreatment by the husbands; in some places of the province, it was as high as 50%. From January 1992 to October 1995, 1,936 cases of domestic violence were registered in the Changsha City, of which over 95% was about husband's beating or maltreating his wife. In the Loudi Prefecture of this City, more

than 20 women died miserably out of domestic violence, over 30 suffered from serious injuries, and some were even disabled. According to the 1996 survey in Shuangfeng County among 1,421 families, 82 households had domestic violence, 8 women of these households were killed or forced to commit suicide, 7 were seriously wounded and 13 slightly wounded. Besides, according to statistics, in the Hunan Province about 20,000 families are dissolved annually, of which 1/4 result from domestic violence.

In the Hubei Province, on average, one woman was killed and two were wounded every day in 1995.

Members of the Division for Visits and Written Complaints under the ACWF told us that in 1995 they had received 128,900 letters and 1,600 visits, of which nearly 30% were about domestic violence, increasing by over 30 times of the 1994 figures. Most of them happened in the following provinces: Shandong, Hunan and Jilin.

These figures have helped people further realize that in today's China, domestic violence is no longer a minor issue. To improve women's status in the family, we must check domestic violence.

Basic facts about the battered and the batterer

Studies were carried out by some scholars on the basic situation of battered women in the cities and in the countryside. Tong Xin, who is studying for a doctorate in the Sociology Department, Peking University, further analyzed the basic situation concerning battered women, based on a survey of Chinese women's social status by the Institute of Population under the Academy of Social Sciences (Tong, 1995). In the paper, the author particularly analyzed the situations in four cities or provinces (see Table 5).

Table 5. Prevalence of Domestic Violence in Four Provinces or Cities

	Shanghai %	Guangdong %	Shandong %	Shaanxi %
Husband beating wife	2.44	3.29	3.40	3.27
Wife beating husband	1.92	1.51	1.22	1.83

In the four cities and provinces, the proportion of husband's beating wife in Shanghai is the lowest, that of Shandong is the highest, while those of Guangdong and Shaanxi are very close to that of Shandong.

The distribution of age groups of the battered women can be found in Table 6, which shows that in the city, the majority of the women who are subjected to beating by their husbands are 35-44 years old, making up 58.3% of the total group. While in the countryside, the age distribution of battered women is comparatively even. However, most of them are young, with those who are under 39 making up 79.3% of the total group. There is a great difference between the urban and rural areas. Further studies show that the age gap between husband and wife does not make much difference on

the phenomenon of wife abuse. In the city, there is no age gap between 25% of the battered women and their husbands; for 29.1% of them, there is a one-year age gap; for 16.7% of them, two to three years age-gap, and for 29.2% of them, an age-gap of over four years. Situations in the countryside are very similar.

Table 6. The Distribution of Age Groups of Battered Women in Urban and Rural Areas

Age	Urban areas		Rural areas	
	Persons	Distribution (%)	Persons	Distribution (%)
20-24	0	0	22	10.5
25-29	9	12.5	46	21.9
30-34	11	15.3	47	22.4
35-39	25	34.7	41	19.5
40-44	17	23.6	24	11.4
45-49	5	6.9	26	12.4
50-54	5	6.9	4	1.9
Total	72	100.0	210	100.0

The educational level of battered women in urban and rural areas is shown in Table 7. Women victims in the city have comparatively higher educational level. Over half of them are senior middle school graduates. However, they are still being beaten by their husbands. In the countryside, battered women are obviously less educated, 65% of them having had only primary school level or no schooling.

Table 7. Educational Level of Battered Women in Urban and Rural Areas

Educational Level	Urban areas		Rural areas	
	Persons	Percentage	Persons	Percentage
Illiterate & semi-illiterate	1	1.4	75	35.7
Primary school	4	5.5	62	29.5
Junior middle school	27	37.5	43	20.1
Senior middle school & secondary specialized school	33	45.9	30	14.3
College, university & above	7	9.7	0	0.0
Total	72	100.0	210	100.0

The occupational status of the victims is shown in Table 8. The proportion of battered women at senior professional level is high. Yet, they cannot be exempted from receiving a beating, not to speak of those with lower professional level who are often

the objects of maltreatment. Among them, 50% are women in the production and transport service.

Table 8. Occupational Status of Battered Women

Professions	Persons	%
Professional women & women technicians	17	23.6
Women cadres	4	5.6
Women office workers	9	12.5
Women in business	2	2.8
Women in service trades	6	8.3
Women in production & transport service	34	47.2
Total	72	100.0

The average per capital income in families where domestic violence occurs is presented in Table 9.

Table 9. Average Per Capital Income in Families Where Domestic Violence Occurs in Urban and Rural Areas

Per capital monthly family income	Urban areas		Rural areas	
	Persons	%	Persons	%
1-50	3	4.2	103	49.0
51-100	21	29.2	86	40.8
101-200	36	50.0	17	8.0
201-300	5	6.9	5	2.2
301-400	5	6.9	0	0.0
400+	2	2.8	0	0.8
Total	72	100.0	210	100.0

The above table shows that 34.3% of the average per capital income in the urban families is only RMB 100 yuan, and 84.8%, below 200 yuan. The situation in the countryside is even more obvious; the average per capital income of 90% of such families is below 100 yuan. Economic difficulties have rendered women status in the family even lower.

Now let us look at women's economic decision-making power from Table 10.

Table 10. Battered Women's Economic Decision-making Power in Four Cities

Women's economic decision-making power (yuan)	Shanghai		Guangdong		Shandong		Shaanxi	
	Persons	%	Persons	%	Persons	%	Persons	%
< 50	10	52.63	4	16.67	12	48.00	13	52.00
51-150	7	36.84	9	37.50	11	44.00	9	36.00
151-250	0	0.00	1	4.17	1	4.00	0	0.00
251-350	0	0.00	0	0.00	1	4.00	0	0.00
> 350	2	10.53	10	41.67	0	0.00	3	12.00
Total	19	100.00	24	100.00	25	100.00	25	100.00

From this table we find that battered women's economic decision-making power is limited. About half of them only have less than RMB 50 yuan at their disposal, except for women in Guangdong.

These results further confirm that women subjected to domestic violence spread across both urban and rural areas. No matter what kind of work they are doing, what their educational levels are, or how old they are, they can all be subjected to their husbands' violent acts which only differ in degree and frequency but not in quality.

The former Women's Research Institute under the China Academy of Management Science conducted a survey of 30 cases in the Beijing City proper and the suburbs, providing further information on batterers (Wang & Sun, 1995). Tables 11-14 shows the pattern of their age, educational level, occupational status and family origin.

Table 11. Batterers' Age Groups in the Beijing Case Studies in the Beijing City and the Suburbs

	<30 years old	31-50 years old	> 51 years old
Beijing City proper	15	20	5
The Suburbs	10	18	1

Table 12. Educational Levels of Batterers According to Case Studies in the Beijing City and the Suburbs

	College, University & Above	Senior Middle School	Junior Middle School	Primary School	Illiterate
Beijing City proper	17	5	6	2	0
The Suburbs	1	6	17	5	1

Table 13. Professional Levels of Batterers

	Cultural Workers	Cadres	Teachers	Workers in Township Enterprises	Agricultural Labourers	Household Craftsman	Self-employed Workers	The Un-employed
Beijing City proper	8	7	3	10	0	0	1	1
The Suburbs	0	5	2	15	2	1	5	0

Table 14. Batterers' Family Origins According to Case Studies in the Beijing City and the Suburbs

	Intellectuals	Cadres	Workers	Peasants
Batterers	1	12	9	8

From these basic figures we can see that in the city, batterers are found not only among workers, staff members, jobless people or self-employed workers who are low in professional and educational levels, but can also be found among people of advanced educational and professional levels. More than half of the batterers have received above-college education. Some of them are university professors, some are graduates with a doctor's degree, some are cultural workers, and still others are cadres of public security units, procuratorial units and people's courts. It is especially worth notice that quite a number of them are from cadres' or intellectuals' families. It is commonly believed that batterers from peasant families take beating as a usual practice as they might have watched their fathers beating their mothers when they were boys, and consequently took it for granted that husbands can beat their wives, why then should men from cadres' or intellectuals' families also got this habit of beating their wives, as they are supposed to grow up in a better family environment. This only shows more clearly the prevalence and seriousness of the phenomena of husbands battering their wives.

The age distribution of batterers in the suburbs is similar to that in the city. The highest percentage of batterers in the suburbs comes from those of 31-50 years old, whose educational and professional levels are lower, as compared with those in the

city proper. The educational level of 73.3% of them is below junior middle school. From the professional point of view, only a few are still farmers, whereas half of them are working at the township enterprises, while 43.3% of the wives are still engaged in agriculture. Now that they have more income than they had when they were working on farm lands, the men begin to insult their wives who are still working in the fields. Five of the batterers are self-employed workers. Once they have made a fortune, they no longer make a big deal of their wives who, in the past, went through thick and thin together with them. Now, they just curse and beat them whenever they want to.

Characteristics of domestic violence in China

The Women's Research Institute of the China Academy of Management Science received a lot of phone calls asking for advice on domestic violence since its opening of the Women's Hotline in September 1992. From the studies and analyzes of over 100 hotline calls and 60 cases in the city and suburbs of Beijing, we have found that domestic violence in China has the following characters:

1. Generally speaking, the premarital basis for husband and wife involved in domestic violence appears to be rather sound; very few of their marriages were arranged by parents. Even in the countryside where in most cases they get acquainted with each other through matchmakers, they also engage in courtship for a period of time, before both parties agree to get married. Particularly in the city, many couples are university schoolmates, providing good foundations in marriage — free choice of the spouse. However, not a few of the wives are beaten by husbands during their honeymoon or even before their marriage. Such a practice extends to their post-marriage life.

Through investigations of 30 cases in Beijing, five women have suffered from premarital beating, of whom one couple being university classmates who entered wedlock after being in love with each other for as long as three years. Before their marriage, when the man saw his sweetheart talking with another man, he made a dash towards the girl, gave her a box on the ear and twisted her hands. Afterwards, the girl forgave him as he apologized on his own initiative. However, the situation did not change after their marriage. The victim said: "I have been beaten so often by my husband that I can't remember the exact times of the beating. Once my spine was broken when my husband beat me, so I had to stay back taking a rest at home for three months on end." Another time, a hole was punctured in her ear membrane after being thrashed by the husband.

Why should these women still want to marry themselves to the men who treat them so cruelly even before marriage? The reason is: they generally believe that "beating means intimacy, cursing means love". According to them, a male beats a female just because he loves her too much. They think love is exclusive to others. The more he loves her, the greater his envy will be. He can't tolerate

anyone else to share her love with him. The woman has never expected once her boyfriend enters into marriage with her in the future, he would keep on beating her as such suspicions are not allayed.

2. Women are subjected to the threat of their former husbands both during and after divorce. A survey made by Heilongjiang Women's Federation shows that complaints by women about domestic violence during and after divorce make up 41% of total number of complaints. According to statistics of the Haerbin City in 1995, cases of violence by the former husband after divorce increased by 2.7% than that of the corresponding period in 1994. Such cases happened in the following ways: a) The wife still lives in the room of the same apartment with the former husband. Everyday they have many chances to meet each other and the husband still nurses a grievance about the divorce, trying every means to disturb his former wife. He beats her just for some trifles when they use the same kitchen or toilet. b) The wife goes back to live with her parents after divorce. However, the former husband goes to her parent's home to beat her, sometimes he even goes to her office to beat her in the face of her colleagues. c) The husband forces the former wife to have sexual relationship with him. If she does not agree, he will give her a bad beating. d) The man does not allow his former wife to make friends with other men and to get married again. He supervises her behaviour and will beat her if he thinks it improper.

3. Educated men or men having recognized social status beat their wives all the same.

During the two years after the opening of the Women's Hotline, 97 phone calls are about wife battering, and 46 of them are from senior level families such as intellectuals' or cadres' families.

4. Envy and suspicion without any reasons is another main factor for husband's abuse of his wife. The investigation of 30 cases in the Beijing city and its suburbs reveals that 12 cases are due to the husband's suspicion about the wife's unfaithfulness. Many husbands have strong desires to possess their wives. They believe wives are private properties owned by themselves. The wives can only have contact with husbands and are not allowed to have any contact with people of the other sex. It is due to such a concept that many wives are subjected to all kinds of maltreatment.

Mutual trust is the basis of marital relations. The desire for possession of the wife and groundless suspicions are among the major reasons leading to domestic violence.

5. Transfer of one's love to another person is the direct cause of domestic violence.

Among the cases of domestic violence that we heard of through the Women's Hotline consulting service, 2/3 of help-seekers told us the reason for

beating was that their husbands had got lovers. A survey in Beijing's suburbs, conducted by the former Women's Research Institute under the China Academy of Management Science, shows the primary reason for the husband battering of the wife is that he has an extramarital affair, which makes up more than 1/4 of the total number of domestic violence cases. The husband who is no longer loyal to his wife beats her intentionally so as to force her to accept the fact. Many a man will beat the wife to compel her to agree in getting divorced and let him marry his new lover. Comparing with intellectual families, domestic violence due to extramarital affair is even more open to the public, unbridled and undisguised in lower-level families and in rural families in particular. Five victims said through the hotline: "My husband has brought his lover home and they beat me together."

6. If the husband finds something disagreeable in work, the wife will become his "punching bag" when he returns home.

As social competition is becoming increasingly sharp today, quite a number of males encounter difficulties or setback in work, or feel dissatisfied with the work assigned to them. They will often beat their wives to vent their anger or resentment.

Results of 30 case studies in urban districts by the former Women's Research Institute show that 20 batterers felt dissatisfied with their living conditions, including job-promotion, wages or personal relations. Two of them felt so discontented that they tried to find their psychological balance by beating their weak wives whenever they come back home.

7. Most acts of violence are showing growing tendencies both in frequency and degree.

At first, some husbands, feeling certain scruples about maltreating their wives, only beat them at home, admitted mistakes on their own initiative and sought the forgiveness of their wives. Shortly afterwards when they have discovered their wives' weak characters and over-lenient attitudes, they make no scruples and have no fear at all about beating their wives; the more they do, they smoother their hands are. Some of them even beat their wives in the street or in their wives' offices. Still some others will give them heavier blows than ever before. Some women's ribs are broken, their kidneys split, or hands chopped off by their husbands.

8. Sexual abuse happens from time to time. As this is an extremely private affair, women who suffer from beating for this reason are not willing to speak out easily. We find the seriousness of the problem only through cases that lead to their own death or their killing of their husbands when they lose all reason.

In mainland China, there are no legal provisions about marital rape (rape during the period in which husband and wife are under the contract of marriage). Sexual life in this period is considered to be legal without caring about whether

one of the parties is willing or not. However, in recent years, there are several cases in which husbands are judged to have committed marital rape. One of such cases took place in Heilongjiang Province. Jing Zhiping, a young man, and a young woman, Miss Liu, contracted a marriage through a match-maker. On the sixth day after their marriage, Liu went back to her mother's home and submitted an application for a divorce. Both parties did not reach an agreement with regard to the returning of betrothal gifts, hence the wife withdrew the application. However, she did not go back to Jing's home and after a time sued for a divorce again. During the adjournment days after the hearing of the case, Jing, together with eight people of his family members, seized Liu on both sides by the arms and took her home. On that very night, Jing, with the help of his brothers, forced Liu to have sex with him. After that, he again violated her three times. When Liu brought a charge against him, the people's court passed a sentence of six years' imprisonment on Jing Zhiping for his offence of rape which infringed upon a woman's sexual right against her will.

9. Women who enjoy no economic status are usually the victims of domestic violence.

According to statistics of the All-China Federation of Trade Unions, there are 5.6 million women who are unemployed. Lowering of their economic status in the family has affected on their status in family life. Take Shanghai as an example. Approximately 1/3 of female who were laid-off gave a definite answer that family relations, including the relation between husband and wife, have been greatly influenced by their joblessness (Zhou, 1997).

On 11th April of 1994, the Xinming Evening Paper carried such a piece of news: Legal Consulting Group of the Women's Federation of Hexi District, Tianjin, handled five cases of family disputes from January to April of that year, among which four cases are about women being battered by their husbands when they are at home on long leave after being laid-off.

The majority of these women are 30 to 40 years old. The couples got along well in the past; but after being laid-off, wives are beaten and cursed by their husbands and censured by their parents-in-law. This shows that the tide of market economy has brought a new problem to the family. With this shock wave, at least several million families are undergoing severe tests.

10. Domestic violence generally starts with personal attacks between husband and wife.

Ms. Xu Anqi, a sociologist in Shanghai holds that frictions and quarrels between husband and wife are the frequent cause leading to the use of force (Xu, 1995). According to her, the so-called "act of attack" not only refers to physical injuries done to the other party, but also psychological damages to the other's feelings. In this sense, the man usually demonstrates his authority through his inborn bodily strength, while the woman, with her advantages in

language, berates, or scoffs at her husband, slackens her pace in housework or goes back to her parent's home. Sometimes, she displays her power by punishing him in sexual life, quitting home or committing suicide. Ms. Xu's conclusion is: although females are often the victims of domestic violence, females often initiates the family assaultiveness. Some women's assaultive acts frequently give rise to or sharpen the conflicts between husband and wife, or even finally lead to the husband's violence.

Statistics of Shanghai on the husband's wife battering are lower than those of other cities. Men from Shanghai are known as husbands of "Shanghai Style". It means the man there is more refined and cultivated in manner and is helping with housework such as carrying a "vegetable-basket" (to buy non-staple food) or wearing an apron (to do cooking). So far we are not aware of such investigations being done in other parts of the country. Therefore, it is hard to judge whether this viewpoint applies to Shanghai only or to some other places as well.

Serious consequences of domestic violence

Domestic violence involves extremely serious consequences to society. First, it leads to the disintegration of many families. Statistics gathered in Beijing show, among the 3,300 divorce cases handled by Beijing's judicial departments during 1992-1993, 1/4 of them resulted from domestic violence.

Second, women are greatly hurt mentally, physically and in their personal dignity. Some women's eyes are gouged out, some women's scalps are torn off, some women are severely burnt, or their feet are cut off, some are shut up for 70-80 days in a dark room, leading an inhuman life, and still some others are tormented into a mental breakdown.

Third, it affects their children's healthy growth. Domestic violence not only results in injuries or insults to women, but also has an immediate influence on the healthy growth of their minor children. Children from such violence-filled families, unconsciously influenced by what they have seen and heard are very often at risk. Many juvenile delinquents who frequently hit or injure people with knives in hand are often from families of a violent pattern. Domestic violence may also lead to psychological disorders, eccentric, selfish and unsociable personalities, paranoia and depression among the children; some will even commit suicide. Children from these families associate with bad company to seek their sympathy and friendship, thereby becoming victims of the criminal gang, or being instigated to crime, or abducted away from their own hometown. Some girls may be subjected to violence or forced prostitution.

Fourth, it is even more serious that domestic violence frequently turns out to be a factor of social instability.

An investigation in Liaoning Province shows 50% of the crimes committed by

women are related with domestic violence. Domestic violence is the cause of 80% women of the crimes committed by women delinquents that result in serious injuries (Shen, 1996). Some good-natured but weak women who have lived under their husbands' violence for a long time often retaliated in desperation when they come to the end of their patience. According to a survey made in a women's jail in Liaoning Province, out of over 1,000 prisoners, more than 100 are sent to jail for killing their husbands. Among 96 cases of criminal injures tried by a court at the county level in the west of the Liaoning Province, 33 belong to cases of domestic violence. In Tieling County, within only three years, seven women, being driven beyond the limit of forbearance by their husbands' abuse, killed their spouses out of revenge. They took the most primitive measures of retaliation when they could not bear the husbands' abuse any longer. At first, they were victims, but in the end they become murderers. This is the tragedy of women and as well as the tragedy of the society as a whole.

Reasons for Domestic Violence in China

Trifles in house-hold affairs, such as the assignment of house-hold chores, financial disputes, children's education, relations between the daughter-in-law and the mother-in-law, and sexual dissatisfaction, can all trigger domestic violence. But these are just superficial causes, while the phenomenon of domestic violence has deep-rooted and complex historical, social and personal reasons.

“Husband authority”: The root cause of domestic violence

Throughout centuries of feudalism, an elaborate feudal system of “patriarchal discipline” has developed along with the moral doctrines in its support in China. The essence of feudal patriarchal ethics is the so called “three cardinal guides”: ruler guides subject, father guides son, and husband guides wife, putting women under the absolute ruling of their husbands. The feudal ethics advocated that the pursuits of a man should include “to cultivate oneself, to put family in order, to govern the state, and to pacify the world”, thus making the behaviour of one's family members a demonstration of a man's political and military capability. Many men who wanted to “manage” his household, therefore, established stern domestic rules and regulations to make sure that every family member conformed to the social norm: that sons paid filial piety to their fathers and that a distinction in status was maintained between the husband and the wife. Women must observe the “female virtues” and subject themselves to the teaching and disposal of their husbands.

Since the establishment of the People's Republic of China, an atmosphere of civilization and equality in the family has been advocated and encouraged. But compared with four-thousand years of feudalism, these past 40 years or so seem to be just a brief moment. The deep-rooted idea of “husband authority” cannot be expected to be removed or cleared in such a short period. What is particularly serious is the fact that the idea of

“husband authority” has developed into a physical power in the form of custom and social practice, accepted and exercised by many men and handed down from generation to generation. Having seen how their fathers treated their mothers cruelly with fists and rods and yet the couple still seemed harmonious and happy, the sons would find it natural and reasonable to use their fists towards their wives in the name of upholding family rules. Some husbands abusing their wives even shamelessly “offer their valuable experience” to their relatives and friends: “You can't grant women too much.” “Don't listen to women”, they say. And this is why even some graduate students and university professors beat their wives just the same.

For the less well educated manual labourers, including peasants, the idea of “husband authority” still exerts a heavy influence over many of them. They hold as doctrines sayings like “a wife makes trouble if she goes three days without beating” or “treat your wife as a horse; beat her up when you feel like it”. These people do not see any reason why they should not do what they like.

A lack of respect of the basic personal rights

Over long periods of time China was a feudal society where small-scale farming by peasants dominated the economic life and the household was the unit of agricultural production. The traditional Chinese society, therefore, regarded the household as an institution of the uttermost importance, without which no one could possibly survive. Such a society needed to establish not only powerful patriarchal control, but values and ideals centered around the household. Everything and everyone is regarded as the property of the head of household whose wishes must be obeyed and served and without consideration whatsoever to the right and interest of the individual. Such values are absolutely different from the principles advocated by the modern society of respect for individual freedom and right, gender equality, equal rights and responsibilities of men and women, and honour and dignity for the female.

Since the PRC was founded, women's basic rights as human beings have been legally protected and a social atmosphere of respecting and protecting women's basic rights has been continually encouraged. However, a number of men with deep-rooted patriarchal ideas still go on treating their wives as their property and refuse to acknowledge the independent identity and basic rights of their wives. These men even ignore the fact that the rights of women enjoy legal protection. The persistent belief of the men that women, once married to them, become their personal property and are at their disposal, causes them, at the slightest provocation, to gouge out the eyes, cut the ears and nose or chop the limbs of their wives.

It can be said that the time when Chinese men realise the importance of respect for women's rights and establish the idea of gender equality is the time when the phenomenon of wife abuse may be eliminated.

Flaws in batterers' personality

Investigation of cases of husbands who batter their wives shows that many batterers suffer from morbid mentality and a defective personality. These men tend to be introverted, crude, intolerant, selfish, and suspicious. They tend to have inadequate ability to achieve psychological adjustment and self control over their moods. They fly into a rage at the slightest provocation and treat their wives as the object of temporary vent to their mood without any consideration for possible consequences. It is not that they really want to kill their wives, but that they cannot effectively control themselves at the height of passion.

Some men entertain ungrounded suspicion towards their wives and impose strict restrictions on their freedom to the point of resulting in serious personal injury. Such men may actually suffer from paranoia and should have been sent to a mental institution for appropriate treatment in light of the degree of their illness. Unfortunately, some women, out of a lack of knowledge of mental health, do nothing in the face of inhumane torture and passively endure it in the hope that their husbands may one day change. They do not realise that their husbands could not possibly "change" without timely and proper treatment for their illness.

Social tolerance for domestic violence

The society has adopted, to varying degrees, a tolerant attitude towards domestic violence. One common saying is that "the most capable official finds it hard to settle a family dispute". Other beliefs include: "there could be no quarrel with one party", and "there can be no right or wrong in a fight between husband and wife" are other commonplace attitudes. Anything short of the death or serious injury or disability of the victim, therefore, produces cold response, if any, even when reported to the police or the court. Once a man was beating his wife up in the street when a police officer walked up. But hearing the husband claimed that "it's my wife", the officer turned away without ever intervening.

The attitudes of the work units are generally the same. If a wife reports abuse, only a good cadre would summon the husband and deliver some criticism. But more often than not, the response is "that's your private affair, we do not want to interfere".

Here is an ironic yet annoying story:

A large portion of the domestic violence cases accepted in 1995 by the Office for Handling Letters and Visits, Women's Federation of the Shandong Province, involved cadres of high rank. A woman professor married one of her classmates who at the time of the incident was a deputy director of a provincial government department. He had a lover and went into a hot rage when this became known to his wife. The respectable cadre grasped his wife and madly took bites of her arm, which was torn and had to be stitched up at the hospital. The professor reported the incident to the superior of her husband, who not only refused to look into the matter, but shortly after the incident promoted the husband from deputy director to director of the department.

Victims' weakness whets violence

Seen from a survey of over 30 individual cases conducted by the former Women's Research Institute of the China Academy of Management Science, the reaction of victims towards domestic violence can be classified into 3 categories: 1. to seek divorce after being driven beyond their forbearance; 2. to endure all the sufferings for the sake of maintaining a "complete" home; and 3. to seek resolution of disputes through mediation. Those who seek a divorce usually have a sense of the law and believe that they should enjoy equal status in the family. One victim of violence learnt by heart every relevant provision of the Law of the People's Republic of China on the Protection of Rights and Interests of Women, with which she fought against her husband's cruel deeds. Other women have adopted a positive approach in either making efforts by themselves to resolve disputes or seeking the help of social forces in dispute resolution. The social forces may include neighbours, neighbourhood committees, police stations, authorities of work units, labour unions and women's associations, as well as parents, relatives and friends.

Those women who make continual concessions and yield themselves to insult and torture have their considerations. These include: 1. The fear or unwillingness to experience a divorce out of an idea that a divorced woman would invite scandal; 2. The belief that one shouldn't "wash one's dirty linen in public", so to speak, and the unwillingness to lose face; 3. The desire to maintain the marital relationship because she still loves him; 4. The notion that a woman should be faithful to her husband in her entire life, no matter what happens; 5. The consideration for the child/children to have a "complete" home; 6. The dependent mentality, which is the commonest of all these considerations. A woman may believe that "though he treats me ill, he is the bread winner and the backbone of the home which won't be the same without him". Those financially dependent women, in particular, would rather suffer beating than hunger. It is out of such consideration of financial necessity that many women would withdraw their charge in court even before a favourable ruling was to be given. As they put it. "Should he be put into prison, the family would go without any earnings and starve." 7. The wish that the conscience of the husbands would one day be touched, or that when they grow older, their temper would mellow and that the love and forbearance of the wives would change their attitudes after all. In fact, however, these men have never put down their fists because they are moved by the forbearance of their wives.

The forbearance exhibited by the women towards violence is in essence a demonstration that they accept the feudal value of "womanly" obedience towards the husband and make this a principle of behaviour. The victims of domestic violence are mostly under the age of 45, which means the majority of them were born after the PRC was founded. Brought up in teachings of gender equality and influenced by modern civilization, they should be expected to differ from their mothers and grand-mothers and to adopt new ways of thinking. However, irrespective of the level of education or occupation, these women nevertheless put themselves in an inferior status to that of

the men and look upon the husbands as the backbone of their families. Psychologically, these women are still of the traditional dependent type and have not shed the slavishness of their ancestors. Faced with the cruelty of their husbands, what they have to say is only, "You could have beaten me at home as well, why do you have to humble me by beating me in the public?" or "You can beat me so long as you don't do it too severely." which means, regrettably, it's after all acceptable to be beaten by one's husband since he does have the right to beat his wife. There was even one particular woman who, after a whole day's work, returned home to find her husband waiting for supper. She began at once to cook but still had one hand chopped off by the husband. The woman, even when hospitalised, tried to defend her husband by saying, "It's all my fault. I shouldn't have returned word." as if she didn't have even the right to speak at home. Such attitude on the part of the woman undoubtedly reinforces the reckless cruelty of the husband.

Policies and Countermeasures

Enhance law enforcement for the prevention of and sanction against domestic violence

There are three fields in which efforts can be made to combat domestic violence: 1. To prevent any domestic violence from taking place; 2. To make sure that offenders of domestic violence are duly punished; and 3. To provide assistance and protection for victims of domestic violence. Be it prevention, punishment, or protection, however, little can be achieved if the measures are not supported by law. There is, therefore, a legislative and law-enforcement aspect to this problem.

Since 1979, the Chinese government has formulated or amended laws and regulations with certain anti-domestic violence provisions, such as the Criminal Law, the Marriage Law, the General Rules of the Civil Law, and the Security Administration Punishment Act. With the promulgation in 1992 of the Law on the Protection of Rights and Interests of Women, most provinces, municipalities and autonomous regions established detailed rules of implementation. In the mean time, a legal protection system for women against violence was in the process of being established. A number of criminals who did serious harm to women have been punished. Some drawbacks in the legal system, on the other hand, have also manifested themselves in practice.

First of all, there still exist some loopholes in the current legal system in regard to domestic violence. The Criminal Law of the PRC, for example, does not define a specific "crime of domestic violence". The General Rules of the Civil Law does not define the legal liability incurred by violence against family members, particularly by violation of the human rights of one's spouse. Although the Law on the Protection of Rights and Interests of Women stipulates that women shall enjoy equal rights in marriage and family affairs with men, it does not define the specific legal liability of a man if he

used violence against his wife. This makes difficult the actual protection of women's most fundamental right, the right to life and health.

Secondly, efforts in the enforcement of law have been, as yet, inadequate. Many laws protecting women against maltreatment lack definite and specific provisions, which affects their viability. The crime of injury, for example, is not defined in terms of the degrees of the damage or injury done (serious, medium or light) and the respective legal treatments. In some cases victims of domestic violence are not fatally or seriously injured and those responsible are therefore not subject to criminal penalty. But the victims are nevertheless harmed and sustain various degrees of pain, which should warrant appropriate penalties being enacted. Specific legislation are absent to punish those who illegally restrict other's right of freedom or constitute a potential or actual threat to other's personal safety by intimidation, and on the protection of victims of such illegal restriction and intimidation.

Thirdly, the supervision system of law enforcement is underdeveloped. The Law on the Protection of Rights and Interests of Women stipulates that every province, municipality and autonomous region should set up women's institutions to protect their rights and interests, provide legal advice for injured women and help them in taking legal actions. But for various reasons these institutions are not as yet functioning properly.

Ma Zhiguo and Du Peng, two experts in the field, wrote an article suggesting ways of perfecting and strengthening the legal system to control domestic violence (Ma & Du, 1995). In their opinion, general legal tools cannot effectively put domestic violence under control. Tools of the uttermost force and severity, namely, criminal justice, must be employed. The authors suggest that the current legislative and law enforcement efforts be modified to begin the fight against domestic violence by the power of the Criminal Law. This will include: 1. to define a "crime of violence" and make criminal violent actions including those which do not seriously injure the victim be condemned, so that some potential violence may be prevented; 2. to define a "crime of passion", which refers to actions that harm the life, body, honour or property of other people or their relatives; 3. to define a "crime of coercion", which refers to coercive actions that force others to do what is not their legal obligation or that force others not to exercise their legal rights through violence or the threat to harm the life, body, freedom, honour or property of others or their relatives.

The authors also presented valuable suggestions with regard to the use of civil law in controlling domestic violence.

Create a favourable environment to protect women's rights and interests

The traditional notions that disputes in family affairs can never be fairly resolved by outsiders and that disgrace within the family should not be made public have a strong influence on people who believe that domestic violence is a private matter and

do not see its serious social consequences. It is necessary, therefore, to cultivate a new public opinion and a new social environment in which the respect of women's honour and dignity and the protection of women's life, health and freedom are accepted and practiced by everyone. "The Programme for the Development of Chinese Women (1995-2000)" formulated by the Chinese Government stipulates that the environment for women's development must be improved, women's equal status with men in the family protected by the law, and domestic violence stopped. For this goal to be realised, a civilised and progressive conception of women and the idea of gender equality must be encouraged and popularized in the entire society. It must be made clear that the realization of gender equality is a basic state policy and that everyone should entertain respect for women which should be demonstrated in practice. Extensive efforts should also be made to conduct education to raise the entire nation's awareness of the law and to make everyone realise the fact that women's basic rights, safety and equality are protected by the law. Only if a new social order of respecting women is established can it be hoped that wife abuse will be widely criticized and condemned and that men will stop using their fists on their wives.

Strengthen China's unique mediation network

A unique people's mediation network has now been set up in China, covering the city and the countryside alike. The practice of resolving disputes through mediation by non-governmental bodies has a long history in the country. As early as 1929, a department of arbitration which mediated various disputes among peasants was set up under the Peasant Association during the Guangzhou peasant movement. Later, with the development of the revolution, this kind of mediation committee with a non-governmental nature also developed. After the People's Republic of China was founded in 1949, people's mediation organizations were established throughout the country under the guidance of the Ministry of Justice. Since the reform and opening-up policy began in 1979, the country has seen a faster development of people's mediation committees set up in the cities and countries nationwide. The total number of these committees exceeded one million in the early 90's, with more than 6 million mediators who helped in the resolution of 6 to 7 million cases of civil disputes each year.

Table 15. Statistics of People's Mediation in 1995

	Total Number of Disputes Mediated	Marriage Disputes Mediated	Inheritance Disputes Mediated	Family Disputes Mediated	Children Upbringing Disputes Mediated
1995	6,028,000	1,146,700	312,000	544,425	451,490

It is shown in Table 15 that the number of marriage and family disputes mediated

by people's mediation organizations in 1995 exceeded 2 million. Thanks to these organizations, much domestic violence and many serious occurrences were prevented from happening.

The international legal circles place a high esteem in the people's mediation committees of China. The 13th annual meeting of the International Criminal Law Organization pointed out that "China's unique way of people's mediation has been accepted by the UN law organization as one of the guidelines of comprehensive rectification" and praised these committees as "a flower of the orient".

Make the most of mass organizations

Extensive social involvement is extremely important to the fight against domestic violence.

Mass organizations have done quite a lot of work over the past few years. First of all, many non-governmental organizations have, out of their research and understanding of domestic violence, supplied state judicial departments with constructive suggestions to perfect the law. The former Women's Research Institute of the China Academy of Management Science, for example, produced a report based on an analysis of the records of the Women's Hotline of legal advice. With the knowledge of what legal issues women were seeking advice for and the analysis of what problems could and could not be solved by the current legal system, the Institute presented their comments and suggestions on perfecting legal provisions and was complimented by the relevant departments.

Secondly, many mass organizations conducted education and publicity campaigns of the law and provided legal consulting services.

The Legal Department of the Women's Research Centre of Beijing University, for example, assembled a number of law experts who provided free legal consulting and other services related to the law to women from all walks of life.

In 1992, Wan Erxiang, doctorate student tutor of the Law School of Wuhan University established the Centre for the Protection of Socially Underprivileged, which helped women in trouble by providing free consulting service in public places and accepting various cases for proceeding. The Centre has received over 10,000 letters asking for help and accepted more than 100 cases over the past three years.

In 1996, an Anti-Domestic Violence Association formed on the basis of the Women's Federation was established in the Tangshan City. The Association provides assistance for women who are seeking legal protection through personal visits or the sending of letters to the relevant state departments.

In October, 1994, the Women Workers' Department of the All-China Federation of Trade Unions, the Women Workers' Department of Beijing Trade Union Federation, the Jing Lun Centre of Family Science of the China Sociologist Association, and the Department of the Trade Union Work of the *Workers Daily* jointly set up a hotline for domestic violence with the aim of referring cases of domestic violence to the relevant

state departments so that follow-up action could be taken on those guilty of violence and victims can be protected and assisted. More than 500 calls have been received.

For a long time, there was no shelter for battered women in China. Yet two such shelters have been set up in the past few years. One of these was called the New Sun Marriage Station for Women and was established by Zhang Kefen, a woman entrepreneur in the Wuhan City, who made room in her not too spacious factory for beds to accommodate those unfortunate women who are victims of domestic violence and have nowhere to go.

In Shanghai, a Nan Fang Centre for the Protection and Assistance of Women and Children Afflicted by Domestic violence was established early in 1996 by a group of warm-hearted people headed by Gao Shenren. The Centre, which was sponsored by Zhi Qing Industries Co. Ltd., has 10 beds.

These non-governmental efforts of protection and assistance, however, require more than sympathy and charity to be sustained. All of them have met with various difficulties and some are on the verge of shut-down.

The first telephone hotline for domestic violence to be established in China was closed down in early 1996 for lack of funds.

The Shanghai Nan Fang Centre for the Protection and Assistance of Women and Children Afflicted by Domestic Violence was dissolved due to an inability to obtain approval for operation.

Zhang Kefen, head of the New Sun Marriage Station for Women, has been supporting the endeavor out of what little she makes but she herself has been under harassment and mockery by others especially the husbands of the battered women. Word has even been heard that the Station would be smashed and the head of the Station made to shed blood. With her personal security thus threatened, the Station is as shaky as a boat on a troubled sea.

But to make use of these non-governmental bodies to stop domestic violence and to support and help its victims is not only just and right, but also badly needed by the society. The government cannot be expected to be solely responsible for all social protection and assistance programmes, no matter how well it is prepared financially. Given China's present status as a developing country, it is advisable to bring the people's initiative and power into full play and effectively stop domestic violence by giving political, moral and financial support to the mass organizations, and facilitating their activities. Such a course of action will also be conducive to social security and solidarity, to the promotion of a socialist culture, and to the encouragement of a selfless and sympathetic social spirit.

Women's growing self-awareness

The unwillingness of women to endure abuse is an essential factor in the fight against domestic violence. The formulation of anti-violence laws and the support of public opinion are both external factors, which can only serve the purpose of checking

domestic violence through actions taken by women themselves to fight back. If women don't have the awareness and desire to fight back, external factors are useless no matter how favourable they are. To put it simply, only if women realise what rights they have and take actions to exercise these rights can they actually enjoy the rights.

A cadre working for women put it very well: "The more fearful one is towards violence, the more savage it gets, which in turn makes one more fearful; the batterer is actually a coward and if one stands up to him, he will learn a little self-restraint."

The wife who does not fight back when beaten for the first time makes herself weak in the eyes of the husband and a second, a third time will come as the husband finds violence easier and "better grounded".

Some victims are afraid to make a noise for fear of ruining their reputation. What they do not know is that the batterer is more afraid of having their reputation ruined. To throw away the idea of not to wash one's dirty linen in the public and to expose the shameful doings of men is an effective way of checking domestic violence. Some husbands encounter failures at work and dare only to exhibit their "manly pride" at home. A warning to make their doings known to their colleagues and neighbours is enough to make them put down his fists.

Any good way of stopping domestic violence, of course, can only be made use of by the victim herself. The purpose of all support actions taken by society and others is to make the victims realise their own power and establish their self-confidence, in other words, to realise self-help through others' help.

In this sense, women themselves play an important role in stopping domestic violence.

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Violence Against Women in Hong Kong

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Introduction

Violence Against Women (VAW) has received substantial attention in Western countries. However, a comparable level of awareness has not developed in Chinese societies. In fact, VAW is still a hush-hush topic among Chinese people. Studies in this area are scarce.

Hong Kong is a particularly interesting place to the cross-cultural study of VAW in modern Chinese societies, given the Chinese cultural background of its population (over 90% being ethnic Chinese). Against this backdrop of a dominant Chinese culture are rapidly globalizing economic structures and values which shape Hong Kong people's everyday life worlds. As economic and social characteristics come to resemble those of the western scenario, the awareness of similar social problems also grows. Thus, although VAW was rarely discussed in Hong Kong in the past, it has invited increasing attention in the public, academic, and political arenas in recent years. This may result from both a real increase in the prevalence of VAW, as well as an increase in the recognition and level of reporting. Moreover, the increasing social status of women in Hong Kong, which encourages women's voice to be heard, also has a role to play.

Studies on VAW in Hong Kong are of high priority on the research agenda because of the traumatic physical, psychological, and social consequences of VAW. Greater understanding of this topic can help policy makers design more vigorous and locally relevant prevention and intervention strategies to deal with this problem. Better understanding of the Hong Kong situation can also broaden knowledge on the nature, form, and causes of VAW, as cross-cultural comparison often renders broader views and greater insight.

In view of the importance of the study of VAW in Hong Kong, and the relatively scarce information currently available, this paper purports to provide a broad overview of the problem of VAW in Hong Kong, in the hope that further efforts in this area will be stimulated. Traditional Chinese values and conceptions of women, and how they relate to VAW in Chinese society will be discussed along with a contemporary view of the roles and status of women in Hong Kong. This will be followed by a discussion of

the lay and professional perceptions of the definitions, forms, and criteria of VAW. The paper will then focus on four forms of VAW that are of particular relevance to Hong Kong, namely: rape, wife abuse, sexual harassment, and female child sexual abuse. Data on the incidence and prevalence rates of these forms of VAW in Hong Kong will be presented. Current strategies including legal reforms, operational policy and guidelines, and interventive services by formal and informal sectors for the four specific forms of VAW as well as VAW in general will be explored.

Traditional Chinese Values and Conceptions of Womanhood

VAW is both condemned and condoned in the Chinese culture. Aggression in general is disapproved as the Chinese culture emphasizes harmony, discipline, and self-restraint in interpersonal relationships (Bond & Wang, 1983; Goodwin & Tang, 1996). However, the inferior status traditionally ascribed to women often places them in a vulnerable position both in the family and in society (Anderson, 1992; Chin, 1994; Gallin, 1992; Gilmartin, 1990; Honig & Hershatter, 1988; Okamura, Heras, & Wong-Kerberg, 1995). It is as if aggression towards women is less unacceptable and less evil. In fact, it is not infrequent that individual woman is sacrificed in order to preserve harmony for the whole. This is especially so within the family context in which the wife tolerates the husband's bullying and violence so as to maintain family "stability" (Chen, 1991; Honig & Hershatter, 1988). Likewise, incest is tolerated and concealed in order to avoid disruption of family life and to prevent the family from losing face (Ho & Kwok, 1991; Okamura, Heras, & Wong-Kerberg, 1995).

Despite rapid social change and westernization, remnants of traditional Chinese values and conceptions of womanhood still exert an influence on the behaviour and mentality of Hong Kong people. Researchers in Hong Kong have argued that traditional Chinese values are fundamental to the occurrence of wife abuse (Tang, 1994, 1998; Yeung, 1991), and that the acceptance of traditional views of women is related to the negative perceptions of victims of rape (Lee & Cheung, 1991) and sexual harassment (Tang, Yik, Cheung, Choi, & Au, 1995). Thus, a closer examination of traditional Chinese conceptions of womanhood and how they relate to VAW in Hong Kong is warranted.

Traditionally, while sons were regarded as the hope of the family because of their ability to continue the family lineage, daughters were viewed as goods on which one stands to lose, and could be justifiably sold by the family (Pearson, 1995). Against this background, daughters' status within the family was pitifully low, and women were socialized into the inferior and submissive roles which they played throughout their lives. The subservient role of women is succinctly reflected by the Confucius decorum of *san cong si de* (three obediences and four virtues) and *xian qi liang mu* (a virtuous wife and a good mother) which form the basis of model womanhood. A respectable woman should follow the three obediences and obey her father when in her maiden home, obey her husband when married, and obey her son after her husband died; and

possesses the four virtues of fidelity, tidiness, propriety in speech, and commitment to needlework. And a good woman is one who performs the role of a virtuous wife and good mother well. Thus, a woman is expected to be submissive to men in all phases of her life cycle, and her value is judged by her capacity to fulfill her domestic roles of a supportive and good wife and mother, and to perform household work like needlework and being tidy.

In traditional Chinese culture, the final destiny of a woman is marriage (Tseng, 1992), which perpetuates, if not exacerbates, her low status. A woman's place is at home but even at home, she has very limited decision-making power. The husband, being the sole breadwinner, is the major decision-maker within the family and the wife is merely "the slave of the family" (Xia, 1991). Women's financial dependence on their husbands necessitates their tolerance of this hierarchical nature of the marital relationship. Traditionally, education was restricted to men. It was believed that *nu zi wu cai bian shi de*, meaning that an uneducated woman is a virtuous woman. Because of the lack of education, women have to depend on their husbands financially. This, together with the institutionalized inferiority of women in the society, leaves them no choice but to remain in servitude to their husbands.

The double standard of chastity for men and women represents another form of inequality between the sexes, oppressing and restricting women. While men are allowed to keep concubines in traditional China, women must be faithful to one's husband until death. Widows were not allowed to remarry, and were encouraged to commit suicide to bring glory to their clans so that they had a "chaste woman" in the family. And once a woman was raped, her character was considered to be blemished and she would be encouraged to commit suicide (Lin, 1992).

The institutionalized inferiority that is both reflected and constructed by the traditional conceptions of women and women's status acts as a counteractive force against the traditional values of harmony, self-restraint, and control. As a result, the presence of VAW in Chinese societies, including Hong Kong, is not infrequent, though it may be under-reported. For example, the submissive position of women within the family, and the paternalistic and patriarchal attitude of husbands towards their wives may legitimize wife battering. Such domestic violence is often defended within *jia fa* (rules of the family), especially when the wife is perceived as not being "obedient" to the husband. Likewise, father-daughter incest may be tolerated as the daughter is considered a commodity or property of the father. Such cases are often concealed within the family, as most Chinese strongly believe that "shameful family affairs should not be disclosed to outsiders". This, however, allows and encourages the husband/father to continue their abusive or incestuous behaviours. The traditional leniency towards men's promiscuity and the power difference between men and women may encourage rape and sexual harassment. Furthermore, the notion that chastity is of utmost importance to women discourages the reporting of such cases. Failure to confront and reveal such situations does little to curb abusive behaviours towards women.

Thus, although traditional Chinese culture includes protective factors against VAW like the importance given to interpersonal respect and maintenance of harmony, its rigid gender norms and values have resulted in the exploitation of or violence against women which has been a problem in Chinese societies for many centuries (Chin, 1994; Honig & Hershatter, 1988, Gilmartin, 1990). Hong Kong has experienced rapid social and economic changes in recent decades, especially in the (re)definition of women's role and status in the society. Its effect on VAW in Hong Kong will be explored in the subsequent section of the paper.

Contemporary Roles and Status of Women in Hong Kong

The changing position and status of women relative to men in modern Chinese societies such as Hong Kong is reflected by the official statistics as well as recent studies on gender equality and stereotypes. Westwood, Mehraïn, and Cheung (1995) have compiled relevant gender-related statistics in various aspects of life based on existing data from the Hong Kong Census and Statistics Department, government reports, and surveys of non-government organizations. Their statistical profiles showed that although the educational attainment of women has improved progressively over the past twenty years, significant gender differences still remain in higher levels of education. While 7.3% of the men have completed degree level tertiary education, only 4.4% of the women have similar educational attainment. With increasing educational opportunities and public acceptance of working outside their homes, women's roles in the work force have also expanded in recent decades, however, men still outnumber women in the labour force participation rate (78.0% vs. 46.2%). Women's participation in the labour force declines sharply from about 85% to 45% in their late twenties and early thirties, a critical period when most women have to choose between full-time employment or staying at home and taking care of their husbands and/or children. In the work settings, gender segregation in jobs, under-representation of women in administrative and managerial positions, and differential earnings for men and women are common (Chung, 1996). Political participation and public administration are still dominated by men, and women's interests are usually not represented and presented in the policy and legislative formulating processes. In the rural parts of the New Territories in Hong Kong, traditional patriarchal values and orientations still persist and attempts for modification are often met with strong opposition (Wu, 1995). Within the private sphere, local researchers also find that housework sharing is not divided in an egalitarian manner between most couples, but according to the traditional gender roles; and men often dominate over major decision-making in various family matters (Choi & Lee, 1997; Chu & Leung, 1995).

Local studies on the attitudes and views towards gender equality and stereotypes show that Hong Kong people generally accept the ideological concepts of gender equality, but still adhere to the traditional roles of women in specific areas. Choi, Au, Cheung, Tang, and Yik (1993) surveyed 849 Chinese college students in Hong Kong

and examined their attitudes towards the power and status of men and women in a broad range of areas as well as their perceptions about gender-typed social behaviours. These researchers found that Chinese college students generally exhibit egalitarian attitudes towards both gender and agree that women are entitled to enjoy the same level of freedom and autonomy as men in dating relationship, marriage and divorce, and work settings etc.; with female college students being more egalitarian towards gender relationship than male students. However, both male and female college students still maintain traditional views about the roles of women in the family and social settings. Students are more accepting of swearing and obscene language from men than from women, and feel that women should not be sexually intimate with anyone before marriage. Similar findings were also obtained from a large community sample with 2,012 respondents across age groups (Cheung, et. al., 1994).

While there is a current trend towards increasing status and expanding roles of women, remnants of Chinese patriarchal values still persist in both the private and public sectors, with people showing ambivalent attitudes towards nontraditional as well as traditional women. For example, the public's attitudes towards "Superwomen" who are successful in their careers are both positive and negative. On one hand, these women are being described as achievement-oriented, dominant, rational, decisive, and competent; at the same time, they are also being criticized as lacking nurturance, selfish, aggressive, and nondomestic. With an increasing demand for greater gender equality but an inertia for changes in attitudes and cultural values, conflicts and confrontation regarding (re)definition of gender relations are likely to occur (Choi, 1995; Wu, 1995). Violence against women may be reflective of men's attempts to keep women in their inferior roles in the society.

Perception and Definition of VAW

An understanding of the perceptions of the definition, forms, and criteria used in determining behaviours that constitute VAW is fundamental to the study of VAW. Such perceptions not only guide the action of the general public; have bearings on the incidence of VAW, attitude towards and treatment of VAW perpetrators and victims, and the reporting of VAW incidents; but also guide researchers in their formulation of research questions and conceptualization of the problem of VAW.

In a focus group study of the social perception of VAW in Hong Kong, separate groups of female and male college students, male and female blue-collar workers, male and female professionals, and housewives discussed about their perception of what behaviours constituting VAW and what criteria they used in defining these behaviours as VAW (Tang, Wong, Cheung, & Lee, 1999). Content analysis of the focus group discussion revealed that some members expressed unfamiliarity with the term VAW and associated violence with physical acts only. A majority of the group members used various criteria to define behaviours of VAW, with consent and choice receiving the utmost attention. Rape, indecent assault, voyeurism, and flashing were considered

by members as forms of VAW since these acts are performed with force and without the consent of the woman involved. Trafficking of prostitutes, obscene phone calls, and sexual harassment at work are regarded as VAW for women's lack of choice or inability to refuse these behaviours. Either physical or psychological harm to the women also constitutes VAW. Perpetrators' intention is also used to decide whether behaviours such as flashing and voyeurism can be classified as VAW. Behaviours that hurt women's feelings (e.g., making dirty jokes, the use of dirty language), distort women's image (e.g., pornography), or discriminate against women are also forms of VAW.

In addition to the above focus group study of the lay public in Hong Kong, Tang and Cheung (1997) also conducted a large-scale survey of 2,589 public services providers who would be most likely to have contact with the incidents, perpetrators, and victims of VAW. The surveyed professionals included clinical psychologists, social workers, police officers, medical doctors, nurses, primary and secondary school teachers, and lawyers. Rape was considered by the largest percentage of professionals to constitute VAW (93.8%), followed by sexual harassment (91.7%), unwanted bodily touch (91.5%), exposure of male genitals (89.9%), and wife abuse (89.3%). Regarding the criteria used to define VAW, the three criteria having the highest importance ratings were: using force to hurt females (96.9%); causing physical wounds, cuts and bruises to females (93.3%); and performing the act without the female's consent or despite her unwillingness (93.0%). These findings show that the infliction of physical harm and the use of physical force are the dominant criteria used by front-line professionals. Less explicit behaviours and criteria pertaining to the non-physical aspects of VAW are usually overlooked.

Regarding specific forms of VAW, Tang et al. (1995) surveyed 849 Chinese college students in Hong Kong on the definitions of sexual harassment. Over 90% of these students perceived overt unwelcomed physical contact and sexual activities as sexual harassment, but much fewer students (about 20%) perceived sexist and misogynistic behaviours, pressures for dates, and covert seductive behaviours as sexually harassing. In another study that explored different aspects of wife abuse, Tang (1998) found that, unlike the western conceptual frameworks based on NiCarthy (1986), Chinese did not view isolation and mental degradation by husbands as constituting psychological wife abuse.

Similar to Western studies (e.g., Cleveland & Kerst, 1993; Fitzgerald, 1993), salient gender differences have been found among Chinese samples in the perception of VAW, the importance of various criteria in defining VAW, and attitudes towards specific forms of VAW. Compared to Chinese men, Chinese women tend to have broader definitions of VAW, greater agreement among themselves regarding the scope of VAW, but less tolerant attitudes towards various forms of VAW. These results are consistently found across different types of front-line professionals (Lee & Cheung, 1991; Tang et al., 1997) and college students (Tang et al., 1995). It resonates the common misunderstanding between men and women, with men perceiving that certain behaviours

as harmless and non-offensive while women feeling that such behaviours as forms of violence against them. Knowledge of how this misunderstanding arises will help to focus effort in improving communication between men and women, raising public awareness of what constitutes VAW, and helping male offenders of VAW understand the impact of their behaviours on women.

Differences in the scope of VAW have also been noted for different types of front-line professionals (Tang & Cheung, 1997). It was found that clinical psychologists and social workers had the broadest definition of VAW while police officers and lawyers had the narrowest. Compared to the latter groups, clinical psychologists and social workers were more likely to consider killing or murdering of females, peeping secretly at females to obtain sexual pleasure, and sexual harassment as constituting VAW. It is argued that the narrow definition of VAW by police officers and lawyers may have adverse effects on their attitude towards victims of VAW, believing that the cases are not as serious as that portrayed by the victims. This may discourage victims from reporting and/or seeking help, as reflected by the focus group discussions with college students, housewives, factory workers, and professionals in Hong Kong in which one major reason perceived by the focus group participants to account for victims' reluctance to seek help was their belief that police officers will not pay serious attention to their cases (Tang et al., 1997).

The above findings have clear implications for public education and service programmes. If victims of VAW are to be encouraged to report their cases and to seek help, effort should be made to promote the public's awareness of the issue of VAW and the physically and psychologically distressing nature of such experiences. Clear guidelines relating to the definition of what behaviours may be constituting VAW should be provided to front-line professionals to enhance their sensitivity to the occurrence of VAW and to improve their attitudes towards victims so that appropriate professional attention can be given promptly.

Prevalence and Incidence of VAW in Hong Kong

Prevalence and incidence studies on VAW are difficult to conduct as there is variability in the perception of behaviours constituting VAW, the lack of common definition of VAW, and the unavailability of locally relevant and sensitive instruments for measuring VAW. The cultural tolerance of VAW and the stigma attached to VAW victims also make it difficult to obtain accurate prevalence data, as many cases may be unreported. The present review is based on official statistics as well as research reports and victimization studies in Hong Kong. Caution should be made in interpreting such data since they are at most a modest estimate of the complex reality. Given the increasing public and academic attention of rape, wife abuse, sexual harassment, and female child sexual abuse in Hong Kong, the following discussion will focus mainly on these four major forms of VAW.

Rape and sexual assault

Cheung and Law (1990) summarized police report and victimization survey statistics on the incidence of rape and indecent assault in Hong Kong in 1978, 1981, and 1986. According to police report data, there were 772 cases of rape and indecent assault in 1978, yielding an incidence rate of 0.169 per 1,000. The figures for 1981 were 823 cases (0.16 per 1,000) and that for 1986 were 880 cases (0.159 per 1,000), showing a slight decrease in incidence rate over the years. However, data from victimization surveys gave a less favourable trend. They suggested an incidence rate of 0.3 per 1,000 for 1978, with the rates decreasing to 0.2 per 1,000 in 1981 but increasing by more than threefold to 0.7 per 1,000 in 1986. The discrepancy in the two sets of data may arise from the adoption of different definitions of rape and indecent assault, or an under-reporting of cases to the police due to people's reluctance to reveal them. More recent data from police reports showed that the number of reported rape cases decreased from 111 in 1990 to 103 in 1995; but the number of reported indecent assault cases increased from 1,078 in 1990 to 1,099 in 1995 (Royal Hong Kong Police Force, 1995).

Crime victimization surveys conducted on the data provided by the Census and Statistics Department showed that the mean age of the sexual assault victims increased from 20.9 to 25.1 years from 1978 to 1986, and the range of age widened from 12-33 years in 1978 to 12 to 58 year in 1986 (Cheung & Law, 1990). This demonstrates that victims of sexual assault are by no means confined to young women. The problem threatens practically women of all age. This has clear implications for both prevention and intervention of sexual assault. Preventive strategies including public education should not only target at the younger women, but should take account to women of a wide age range. Likewise, interventive services should be able to accommodate the needs of a wide age range of victims.

There is also a recent concern about the prevalence of acquaintance rape, especially rape by dating partners. Among those who seek service at a local centre for sexually assaulted victims in 1985-89, about 27% complained of sexual assaults by persons they knew, including friends, neighbours, co-workers, and even relatives (Kwan, 1990). The crime victimization survey based on 1986 Census data showed that 4.2% and 2.8% of the female sexual assault victims were attacked by well known relatives/friends and causal acquaintance respectively (Cheung & Law, 1990). In two separate studies on Chinese female undergraduates, about 0.7% to 5.4 % reported experiencing attempted rape, rape, and forcible rape by their dates or classmates (Tang et al., 1995; Tang, Yik, Cheung, Choi, & Au, 1996). It is noted that the rate for date rape in Hong Kong is lower than the 10 to 20% reported in the West (Kanin, 1985; Koss, 1988; Wilson & Faison, 1979). This difference may be the result of sexual restraint and the importance of interpersonal harmony in Chinese culture as well as the possibility of under-reporting due to the immense stigma attached to rape victims.

Wife abuse

There were no official data on wife abuse prior to 1980, and the category of "battered wife" was added to the official statistics of government departments in 1984. Reported cases of battered wife seeking services at a local women's shelter in Hong Kong peaked around 300 cases per year in 1986 and 1987 soon after its opening, declined to around 200 cases per year in 1993, and levelled off around 300 per year in recent years (Harmony House, 1996). Government statistics, on the other hand, showed that there were about 210 cases of battered wives in recent years of 1992-95 (Social Welfare Department, 1995). As Tang (1994) pointed out, government statistics are usually much lower than the unofficial estimates of the rate of wife abuse in Hong Kong, and the number of reported cases of those receiving residential services at the local shelter may be reflective of its maximum housing capacity only. Yeung (1991) argued that divorce rate may be a better estimate of the prevalence of wife abuse. She suggested that wife abuse occurred in one seventh of marriages that ended in divorce, amounting to about 728 cases in 1988. As the divorce rate in Hong Kong increases significantly in recent years, the estimated rate of wife abuse will also increase accordingly.

In addition to organization reports and government statistics, self-report surveys were also conducted to examine the prevalence of wife abuse in Hong Kong. Tang (1994) surveyed 382 undergraduate students in Hong Kong who reported on their parents' responses to family conflicts. Results showed that 75% of the participants' fathers used verbal or symbolic aggression, 14% engaged in physical violence, and 2-5% actually used weapons against their wives during the surveyed year. In a more recent study on a community sample of 1,132 married women, Tang (1998) noted that 67.2% of the participants admitted that their husbands had used verbal or symbolic aggression when they had family conflicts, and about 56.7% of the husbands sulked or refused to talk. About 9.8% of the husbands used minor violent behaviours such as pushing, grabbing, or slapping at their wives, 1.4% hit or beat their wives, and 0.1-0.4% used weapons such as knives or choppers to threaten or hurt their wives.

Sexual harassment

Sexual harassment was still a hush-hush topic in Hong Kong in the early 1980's, but has since received increasing attention in recent years. With the Sex Discrimination Ordinance and its full implementation in 1996, sexual harassment is now unlawful in Hong Kong. Under this Ordinance, sexual harassment is defined as any unwelcome sexual advances, unwelcome request for sexual favours, or unwelcome conduct of a sexual nature which will make a reasonable person feel offended, humiliated or intimidated.

Available research reports in this area were mostly conducted prior to the introduction of the Sex Discrimination Ordinance. In a study on coercive sexuality among dating partners, Tang, Critelli, and Porter (1995) documented that 20-50% of

the surveyed female college students experienced unwanted sexual attention including kissing, touching of breast and holding hands by their peers, and 5% were verbally threatened to sexual activities by their dates. In another study, Tang et al., (1996) surveyed 849 college students in Hong Kong on their experience of sexual harassment on university campus. Results showed that 25% of the female students experienced various forms of sexual harassment, and 1% was coerced to sexual activities during their college years by either teachers or peers. In particular, 12% of the female students reported having experienced teachers' misogynistic remarks of the female gender and unwanted physical contacts such as leaning over, cornering, or putting arms around shoulders; 5% reported receiving sexist comments about their bodies, unwanted pressure for dates, and sexually suggestive looks or gestures from their teachers; and 0.2-0.4% reported being coerced or bribed into sexual activities by their teachers. Regarding peer sexual harassment, 20-26% of the female students reported experiencing sexist and misogynistic comments and various forms of physical seductive behaviours from their peers, and about 10% were targets of nonphysical seduction such as pressure for dates and sexually suggestive looks or gestures. About 1% of the female students reported being coerced or bribed into sexual activities by their peers.

Studies have also been done on sexual harassment on community samples by women's concern groups. For example, the Coalition Against Sexual Abuse (1992) documented that 86% of their 492 women respondents who returned the questionnaires sent by the women's groups reported experiencing some form of sexual harassment in the 2 years prior to the survey. The most common forms of sexual harassment were obscene phone calls (49.2%), unwanted bodily touch (47.9%), and seductive attention (36.3%). A majority of the sexually harassing behaviours occurred at women's homes (33.2%), public transportation (30.9%), and other public places (26.5%). About 81.1% of the respondents admitted to having experienced sexual harassment before age 16, mainly in the form of unwanted bodily touch.

Sexual harassment in the work settings in Hong Kong was first explored by Dolecheck in 1984. One hundred and sixty-nine young college-educated employees in Hong Kong were surveyed. About 75% of them reported that sexual harassment occurred occasionally in their organizations, and half of the respondents also reported having personally encountered sexual harassment at work during the previous three year period (Dolecheck, 1984). In a more recent study on 77 female secretaries (Chan, Tang, & Chan, 1999), results showed that gender harassment such as sexist remark and dirty language was the most common form of sexual harassment in the workplace (28.6-37.7%), followed by unwanted physical contacts (22.1%), and the display of sexual materials in the workplace (15.6%). About 3.9% of these respondents reported being bribed to engage in sexual activities, and 1.3% were coerced into sexual intercourses by supervisors or co-workers. It was also noted that sexual harassment happened in different types of organizations and levels of employees.

Female child sexual abuse

Studies on female child sexual abuse in Hong Kong are sparse, and available data tend to suggest that the prevalence is relatively low compared to the West. According to Ho and Kwok (1991), less than ten cases of child sexual abuse were identified in a ten year period in the child psychiatry unit of a regional general hospital which served a population of 1.5 million, and that in 1989, only four cases of child sexual abuse were recorded by the child protection services unit of the colony's Social Welfare Department, and one case by the Against Child Abuse Agency, both of which were official organizations for which the management of child abuse cases was the main function. Lau and Davies (1993) reviewed the case records of all children with a diagnosis of documented or strongly suspected child abuse in a large regional hospital serving a population of over 1 million in Hong Kong. Among the 38 abused children, two were sexually abused, and one experienced both physical and sexual abuse.

In recent years, there is an increasing trend in the prevalence of child sexual abuse. According to the statistics of a local telephone hotline service for child abuse, there were 11 (2.4%) alleged cases of sexual abuse in 1991, and the number increased to 27 (4.4%) in 1996 (Against Child Abuse Agency, 1996). In a review study on child abuse, Tang & Davis (1996) examined the number of child abuse cases on the Child Protection Registry in Hong Kong from 1994 to 1995 and compared their findings with a similar community report conducted approximately 15 years earlier. The percentages of child sexual abuse increased from 4.2% in 1979 to 17.9% in 1995. In a recent newspaper report, the number of child sexual abuse cases handled by the Social Welfare Department showed an increase from 77 in 1994 to 116 in 1995, and to 191 in 1996 (Ming Pao, 1997).

The majority of the victims of child sexual abuse are girls as noted by Ho and Mak's (1992) retrospective study of 134 cases of child sexual abuse from 1984 to 1990. It was found that 95.5% of the victims were females, with girls aged 11-16 being the most vulnerable. The most frequent types of sexual abuse were vaginal intercourse (69%) and inappropriate fondling (44%). The relations of the perpetrators to the victims were: friend of victim (64.2%), stranger (37.3%), father or step-father (11.9%), or elder brother (3%).

Ho and Kwok (1991) attributed the relatively low reported rate of female child sexual abuse in Hong Kong to a variety of factors. Child sexual abuse has been a taboo subject in Hong Kong, and disbelief is a common reaction to allegations from children. Indeed, this low level of awareness may have allowed many cases to remain undetected. A high level of secrecy is another factor to consider, as the fear of shame may cause many cases to be concealed. This is especially true for incest cases in which complicated family dynamics favouring secrecy are involved. Arguably, the Chinese pattern of child rearing which socializes children into subordinate positions may facilitate the use of children as sexual objects for adult gratification and makes disclosure of sexual abuse difficult. Ho and Kwok (1991) also believed that the lack of overt affectionate expression

within family circles and the marked suppression of sexuality in Chinese children (Singer, Ney, & Lieh-Mak, 1978) may have caused children to be confused about affectionate relationship and found it difficult to articulate their experiences of being sexually abused.

Current Strategies to Combat VAW

In the past three decades, various campaigns have been launched to address the concerns associated with VAW in Hong Kong. Among them, the War-on-Rape Campaign in 1977 was one of the first attempts to combat VAW and represented the concerted effort of various community organizations. As a result of this campaign, there has been increased public awareness towards rape as well as violence against women in general; and a crisis hotline for rape victims, a shelter for abused women, and a women's centre for promoting women's development in general have since been established. Similar campaigns such as Campaign Against Sexual Violence in 1990 and Campaign on Violence Against Women in 1997 were also launched in the following years, reflecting the community's continuous efforts in fighting against VAW. In order to effectively address the issues related to VAW, Cheung (1987) suggested that multi-dimensional strategies involving public education, legal reforms, services, advocacy and social actions, and research should be included. Current campaigns in relation to VAW often follow this multi-dimensional approach.

The majority of VAW campaigns have a public education component in them. Since VAW is a serious social problem and there is great social stigma attached to the events as well as to the victims, public education programmes are essential to let the public become more supportive of the causes and be able to utilize the resources more effectively. In general, the objectives of these programmes often include the promotion of gender equality ideology, enhancement of public awareness of the occurrence of VAW, clarification of associated myths, and destigmatization of victims of VAW. Mass programmes, talks, and seminars have been initiated by various community women groups and organizations and often attract large public audience and media attention. Posters, leaflets, media announcement have been used to arouse public awareness about the issues, encourage reporting, and inform about related available services. In addition, information about the psychological and social problems faced by the VAW victims, positive and negative public attitudes, and resources for victims are periodically disseminated to the public through feature articles in newspapers and magazines or through drama series on radios or televisions.

Not only does the public need to be educated about VAW issues, front-line professionals who are most likely to have contact with VAW incidents, perpetrators, and victims also require training to promote their sensitivity and skills in handling matters related to VAW. Training manuals on rape and child sexual abuse have been prepared for professionals to facilitate their understanding and handling of these cases. Various training programmes such as those described by Lee and Cheung (1991) have

demonstrated its effectiveness in promoting professionals' positive attitudes towards rape victims, and are encouraged to be incorporated into the professional training curriculum for medical doctors, nurses, lawyers, police officers, counsellors, and social workers.

One of the most pressing needs in connection with VAW is the provision of services to the victims, with crisis intervention and victim aftercare services as the two major services. The difficulties with these services are that they are often underfunded and understaffed. Thus, current services are mainly palliative and piecemeal, despite attempts to develop comprehensive programmes. A majority of these services are operated as pilot projects with time-limited funding from either overseas or local charity organizations, some are branch services from other primary services such as family planning, family services, and youth programmes, and others are either supported or subvented by the government. In terms of crisis intervention, various telephone hotlines either for VAW in general or for specific forms of sexual violence such as rape, domestic violence, and child sexual abuse have been established by both formal sector such as government's Social Welfare Department as well as informal sector and various voluntary organizations. Most hotline services are staffed by paraprofessionals who are trained for such purposes, but their level of training varies greatly among organizations. Almost all hotline services are backed up by teams of either full-time or, most of the time, voluntary professionals such as social workers, lawyers, medical officers, and counsellors. The major functions of these hotline services are to provide support, give pertinent information on the legal, medical, and relevant aspects of the VAW incidents, and make appropriate referral to professionals for aftercare services and follow-up actions. In addition to these special crisis intervention services, victims of VAW can also seek assistance directly from the police for protection and emergency units of the hospitals for medical services.

Victim aftercare services are mostly designed and provided for victims of specific forms of VAW as in rape, wife abuse, and child sexual abuse; and almost all of them also include crisis intervention or hotline services. The Family Planning Association has been the major aftercare service provider for rape and sexually assaulted victims in the community since the late 1970s. Its services include a hotline service to give information and necessary instructions to the victims to seek relevant services, and medical services for the provision of post-coital contraceptive for prevention of pregnancy resulting from rape as well as the arrangement of screening for possible venereal disease. Psychological counselling service is also made available to the victims to relieve their fears and worries and give them the opportunities to talk about their feelings. This Association also maintains close liaison with other agencies for case referrals, and arrangements can be made with the Police Department if the victims decide to report to the police. For victims of domestic violence, temporary shelters are provided by both the government and non-government organizations. The Harmony House was started by a women's group in collaboration with social service agencies

and opened the community's first shelter for abused wives in 1985. It has since expanded its services beyond providing temporary refuge for abused wives. It now includes counselling services to relieve the abused women's fear, anger, anxiety and other feelings associated with the abused incidents, social services for financial and housing concerns, tutoring classes for abused women's children, and coordinating support groups in which abused women share with others their experience and learn new life skills. In the recent years, the programmes for abused women have extended to include public education and social advocacy. Services for the victims of female child sexual abuse are provided by the Child Protection Unit or family centers of the government as well as non-government agencies such as Against Child Abuse Agency. Typical services include telephone hotline for reporting and investigation services to identify and assess whether children are in risky and abusive situations so that proper intervention and protection can be made as soon as possible. Casework services, in which counselling is provided to the children as well as to the parents regarding referrals for medical treatment, legal procedures, expressing of feelings, etc., are important components of all such programmes. In addition to service provision, the above organizations are also the major sources of information regarding the number of VAW victims seeking assistance, demographic profiles of victims and perpetrators, situations surrounding the abused incidents, and the needs and concerns of victims. Such information is of vital importance for designing public education and service programmes as well as formulating policies in this area.

As Cheung (1987) argued that although positive attitudes may be promoted through public education, legislative and institutional changes to protect the rights of victims serve as safeguards against certain myths about VAW. Since the War-on-Rape Campaign in the 1970s, there have been calls from women's concern groups for a review of existing laws and legal procedures in order to remove discrimination against VAW victims and women in general, to eliminate cumbersome and humiliating procedures in the reporting, investigation, and court hearings of VAW, to provide protection, and to extend eligibility for compensation for VAW victims. It is noted that recent legal approaches in this area fall into two major categories, i.e., broad and specific legislation. Broad legal reforms aim to protect the rights of all citizens as well as to eliminate various forms of discrimination against specific groups of people in the society. The adoption of United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) to Hong Kong in 1996, and the enactment of the Sex Discrimination Ordinance in 1995 reflect the most recent legal reforms in this direction. Under these broad legal moves, it is unlawful to discriminate against women in various aspects of life. Sexual harassment is now legally defined and classified as an unlawful act against individuals under the Sex Discrimination Ordinance. A statutory body, the Equal Opportunities Commission (EOC), was also set up in 1996 to assist aggrieved persons to conciliate such cases or to assist them to bring civil proceedings in the District Court. The EOC also promotes education to raise public

awareness and understanding regarding equality of opportunities between men and women.

For specific legal reforms in relation to VAW, laws have been passed to protect the rights of rape and child sexual abuse victims. These reforms provide that rape victims' previous sexual history may not be adduced in evidence at the trial for rape offence; and publications of particulars about the rape and child sexual abuse victims which will reveal their identities are restricted. Measures have also been taken to reduce victims' humiliation, embarrassment, and trauma related to various court procedures. For example, court provisions are made for the rape victims' testimony to be heard in camera; and recently, video-recording of the testimony of child sexual abuse victims are admissible in courts. Legal steps to protect victims of domestic violence are available in the form of injunction and arrest with which the courts can order the abusive husbands stop harassing and hurting their wives. In addition to specific legal reforms, the issue of operational guidelines and codes of practices on handling VAW are also useful, as they can provide clear instructions and steps in the actual handling of VAW cases. Various government departments, e.g., the Police Force and the Social Welfare Department, have devised their own internal operational guidelines on how to work with victims of rape, domestic violence, and child sexual abuse. Inter-departmental and multi-disciplinary working groups, including administrators, lawyers, medical doctors, police officers, social workers etc., are often involved in the drafting of these guidelines. These working groups are also responsible to recommend legislative and institutional changes in the area. The EOC has also issued a Code of Practice on Employment under the Sex Discrimination Ordinance recommending policies on handling sexual harassment at the workplace.

While laws are reformed so that the legal process is less stressful and more supportive for the victims of VAW, social measures have also been taken to address the problems related to VAW as well as to enhance the roles and status of women so that women will no longer feel powerless, helpless, and fearful of violence directed at them. In the past two decades, various women's concern groups and feminist groups have been formed (Lai, Au, & Cheung, 1997), and are actively promoting and lobbying for women's causes, such as fighting for women's equal land inheritance rights in the New Territories, attending to the employment difficulties of middle-aged women, eliminating violence in the family, and denouncing the discriminatory portrayal of women in television commercials. Another mode of social action aims at the empowerment of women in the society so that they are more equipped with various life skills. Typical programmes include self-help or support groups in which the women share with and learn from each other from their unique life experiences; vocational, assertiveness, or personal growth training; and community participation in which the women are encouraged to participate in various activities such as environmental protection so that they will become more involved with their community and develop a sense of control for themselves. In the past years, women's movement in Hong Kong

had its own characteristics and was different from the West by being less polemic but more action-oriented (Cheung, 1989). However, Choi (1995) has noted that there are clear signs that, in recent years, local women's groups are becoming more diverse and sophisticated in their focus and ideologies. It is unclear at this time as to whether this change reflects maturation or internal friction of local women's movement.

Research is always an integral part in the understanding of social problems. It provides an essential database to reflect patterns and profiles of VAW incidents, perpetrators, and victims, to evaluate the effectiveness of various modes of services and training programmes, to dispel myths, and to change public attitudes. A majority of the research in this area are initiated and conducted by academic institutions, and the number of community research projects by women's concern groups has increased in recent years. Local research on VAW suffers great limitations as most of them are exploratory and preliminary in nature, focus on the descriptive level with no theoretical or conceptual framework, and lack sensitive and reliable indigenous instruments to measure VAW. Insufficient research funding also restricts the scope of investigation, and large-scale projects that examine VAW in a wider socio-cultural perspective are particularly lacking. Current research in this area includes: establishing baseline information on gender equality (EOC, 1997), exploring perceptions and definitions of various forms of VAW (Tang & Cheung, 1997), documenting incidence and prevalence rates of VAW (Tang, 1997b; Tang et al., 1996), and examining the social and psychological consequences of specific forms of VAW (Tang, 1998). Comparative studies have also been carried out to explore similarities and/or differences across Chinese societies of China, Taiwan, and Hong Kong in the perceptions and definitions of VAW.

Conclusion

The cultural and feminist perspectives suggest that VAW in Chinese societies is related to the cultural norms that permit such behaviours and the inherent gender inequality in the culture that gives legitimacy to the perpetrators' actions, induces stigma and shame in victims, and promotes public's tolerance and acceptance of myths and stereotypes about VAW (Brownmiller, 1975; Bograd, 1990; Campbell, 1992; Gallin, 1992; Honig & Hershatter, 1988; Levinson, 1989). In the Chinese culture, men's superiority in the society is maintained through the institutionalization of women's inferiority. Traditional conceptions of Chinese women, such as that of virtuous wives and good mothers adhering to the three obediences and four virtues, establish the hierarchical relationships between men and women in the society, and create many rigid gender norms that restrict women's opportunities and stifle their development in the private and public spheres. Protective factors against VAW like the importance that Chinese culture given to interpersonal harmony, self-restraint, and control have also become forces that cement women's inferior status in the society as women are socialized to believe that they should endure and accept their submissive roles which they play

throughout their lives. As a result, the presence of VAW in Chinese societies has been a problem for many centuries.

In Hong Kong, traditional Chinese values and conceptions of womanhood have exerted influence on the behaviour and mentality of its people. However, rapid social and economic changes of Hong Kong in recent decades have necessitated the (re)definition of women's roles and status in the society which may impact on the occurrence of VAW. With women's increasing educational opportunities and public's acceptance of greater flexibility of gender norms such as employment outside their homes, women's roles have expanded and there is a current trend towards increasing demand for gender equality. Feminist perspectives argue that women's greater demand for gender equality will elicit increases in the reporting and/or occurrence of VAW in the society (e.g., Brownmiller, 1975; Fitzgerald, 1993; Koss, 1988). Indeed, studies and statistics on the prevalence of rape, wife abuse, sexual harassment, and female child sexual abuse in Hong Kong have consistently shown an increasing trend in recent years. As Hong Kong women start to achieve greater status in the society, they will become more sensitive to as well as intolerant of discriminatory or abusive behaviours, resulting in the increases in the reporting of VAW incidents. On the other hand, women's demand for gender equality also defies men's dominance in the society, and this may generate counterforces such as the use of violence to intimidate, humiliate, threaten, and hurt women to keep them in their inferior roles, resulting in the increases of VAW behaviours. Thus, the fight for gender equality in Hong Kong should also be accompanied by the fight against VAW.

In the past decades, the battle against VAW in Hong Kong has been fought with the concerted efforts of the local government departments, community organizations, women's groups, and academics. Multi-dimensional strategies to combat VAW, in the form of public education, service delivery, legal reforms, and social action, have variously been employed by the formal and informal sectors. Consequent to the VAW campaigns, increases in public awareness and social advocacy of issues related to gender equality and VAW, establishment of services for VAW victims, and legal reforms have been noted. Western experiences have shown that the war against VAW is a long one and concerned groups in Hong Kong must not lose their momentum and should consolidate their efforts in formulating long-term plans that seek to eliminate VAW as well as to promote gender equality in the society. As campaigns for VAW and gender consciousness often challenge the traditional Chinese patriarchal values, it is essential to solicit the public's support of the causes. Radical and antagonistic polemics, as employed by some of the Western feminist movement, should be used with caution as they may reinforce myths about women's movement and alienate the media, men and women themselves (Cheung, 1989; Khor, 1985; Yao, 1985). Lastly, research that broadens the knowledge on the nature, forms, incidents, and modes of service of VAW is greatly in need to facilitate the development of effective intervention programmes,

to dispel myths, and to change public attitudes in Hong Kong as well as to enrich the database for comparison across Chinese societies and across countries.

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Breaking the Silence and Choosing to Hear: Perceptions of Violence Against Women

Malavika Karlekar

Introduction

Over the last few years, in an attempt at transparency which was in part a response to the demands of the women's movement, the Government of India has started making available statistical information on crimes against women. Collated according to certain categories such as rape, kidnapping, dowry-related deaths and so on, such information provides a valuable data base for researchers, activists and policy makers. Annual figures make possible a comparison of yearly increase as well as identify areas of special concern; however as is conceded by the government itself, such figures are only the proverbial tip of the iceberg: much more is concealed - and indeed, many more incidents and patterns of behaviour are not even considered to be forms of violence.

For a number of reasons, it is more common to view violence as a physical act of aggression of one individual or group against another or others. This view ignores the more latent and unquantifiable aspects of oppression by external agents such as psychological and emotional violence. It also does not give adequate cognisance to the ramification of aggression against the self such as suicide, self-mutilation, negligence of ailments, sex determination tests, food denial and so on. Nor does it view discriminatory access to resources such as food, clothing, education within the family as an act of violence. What is important here is that such a myopic viewpoint influences the collection of data - as well as analysis of trends. The consequence is a limited picture of the incidence of aggressive behaviour. Second, the world over, official data, in particular statistics, deal with registered crimes - violations against of specific laws - rather than with the much more pervasive phenomenon of violence. One reason for this variance is that the police data on crime are based on complaints and cases registered which in turn depend on (a) willingness to report, and (b) police receptivity to violent acts as crimes against women as well as its inclination to investigate these. In India, the growing incidence of violence against women evoked several responses: shocked indignation, protests and demonstrations were soon channelized into demand for redressal and legislative change. Both have been achieved to a certain extent. At the same time, there was a feeling that the genesis of this form of criminality needs to be understood better.

In 1992, in part as a response to this gender-based violence, the Centre for Women's Development Studies, New Delhi undertook a project¹ on violence against women, funded by the Department of Women and Child, Ministry of Human Resource Development, Government of India. The research team of four, of whom I was the principal researcher, had little idea of what to expect - or that the data would be so extensive. Originally, we had a much more ambitious project design in mind and hoped to come up with an all-India picture on trends which went beyond the parameters of the home. However, inadequate financial and human resources as well as time made us change our minds; there were also conceptual and methodological issues we had to tackle which led us to feel that a small sample in Delhi would be more useful. From the outset we were clear about the limitations of large samples and macro studies when our emphasis was understanding the phenomenon of violent behaviour: clearly, a close analysis of individual cases would be much more meaningful. Our initial visits and discussions at various institutions and with police personnel had also made clear that 'Violence against Women' was not a homogenous, catch-all phrase where all events were treated in a similar manner. Nor was it only a question of a more heinous crime requiring a more rigorous punishment: there were other, often unstated variables at work.

Before proceeding to the micro level we drew a broad picture of crimes against women and how they had been dealt with. Following the categories used by the police, we analyzed cases according to (a) dowry-related abuse; (b) harassment by a husband and/or his family; (c) rape; (d) kidnapping; (e) eve-teasing (a misnomer for harassment). As work proceeded it became clear that a single volume would be necessary to study domestic violence alone. That which occurs in public, the work place and as instigated by the State, is not only qualitatively different but would also require different analytical frameworks. Thus, the major emphasis of the study was on violence within the home and in particular, that which is experienced by married women, and by implication, if not involvement, their children and natal families. In the process, the study interrogated the institution of the Indian family and the myths surrounding its role and functions. While domestic violence covers aggression against all generations in the family in every phase of the life cycle, this paper focuses on selected cases of inter-spousal violence analyzed for the project.

After this, the most important question of course was how were we to find the cases for our study? Were we going to be able to talk to complainants or would we have to base our analysis on case recordings? We decided that while we would use the anthropological tools of participant observation as well as non-participant observation in the field, we would base our analysis on recorded case material. As our interest was also in ascertaining the differences between the approach of different agencies, in this case the police and voluntary organizations, we decided to work in the headquarters of the Crime (Women) Cell also known as the Crimes against Women Cell (CAWC) of the Delhi Police and in a women's organization (Shakti Shalini) dealing with violence

against women. We chose the latter because it was one of the few which had a shelter for women in distress. In this paper, I refer to only those cases which were registered with the CAWC because my interest was in how the State constructs a discourse on violence. A brief overview will make clear why this aspect of familial relations became so important during the course of research. In the last section, the paper analyzes the dilemma of the field worker, having to make sense of a mass of contradictory and disturbing data.

Interrogating the Family

Quite apart from the silence around the non-physical acts of aggression, there is surprisingly little material available in the form of books, academic essays and papers on the entire issue of violence against women in India; despite the fact that a battery of statistics and reports made available by official sources and the media reinforce the view that that this form of gendered violence is fast becoming a feature of daily living in contemporary India, it has yet to become a priority area of research. What is important is that of that available, about half the material relates to violence within the family (Vyas, 1996). In Patricia Uberoi's opinion, this silence is explicable by a certain hesitance in subjecting the family and its intimate relationships to scrutiny; at the same time, if there is any data base on the nature and kind of violence that goes on behind locked doors, it is largely due to the activities of NGOs (non-governmental organizations), those in the women's movement and the police. Uberoi feels that though the "family is also a site of exploitation and violence . . . sociologists appear to eschew issues of social pathology, at least in regard to the family" (Uberoi, 1995 [1994], p.36). This is because the family is "a cultural ideal and a focus of identity", its inviolability as an institution reaffirmed by an environment which limits interaction and discourse between the professional academic and the activist. The situation is compounded by the fact that familial concern with propriety, honour (izzat) and reputation makes it difficult for those researchers interested in investigating violence within the home to gain access to those perceived as victims. Thus it is hardly coincidental that a large percentage of available data on violence against women locates the family as a major cause of oppression and subsequent ill health and loss of identity. A communication paper from Anveshi noted that "All our analyzes point to the fact that marriage and the family are necessary stressors in the cause of mental illness among Indian women" (Anveshi, 1995, p.3-4). It thus becomes necessary to "pay attention to the violence of everyday life" (Das, 1997).

In India, marriage continues to be universally regarded as essential for a girl, irrespective of class, caste, religion and ethnicity. Control of her sexuality and its safe transference into the hands of the husband is of primary importance. Concern over the conduct of the sexually vulnerable girl an important cause of early marriage. According to recent official figures, about 30 percent of women in the ages of 15-19 were married; as the official age for marriage is 18 for girls, it is possible that a large percentage of

these marriages were of under-age girls. Though the age at marriage is rising gradually, it is important to note that girls are barely out of their teens when they leave their natal homes for another unknown residence. The exception is the familiarity characterizing cross-cousin marriages prevalent among some castes in South India. Subsequent expectations and relationships impose a considerable load on those who are as yet girls, ill-equipped to adjust to a totally new environment and a set of unfamiliar relationships. For, in India, marriage establishes a network of interacting individuals; it is rarely only a highly personal relationship between a man and a woman (Das, 1976).

The persistence of a dominant family ideology which believes in a strict sexual division of labour and an age and gender hierarchy means that young wives have to invest a considerable amount of time and energy in forging new relationships, not all of which are caring or accommodative. These are to take precedence over all other relationships in the natal home. Nothing describes the transient nature of a girl's brief life in her parent's home or her inherent worth better than the North Indian saying that a girl is *paraya dhan* or another's wealth. It not only establishes the very notion of belonging but also that a girl is wealth (*dhan*) which belongs ultimately elsewhere (*paraya*).

Within this framework of matrimony, many women attempt to negotiate space for themselves, to assert their personhood. The capacity to do so is dependent on a range of factors - age, maternal status, position in the hierarchy of senior or junior daughters-in-law and so on. It is also often enough the case that intra-couple discord (which may later escalate into a dowry-related demand and expectation syndrome) is over roles, their performance or otherwise, and a woman's quest for her identity. It is this which distinguishes inanimate wealth/property from an animate being who may be the reason or vehicle for transactions, but nonetheless resists being treated in the same manner as a disposable commodity. That often enough she loses out is a symbol of the unequal power play within the home.

An important part of the power relationship between spouses and indeed their families relates to dowry² and its ramifications. In the Indian context the preference for structural asymmetry between the two families and the consequent burden of gift-giving on the bride's family strengthens inequality. Anthropological studies, particularly of North Indian marriage and kinship patterns indicate that hypergamous unions establish a permanent asymmetry in gift-giving and presentations. Here the notion of property in marriage acquires another meaning: not only is the in-marrying girl viewed as the property of her husband if not of the conjugal family, but also the event marks the unequal flow of goods and even property between the two kin groups (Dumont, 1975; Goody & Tambiah, 1973; Madan, 1989 [1965]; Sharma, 1984; Stri Kriti Samiti, 1984; Patnaik & Sadual, 1988; Ranjana Kumari, 1989; Uberoi, 1995 [1994]; Vatuk, 1975; Verghese, 1996). Based on her fieldwork in North India, Ursula Sharma has argued persuasively that dowry, or what the bride's family gives to the groom's family at the

time of hypergamous marriages is "a concrete form of property in which members of the household, both men and women, have different kinds of interest and over which they have different kinds of control" (Sharma, 1984, p.62). Important for later analysis is the communal aspect of dowry. Nor is it a one time transaction: ritual occasions, festivals and indeed any minor pretext result in more demands being made on the daughter-in-law's family.

In India, there is a tendency to club most marital violence under the overall heads of 'dowry', 'dowry deaths' and 'dowry violence'. This categorization glosses over the other causes of violence which pervade the familial context. However, to argue that dowry is not always the cause behind marital discord is not to ignore the fact that it is one of the major factors responsible for domestic violence. While keeping this fact in mind it is necessary to work towards a fuller understanding of the institution of dowry and its impact on inter-family relationships. Madhu Kishwar feels that oppression of wives for bringing inadequate dowry is only another excuse for using violence against them: in other words - and in fact evidence from other countries has indicated as much - even without the additional 'attraction' of dowry, interspousal violence is endemic. She has also pointed out that dowry payments in themselves do not transform girls into burdens but rather "dowry makes daughters 'burden-some' only because daughters are unwanted to begin with" (Kishwar, 1986). For instance, middle class parents who save to pay several thousands of rupees as capitation fees for sons in medical or engineering colleges do not view them as burdensome; but similar sums set aside for daughters' marriage are regarded differently.

Though it is difficult to be categorical on the background of those either harassed or killed for dowry, it is clearly a phenomenon on the increase among all social categories. In a study of dowry victims in Delhi, Ranjana Kumari commented that 'dowry has become inseparably interlinked with the general status of women in our society'. Her study shows that in a sample of 150 dowry victims, one-fourth were murdered or driven to commit suicide, and more than half, i.e. 61.3% were thrown out of their husbands' house after a long drawn period of harassment and torture.

Dowry related killings followed two patterns. First, the young brides were either murdered or forced to commit suicide (18.4%) when their parents refused to concede to continuing demands for dowry. Second, the murders were committed also on the pretext of 'complex family relations'. Extra-marital relationships were alleged in 52.6% cases of death. It was also discovered that the conflicts intensified because of the refusal by young brides to yield to overtures made by father-in-law, uncle-in-law or brother-in-law. There were also cases where wives alleged that the husband was impotent.

In 69.3 percent cases, parents sent their daughters back to the husbands while being fully aware of the torment they were undergoing. Of these, 77.9 percent returned only to be deserted and 11.5 percent to be murdered. In 72 percent of cases, 'parents were more willing to put thousands of rupees in the hands of men who tortured their daughters than to spend even a fraction (10 percent) of the dowry to train the girls to

survive independently', because they did not consider independent survival of women as respectable. Ranjana Kumari also found dowry giving and taking to be universal across caste, religion and income groups. However, she observed that 'while desertion and harassment cases are more among higher income groups, middle income groups show higher dowry death rates'. She also found that only 5 percent of marriages were love marriages while 11 percent were inter-caste. The rest had married according to the prevailing social norms of 'arranged' matches (Ranjana Kumari, 1989, p.88-91; Mahajan & Madhurima, 1995; Sinha, 1989).

There is no satisfactory explanation of why the system of dowry is growing and indeed spreading to communities where it did not exist. Nonetheless, its role in perpetuating violence within the home is substantial. Of particular relevance is the fact dissatisfaction over dowry payments and subsequent presentations result in abuse of the wife not only by her husband but by other affines as well. Dissatisfaction over dowry is not the only reason for ill-treatment of married women. Apart from ill-health and stress, a violent home environment can lead to a total psychological remoulding such as the internalization of deception, manipulative techniques and feigning. It can also lead to anticipation and provocation, a macabre expectation of the inevitable (Flavia Agnes, 1988; Kakar, 1990).

Thus, wife abuse, a practice shared with many other cultures, acquires a different connotation in Indian society due to the institution of dowry. Here, the term "abuse" includes physical as well as non-physical acts. There is enough evidence to suggest that it often receives enough wider familial sanction. It is institutionalized in various forms which range from inhumanly long hours of labour, often within and outside the home, food denial, neglect of ailments, verbal abuse by affines to physical violence by the husband and sometimes other family members. In this context, it is interesting to note the growing number of cases being registered under section 498A of the Indian Penal Code which indicts a husband or relative of the husband for cruelty against a wife. For instance, all-India police data under this head which is available from 1989 onwards records a steady increase: from 11,803 cases registered in 1989 it went up to 15,949 or by 37.5 percent in 1992. As entire families and indeed the State become involved in the ramifications of inter-spousal disputes, the incidence of these events continue to spiral upwards, occasionally with macabre outcomes: personal communications with police officials indicated that the unnatural deaths of wives were on the increase each year.

Wife-beating - or in more extreme cases, wife battering - is the most common form of abuse world-wide irrespective of class, religion, community and in the case of India, caste backgrounds (Abraham, 1995; Chen, 1992; Cheung & Law, 1990; Dong, 1995; Finkelhor et al., 1983; Gelles, 1980; Gelles & Loseke, 1993; Hoff, 1990; Jahan, 1994; KWDI, 1990; Straus, 1980; Walker, 1983). In India, studies have correlated childhood abuse, alcoholism, unemployment and poverty with the growth of this malaise (Ahuja, 1987; Kaushik, 1990; Mahajan & Madhurima, 1995; Sinha, 1989; Sood, 1990).

It has also been argued that it is not only a woman's dependence which makes her particularly vulnerable: a wife in a high-status job may be beaten more than her unemployed neighbour (Pawar, 1988). Battered women are presented as lacking in self-esteem and self-confidence and as apathetic and nervous (Kaushik, 1990).

In an interesting study of the impact of wife-beating on the women themselves as well as on other members of the family, Rao (1995) found that in three multi-caste villages in the southern state of Karnataka, only 22 percent women claimed to have been abused by their husbands. In fact, during field work, two women were hit by their husbands; but, in response to a question, the very same women did not say that they had been abused. The researcher concluded that it was only if the beatings were very severe did women perceived of themselves as being abused, the odd slap or blow was regarded as routine husband-like behaviour. There was wide societal tolerance for wife-abuse, which was even considered justifiable under certain circumstances: "disputes over dowries, a wife's sexual infidelities, her neglect of household duties, and her disobedience of her husband's dictates are all considered legitimate cause for wife-beating" (Rao, 1995, p.11).

In a detailed discussion of wife abuse, Flavia Agnes has rebutted convincingly the popular myths which surround the phenomenon of wife beating in India such as middle class women do not get beaten, the victim of violence is a small, fragile, helpless woman belonging to the working class, the wife-beater is a man who is frustrated in his job, an alcoholic, or a paranoid person, aggressive in his relationships. Nor was it true that so-called loving husbands did not beat their wives or that women provoke men to beat them. Yet, many of these myths seem to pervade the analysis of wife-beating and feminine expectations in Indian society.

For instance, based on an analysis of cases which had come to the Delhi-based women's organization, Saheli, it was evident that wife-beating was common among all social classes as it "is a reflection of the power relationship between a husband and wife", which mirrors a woman's secondary social status (Saheli, 1988, p.1). However, the pattern of violence differs from one class to another, with the whole neighbourhood being witness when a slum-dweller beats his wife to the extremely private nature of a middle class professional's physical oppression of his spouse.

Like child rape within the family, another area about which universally little is known and hardly discussed, is that of marital rape. In India, despite some thinking along these lines by feminists and legal experts, there has as yet been no amendment in law to include rape within marriage. The only exception is if the wife is below 16 years of age. Though figures on marital rape as well as other sexually demeaning and violent acts are difficult to obtain discussions with counsellors working with abused women indicated that a very large percent of their clients were tortured with forced sexual intercourse. It would not be too extreme to hypothesize that much male physical violence in marriage is related to sexual activity. Detailed interviews and discussions at Shakti Shalini indicated that quite often women were beaten for resisting sexual excesses; if a

wife did not satisfy her husband's demands (which could quite often be perverse in nature) the outcome was physical abuse.

Feminine socialization which stresses docility, compliance and shame predisposes a wife to accept a range of physical behaviour from her spouse, where, without doubt, her sexual satisfaction is of little consequence. On the basis of her field work among upper middle class and middle class women in Delhi, all of whom had had "so-called 'love' marriages", Meenakshi Thapan concludes that notions of the perfect female body and of femininity were imbued by the women; consequently, women were often complicit in the mechanisms of oppression, particularly with those aspects which dealt with physical and sexual attractiveness (Thapan, 1997). It is indeed ironical that for long, the family, viewed as an individual's ballast against the world becomes the arena for legitimate physical and mental oppression of women; over the last two decades, while the legal and police systems have become more receptive to certain excesses, yet much remains unstated, invisible and repressed. However, such psychological and physical oppression can in some cases, develop into a site for resistance.

The Layering of Discourse

By the early eighties, it was clear that the incidence of crimes against women needed specialized handling by the police. Apart from the pressure on existing police stations, there was also a realization that such offences required a particular sensitivity and swiftness of action. Thus, in 1983, an Anti Dowry Cell was established in the Delhi Police to give special attention to cases and complaints relating to women. The Cell was to investigate cases of dowry deaths and other crimes where women were victims. Gradually, the scope and nature of work of the Cell made clear that the purview needed to be widened to include all types of crimes against women. The Anti Dowry Cell which by 1986 came to be known as Crime (Women) Cell or Crimes Against Women Cell (CAWC) receives all kinds of complaints from women. The Cell is expected to look into these complaints not only from a punitive angle but also from a corrective/counselling point of view. Apart from Nanakpura which is the headquarters, in 1998 there were CAWCs attached to police stations in all the nine police districts in Delhi.

By 1991 the Crimes Against Women Cell had moved to its own premises in Nanakpura in South Delhi. When the CWDS team decided to carry out field work in this Cell, it had established itself in its role of providing aid to women in distress. Fieldwork was carried out during the months of April and May 1992, where apart from an analysis of cases on the basis of a sample, field workers were both participants and non-participant observers. The researchers developed a good rapport with a number of personnel, and found them helpful and supportive. A sub-inspector went so far as to say, "We would welcome your report, because it can help us to see our faults". However, it needs to be added that the majority of personnel saw their postings at the Cell as just another job, and did not necessarily view it as a posting requiring a particular orientation towards the nature of violence and gender relations.

Initially, it was decided to look at all the complaints registered in January 1991 and July 1991, but which were resolved during the year or even in 1992. For this, the team had ready access to the registers on the basis of which files were located. As face sheets were missing on some files, it was not possible to analyze all the cases for the two chosen months. Ultimately data was collected on fifty five cases; they had been classified in the files according to the following heads: Compromise (14), Stridhan restored (11) Pending (12) and No action/seen files(18). Stridhan is the marriage portion given to the bride by her parents and can include jewellery, property and cash. As distinct from dowry, stridhan is that which is given exclusively to the bride and over which she supposedly has sale rights. While it is true that - women and indeed men - across classes come to the CAWC, the educational background of the sample of 55 is perhaps not fully representative of the average victim of domestic violence who comes to the cell. It may be misleading to speak in terms of average complainants, but conversations with personnel indicated that many were often working class women with little or no formal education. At the same time, observations and fieldwork at Nanakpura indicated that such women were articulate, well-versed in what to expect under Section 498A, the implications of restoration of stridhan and so on. Conversations with a few middle class respondents indicated that they chose to come to the cell because police action was relatively swift, legal aid was free and restoration of dowry and stridhan more or less assured.

The present paper looks at how the categorization of the resolution of crimes into convenient slots such as "compromise", "no action", "stridhan restored" by the Crimes Against Women Cell was often the outcome of individual predilections, the need to be seen to be doing the right thing, and ubiquitous bureaucratic inertia and indifference. It argues that though the State as arbiter of justice in domestic matters is viewed by many victims, particularly in an amorphous urban context, as a substitute for mediation by the caste or village elders, the way cases were presented and analyzed often went against women's interests and their experience of violence. Differing perceptions resulted in a fracture in the discourse of complaint, judgment and punishment. The 'truth' of an event was called into question and its re-telling became the site for an alternate, and often subversive discourse. This was because those charged with hearing and re-telling constructed the narration and its constitutive events from the observer's point of view. Such a point of view was more often than not that of the male world of family unity and patriarchal dominance.

During the period under study, an elaborate procedure mediated between the complainant and the process of redressal: an initial written account of the violent event(s) - often done at second hand by an unofficial 'recorder' - who may be another complainant, visitor or relative in the case of an illiterate complainant - had to precede that of any official recording. Nor were the two recordings done on the same day - invariably, a complainant would have to come back, at the appointed time, for the official recording. Often, the date given would be at least two or three days later; in

cases where the woman's life was in jeopardy, this delay could be crucial. It might even result in a woman deciding not to come back, running away from her home or facing extreme violence from her husband/family. After the official recording, summons (by registered post or hand delivered) were sent to the other party/parties to appear before the Investigating Officer (IO) concerned.

This preliminary process could take at least a week³. Statements were recorded and a further date for a meeting between both parties was fixed. If it is a question of harassment and cruelty not involving return of stridhan the Investigating Officer would concentrate on working towards a compromise. In stridhan cases, lists of goods were prepared and scrutinised and a date set for the return of these in the presence of police personnel at the Cell premises. There was rarely any on the spot investigation at any stage. Technically, if the other party ignored three successive summons, a case could be instituted. However, it is argued that as a case causes a woman considerable hardship, it is best avoided unless absolutely necessary. In recalcitrant cases, the help of the three professional counsellors was called upon. There was, however, little emphasis on follow up by the police, the philosophy being "if the girl is in trouble, she will come back to us". Only in very few instances were house visits made, and after a few months files are closed.

Sometimes, on the day on which the case was to be recorded by the police, the accused was also summoned. In case the latter did not turn up following three summons, technically, a case, depending on the grounds of the complaint, could be registered. In situations where there was sufficient prima face evidence of torture and violence, the CAWC could lodge cases without having to go through a detailed process of enquiries and investigations. Complaints were heard by Investigating Officers who could range from head constables to inspectors of police. These were then looked at by the Assistant Commissioner of Police, who would also counsel, and in difficult cases, the Deputy Commissioner as well. The three social workers deputed by the Central Social Welfare Board too were consulted in 'difficult' cases. It was not routine for them to look into all cases. Often enough, definitions of difficult cases were those where a compromise between a husband and wife or a daughter and parents was not working out. In other words, the police was committed to 'making things work'. Wherever necessary, cases were referred to the courts, and free legal aid provided.

In cases where the complainant requested for reconciliation, efforts were made for an amicable settlement. After the reconciliation, the complainant would go back to her conjugal home, if she felt confident and satisfied. In a few cases, follow-up action was taken to reassure the complainant and to ensure that tension in the family did not develop. In a few cases, the Investigating Officer would go to the residence and check up the welfare of the complainant; in case the complainant did not want the police to visit her house, she would come to the Cell with her husband to report about her welfare from time to time. The restoration of stridhan through the Cell means that complainants do not need to go to court. In other cases, mediation by the police enabled complainants

to come to some mutual understanding with the spouse and in-laws to decide whether the couple were willing to live together or separately and also to sort out other related issues. Depending on the facts of the complaint, the complainants were also advised to go to court to claim for maintenance and divorce, restitution of conjugal rights, etc. In cases where there was enough evidence to prove harassment or non-return of stridhan, cases were registered against the concerned persons under sections 498A, 406 IPC or the Dowry Prohibition Act as the case may be. The following cross-section of cases are examples of how complaints and complainants were dealt with during the period of field work. As already indicated, most of the 55 cases dealt with marital discord and domestic violence. The identities of individuals as well as geographic locations have been changed so as to preserve anonymity.

Najma - Effaced through 'no action'

While in her mid-teens, Najma was married to Riaz, a mason. She had studied up to Class VI in a village school in a remote part of Uttar Pradesh in North India. This was in 1986. After the wedding, the couple moved to a slum in central Delhi, not far from Riaz's place of work. All went well until 1990 when Najma got pregnant and went to visit her parents. It was a routine visit, as she had not been to see her family since her marriage. However, after leaving her in the village, Riaz disappeared though he had said that he would return in a couple of weeks to take her home. Two months passed without any word from him; an anxious Najma persuaded her younger brother to take her back to Delhi. They went to the slum to find the house locked. On questioning the neighbours, Najma learned that Riaz had remarried. Left with little option, she broke open the lock and occupied the ramshackle tenement; her brother made it clear that he was not going to wait any longer.

A couple of days later, Riaz returned and insisted that Najma should go with him to the home of his second wife. The couple took a bus to a village near Meerut. Najma's complaint is not clear on whether she met her co-wife; but she remembers vividly being dragged by a now-violent Riaz to a nearby field and fed an intoxicating liquid. Najma lost consciousness for a while. As she lay there in a daze, Riaz beat her mercilessly with his hands and a stick.

Najma, who was by then six months pregnant, started labour pains and soon gave birth to a still-born foetus in the fields. Again the recording is not very specific, but it would appear that in order to avoid further complications, Riaz disposed of the foetus and managed to bring a semi-conscious Najma back to their home in Delhi. Giving some excuse to his neighbours about the need for him to leave immediately, he asked them to take care of her. After some minimal medical attention, Najma went to the local police station to file a complaint; however, apparently no First Information Report based (FIR) on the complaint was filed by the police nor did Najma's recording give any idea of why this was overlooked. Riaz reappeared once again and forced her to go

and live with her in-laws just outside Delhi. Here she continued to be tortured by her father-in-law and Riaz.

One morning when she had gone the market alone, Najma made her way to the local police station and its cell dealing with crimes against women. She wrote out her complaint and asked for immediate action. However, she did not appear at the office on the date given to her; nor did Riaz. Two weeks later, Najma came and said that her husband had disappeared and she did not know his whereabouts. However she felt sure that her in-laws knew where he was. The official recording of her statement did not mention the reason for Najma's temporary absence. Her in-laws were then summoned and though they came to the police station, there was no information on her file as to what had transpired. On the next two dates given, when both the complainant and the defendant were to be present, only Riaz came and gave his side of the story: he clearly wanted matters closed as Najma had disappeared from his parents' home.

Riaz was successful in having the last word: the official comments on Najma's case appeared to assign the blame for disappearing - and hence not persisting with the case - with Najma. Broadly translated from the Hindi these were as follows:

She (Najma) did not tell her address to anyone. She did not want to come to the office which shows that she did not want any action by us (emphasis added). As the correct address of the complainant is not known and she has not come to the Cell when called, the case should be filed.

For the next two months, Najma's file travelled between floors and officials; but there was no attempt to trace her. Finally, her case was closed and joined many others in the files categorized as requiring 'no action'.

Thus the story of Najma remains outside the purview of statistics and formal discourse. She does not count as one of the many women who is officially recognized as being a victim of marital violence. And yet, another reading of the files can provide a very different and - indeed spine-chilling - picture: clearly Najma was subjected to inhuman violence and psychological torture. The loss of her unborn baby, the absence of the natal family in her struggle for justice and ultimately, her disappearance, all point to the fact that Najma's case required handling of a specialized kind. This would not only mean sensitivity to her particular situation but also the capacity to keep a track on her movements. Why did a woman who had obviously sought help even when the odds were against her then stop coming? The comment that this was because "she did not want any action by us" is indicative of a selective myopia of a kind which certain institutions cultivate assiduously so as to remain in business : to entertain the thought that an unwanted wife may have been murdered, driven insane or incarcerated somewhere would mean action of a very different order. It would involve intervention beyond the comfortable parameters of the official space. Decisions may have to be taken in unknown territory, where boundaries were not closely defined. And in any case, all of this would involve an interactive procedure not necessarily within the book of official agendas.

For the outside world, Najma does not exist as a woman with a history of abuse; she has been effaced by officialdom. Yet, the very fact that she went so far as to seek help and persisted for as long as she obviously reasonably could would indicate that the existence of specialized agencies have served the purpose of enabling women to reach out. It is not out of place to question whether the absence of adequate follow-up mechanisms and a far more sensitive and intuitive approach do not in many ways defeat their *raison d'être*. The tip-of-the-iceberg phenomenon of inadequate data owes as much to an insistence of seeing situations on the terms of those in charge as it does to the well-worn complaint that victims do not come forward. Najma's erasure from official discourse is an instance of how the agency, either of the victim or that of those in positions of authority, works to under-report acts of violence. The next two cases show how the powerful alter discourse in one case and in another take sides; in both the intention is to view violence from a specific viewpoint. Briefly, this viewpoint is one which privileges the sanctity of the family and a dominant family ideology which finds it difficult to question male dominance.

Purnima - The laundering of discourse

Purnima was a twenty-year-old woman who had been married for about two years. A few days after the wedding, her husband Kapil started beating her up and demanding more dowry. Her family had provided the usual household items and in addition given the bridegroom ten thousand rupees in cash. Purnima's mother was a widow who worked as a maidservant in several homes. She had borrowed money from her employers and the money-lender in the village. Purnima was her only child and she, Kailash, had hoped that her daughter would study and be able to earn a livelihood. But Purnima failed in Class VII and refused to go back to school. She helped her mother at home and at work.

After she was married, Purnima was obliged to live in a small shack with Kapil who worked as a daily wage labourer at a nearby tea shop, and his older brother Kamlesh. Kamlesh worked as a driver in a private firm. He had been married but had abandoned his wife. Soon after, Purnima started being beaten up by Kapil and Kamlesh; in her original complaint she also wrote that Kamlesh was overly friendly towards her ("mujhe buri nazar se dekhta hai" - he views me with evil intentions).

After a severe beating one day, Kapil took Purnima back to her mother's home. She wrote, "ghar se beghar kar rakha hai. Is wajah sey mujhe ma ke ghar mehnat mazoori karna parta hai" (as I was thrown out of the house I had to live with my mother and try to earn a living). In the hopes of a compromise, Purnima's mother had to take a further loan to help her son-in-law set up a business in hawking plastic toys. After about a couple of months, Purnima decided to seek help: it was clear that she could not live with her mother, nor could she go back to Kapil unless she had some assurance that he would not resort to his old ways.

The official recording of Purnima's statement was brief and did not go into certain

vital details. For instance, there was no mention of her brother-in-law Kamlesh's behaviour. It is not clear whether Purnima omitted to mention this or whether the person in authority chose not to note it down. The omission, however, was vital as it glossed over a little acknowledged but fairly prevalent aspect of intra-familial dynamics: that of the at times uneasy relationship between an inmarrying girl and her husband's brother. Traditions such as levirate - the marriage of a widow to her husband's brother - imply that a man can view his sister-in-law as a potential wife or mistress. Consequently, what passes off as joking relationships between affines are not always free from an element of desire and even threat and violence.

After a few visits to the Cell, Kapil agreed to take Purnima home again. He gave a two line written statement in which he said that he would take care of his wife; if he did not do so, then legal action could be instituted against him. Purnima and Kapil's story now became another compromise case, where the sanctity of marriage and the family was kept intact. The senior officials clearly felt that there was a need to monitor the case and to ensure that Purnima was not ill-treated. However, there was no evidence on the files either of Purnima being asked to report back or of the Cell making attempts to check up on her.

At the end of it all, the impression is that the unhappy couple only needed the wise counsel of a third party to solve their problems. A repentant Kapil promised to behave and Purnima went back to the home she had been thrown out of. What the two line statement does not incorporate is Kapil's admission of his previous behaviour and an assurance that he will not be violent again. It is not as though such a confession would guarantee a change in his attitude; but a recorded articulation would provide some evidence of what is involved in such situations of oppression and subjugation. That those in authority were satisfied with only a statement which did not even hint at the history of Purnima's suffering is indicative of an attitude that stresses the importance of compromise and settlement; the processes and moves involved are not relevant once the end is achieved. In this case the absence of follow-up meetings, the fact that Purnima never came back and there was no attempt to trace her could, as in many other cases, imply that either the problem was resolved or that the complainant did not feel that there was any point in coming back; or, she may no longer have been in a position to come back. In addition, the laundering of her discourse meant that the lasting impression was that of a Kapil, duly chastised and repentant. Though it is not always possible to have lengthy statements on file, it is nonetheless important that the final words reflect the history of events; a blanket assurance from the accused can hardly provide a total picture of the nature and extent of violence and the role of the woman in dealing with it.

Romila - A case 'resolved'

Romila was a 26-year-old nursery school teacher with a Masters' degree as well as a teaching degree in education. Her husband, Suresh, a graduate, worked in a small

business concern. They had no children. Romila came to the CAWC complaining of harassment and cruelty by Suresh. In her complaint she wrote:

I was married on 28 April 1977 with Hindu rituals...I do not really want to destroy my established home (base hue ghar) but now I have no option. As soon as my husband's neighbour learnt about our impending marriage, he wrote a letter to my brother saying that this marriage will be not good for the girl as the family is very bad. They beat their daughters-in-law and take away their jewellery. We received the letter after the marriage. It was also said in the letter that my to-be husband stays with a middle aged women. I have seen this woman - Shanti. My sister-in-law who is separated from her husband also stays with us and beats me along with her younger brother. They left me with my mother (after some days of marriage). Husband took me back after regretting the above mentioned behaviour. After 2-3 days of my going back - the same behaviour repeated and I was threatened that I'd be killed. I managed to reach a police station. I again came back to my parents' home when I was not taken back my husband, I filed a case for maintenance in the courts which took two and a half years. My husband felt sorry for me and the case was withdrawn by me as he said that he would behave. After a year and a half Suresh (my husband) left home with some women. Another case for maintenance was filed by me which took two years. The case was again withdrawn because Suresh begged pardon from my brother who gave him a chance. Again a compromise took place (1988). After three years he had again run away 15 days back. I don't know his new address. I had filed a third case for maintenance. I want to live with him. I'm maintaining myself through giving tuitions. I'm staying in a rented house in Trilok Puri. Wherever I stay with him he runs away leaving me there. He threatens the landlord that the house should be emptied or he'll complain against him. Suresh is also after my brother's life. Please help us. (literal translation from Hindi)

A few weeks later, and after a couple of interviews at the CAWC, Romila wrote "I want a compromise with my husband". However, Suresh's comment on the same day as noted down by the Investigating Officer was "I do not wish to keep my wife because she does not listen to me. My wife has thrown me out of my house on 30.12.90. I want to divorce my wife". When the couple came back to the CAWC twelve days later, Romila wrote "I want no action against my husband because he wants to divorce me and I'll follow the case in court". The case was placed in the category of "no action", and a few days later, the records were closed.

In the case of Romila and Suresh, while the CAWC had obviously provided the space and requisite counselling to help the couple to decide on a divorce, Romila's volte face was a little disconcerting; however as she had made a statement that she would challenge the proceedings in court, the CAWC had no other role in the case. It had played the honest broker, and having failed at working towards a reconciliation, had helped Suresh to make up his mind. Though this decision may have gone against Romila, under the circumstances, the CAWC was justified in claiming the case for the "no action" records.

Rani - The question of taking sides

Rani, an attractive woman in her late twenties arrived in Shakti Shalini seeking refuge. Her clothes were torn and she carried a small infant and a cloth bag with her belongings. She had an unusual story to tell. Five years ago she was married to Netrapal, a clerk in a government office in Agra. It was an arranged marriage and soon Netrapal became abusive. The only person sympathetic to her situation was Netrapal's cousin, Prem, also a clerk in another office. Soon Rani and Prem started having a relationship, unknown to the family. When a match was arranged for Prem, matters came to a head as he refused to marry. An older aunt who had had her suspicions made known her views. Events moved swiftly and Prem was forcibly married to Rita. The family also organized for him to be transferred to Delhi. In the meantime, Rani got pregnant; at Shakti Shalini, she claimed that she did not know whose baby it was. After her son was born, she became obsessed with trying to find Prem's whereabouts.

Nobody was prepared to give Rani his address and rumour had it that he had quit his job and moved to a factory outside Delhi. Netrapal's aggression towards Rani increased and she was battered regularly. She got no support from his family or her own; everyone was ashamed of Rani's behaviour. In order to control her and exorcise Prem from her mind, she was taken to a local psychiatrist. Drugged beyond all reasonable limits, Rani spent her days in a stupor. Finally, after three visits and endless courses of medication, she refused to go anymore. Despite strong family pressure, she managed to resist being dragged to the doctor. As she got stronger she decided that if she could not find Prem, her life would not be worth living.

Netrapal's work used to occasionally involve going on tour with his boss; on one such trip, Rani left the house with her son. She told her in laws that she was to visit a cousin who had come from Allahabad. Catching a bus she came to Delhi. On arrival she tried the various addresses she knew; but there was no signs of Prem. Nobody was prepared to let her stay. With little other option she went to the nearest police station who referred her to Shakti Shalini. At the shelter, she was quite clear about what she wanted: she could not put up with abuse from her husband anymore and as Prem was the only person who really cared for her, she wanted help in locating him. Till then she wanted refuge.

Unable to deal with Rani's problem, Shakti Shalini sent Rani to the Crimes Against Women Cell. The Cell registered a complaint against her husband and said that they would make enquiries from Agra. In the meantime, as far as locating Prem was concerned, they could only use leads to the old addresses. At the Cell, Rani had claimed that Prem was her cousin and that she needed to contact him; she only revealed his true identity and her relationship with him to one member of Shakti Shalini. However, her story soon became public knowledge. As a woman in distress, the agency could not deny her refuge. At the same time, disapproval for Rani's open admission of love for a married man and desire to seek him out was barely concealed. Rani was viewed as a destructive woman, out to shatter marriages. That she had suffered intensely was given

little credence. Nor was the fact that she had the courage to speak her mind respected - such matters were at best left unstated, repressed.

When we completed our field work, Rani had yet to find Prem. While ultimately she would find her way to the records of Shakti Shalini and the CAWC, these would not reflect the intense debates and differences which would have preceded the final resolution of her situation. Our observations of the handling of Rani's case at Shakti Shalini made it very clear that as she had openly professed love for a married man, she was treated as a sinful woman; she became the subject of gossip and of perverse fantasies which spoke of her rotting vagina and slatternly ways. The agency was greatly relieved at being able to pass on her records to the CAWC, where though the facts were known, the police was ostensibly interested only in helping her find her husband. Familiar with a discourse of hypocrisy where complainants created mythical relations so as to protect their reputations, the Investigating Officer and his team could barely conceal a smirk when speaking of Rani's somewhat abnormal interest in her 'cousin's' whereabouts. We noticed a certain air of casual indifference to Rani on her many visits to the Cell; obviously, the authorities were in no hurry to help a woman who had not only complained of a violent husband, but also wanted to find a sympathetic male relative.

Rani was not a typical victim: she had run away from another city with a baby whose paternity was doubtful and had lived as a recluse in Shakti Shalini. Though clearly a victim of severe psychological and physical abuse, her open expressions of love for a married man were outside the book of acceptable marital discord. Physical abuse of the wife and her capacity to protest and complain were acceptable so long as she appeared as the victim: as soon as she displayed an agency which challenged the dominant middle class marital code based on a wife's devotion and fidelity, she was treated very differently. We concluded that those in authority at both Shakti Shalini and the CAWC were taking sides - in this case in favour of an absent Netrapal - who was viewed as a victim of his wife's loose moral character. Thus their response to Rani was judgmental and harsh; it was her indomitable spirit and courage which kept her going in those long months.

A Confused Field Worker

Before starting on the project, we had a general idea that some voices were heard and acted on more than others. And as our aim was to hear what these voices had to say and why these were given legitimacy over others, we went into the field with a few conventional questions on how and why distinctions were made. Were attitudes to all victims of violence the same? Or were there perceptual and attitudinal differences depending on the victim's class, region, religion, caste background? How did a dominant family ideology and patriarchal values determine attitudes towards cases? Were there differences in treatment and perception depending only on the nature of the crime? Did

different kinds of organizations have different perceptions on what constituted a crime, a victim and so on?

The underlying assumption was that the specialized agencies created a specific physical and psychological space, where women and their relatives were encouraged to speak about their distress. At the same time control over this space and its use were carefully regulated by those in charge of it. Discipline, control and a re-writing of narratives - which often involved more than a mere mechanical recording of the story - were essential components of procedures at the CAWC. Most of the personnel assigned the job of recording cases and taking decisions on the course of action are men. They are not specially trained for the job and may have been guiding traffic at a busy crossing the day before they were posted to the Cell. For them, it was a job like any other, and few felt it necessary to call upon the specialized services of social workers based in the CAWC. A favourite lunch-time topic was a discussion on how many marriages had been patched up: the modus operandi was not important; what was relevant was success in *ghar basana* (re-establishing the home) and not *ghar ujhada* (uprooting the home). Clients were 'on view', and a hegemonic relationship prevailed with language, description, complaint mediated by those in positions of authority (Foucault, 1977).

The decision to use this space or to opt for silence meant that many victims chose to remain outside the nexus of what I have called controlled succour and relief. For those who came to the Cell, the "official" language of their complaints and indeed interpretation of these were determined by those in authority and their subordinates. This often meant a completely new understanding of events, for, as we found, often the discourse which emerged at the end of the case or indeed that which was used in the long days while a case was being debated, was very different from the original language and intention of the author. Here, as officials of the State used their judgment in deciding what to hear of the many stories of women in distress, they imposed a new silence on those who had felt empowered to question their oppression.

The production of a discourse which sought to subvert dominant modes of oppression was often threatened by the functionaries of the very State which had provided structures to question familial oppression. This license to re-interpret and even interpolate assigned a certain measure of power to negotiate meanings and influence decisions, a situation reminiscent of the total institutions discussed by Erving Goffman where encompassing physical structures empower those in authority to exercise substantial power over the inmates of such institutions, be they public school boys or mental patients (Goffman, 1961). The handling of the cases discussed above show how incidents of brutal violence were laundered or interpreted and manipulated in a manner which reaffirmed the dominant discourse of the united home and happy family. The end result is that the process of telling and re-telling of events reconstructs a new truth which is then embodied in figures as a compromise or one where no action was required. Obviously, all cases were not dealt with in the manner described and in

several cases, the complainant and the State were speaking in the same voice; by drawing attention to those cases where the narrative took a course away from that desired by the complainant, I show the power of those in authority and positions of dominance to re-tell the 'truth' in keeping with their point of view.

The requirement of the project was a report with an action plan - suggestions on what the government could do to ameliorate the situation. Accordingly, on the basis of our fieldwork, overview of literature and analysis of a sample of Supreme Court cases, a 172-page report on Domestic Violence was submitted to the Department of Women and Child in March 1995. Data was largely of a qualitative nature, as we had relied heavily on what we perceived to be the voices of women as available to us through the recording of their cases. While we were disturbed at how voices were represented in official discourse, our confusion and personal anxieties did not find space in the 'official' report. These were the subject of many discussions with colleagues on how domestic violence is perceived by those in authority, the indifference of those in charge, and despite all these reservations, the importance of spaces like the CAWC and Shakti Shalini for women in distress. Above all, we became acutely aware of how statistics are constructed: of how the figures on "compromise", "no action" and other convenient categories were based on the homogenization of individual experiences according to a dominant ideology that of the need for making marriages work as well as the proclivities of those in control of the final discourse on "cases" of domestic violence. We knew that this discourse was often far removed from what our perception and reading of the case records told us.

When writing this paper over two years after the submission of the report, there was time to reflect more on my many roles - that of field worker, anthropologist, woman and an emotional being. Such reflections soon led me to another related question, and one which has troubled feminist field workers in recent years: why did I feel that our readings were any closer to the 'truth'? In part, I had relied on the women's voices as recorded in narratives for the construction of my reading. But that this reading itself could be one determined by my privileged position was self-evident: British feminist anthropologist Marilyn Strathern has pointed out that "there can be no parity between the authorship of the anthropologist and the informant, the dialogue must always be asymmetrical" (Strathern, 1988, p.281). Or as Henrietta Moore has commented recently, "even in our moments of greatest self-reflection, there is very little sign that we have resigned our authorial authority" (Moore, 1995, p.128). In which case, as I had noted some years back in another piece on my growing sense of angst, "my authorship of a piece of writing is the product of my specific context, my background and my experience" (Karlekar, 1995, WS:34). In the present context then, my interpretation of the data made available to me by the CAWC was also flawed, a partial rendering of someone else's pain.

I had written the above piece before I had completed work on the project on domestic violence; I did not know then that the data would be heavily imbricated, layered by

different perceptions. And that I as the 'independent' researcher, would have to present some kind of coherent picture. This I did, in the form of the report - the formal product of three years of experiences which made me interrogate many things including my own life situation:

For the field worker has to tell the story of many lives, one of which is surely her own. And when the voices she wishes to hear speak to her with a poignancy and an almost crystal-clear honesty, she works hard to suppress too many questions on her role and the problems of interpretation, understanding and so on (Karlekar, 1995, p.37).

As mentioned above, here I was reflecting on my earlier studies (Karlekar, 1982, 1991) of the Balimikis and nineteenth century Bengali women. But in the study on violence I was faced with a situation where I was complicit in the construction of the official face of domestic violence: it was not my role to speak of how discourses on particular cases were constructed - but to point to problems in the overall handling of domestic violence. In the action plan, therefore I spoke of the problems of delay in recording, of how there was a need for on the spot investigations and a more thorough analysis of individual cases.

Apart from my distress at having been party to an acceptance of what I felt was a hegemonic interpretation of events, this project brought other dilemmas on situatedness as well: my responses to some of the women I had met - my despair, sense of impotence and strange, almost perverse exhilaration in being involved at first hand in cases of deceit, exploitation, extreme physical and mental violence, remained within me. But I knew that I would now read reports on wife-battering, rape and molestation differently, that a prolonged period of self-analysis had caused me to re-think my categories and ways of viewing the dynamics of inter-personal relationships. That researching on violence against women can rarely leave the field worker unchanged has been widely acknowledged (Stanko, 1997). Perhaps more than many other areas, it brings into view the researcher's emotions, forcing her to contend with her prejudices and pre-conceived notions (Kleinman & Copp, 1993) and her many roles (Reinharz, 1997). The process of writing of course meant many other things as well. Apart from having to contextualize the case material through an analysis of published material, it meant keeping in check that part of me which constantly asked, is that really what Najma had wanted; or had I represented Rani's case adequately? Was I really convinced that Romila had been able to resolve her problems with Suresh?

Thus at the end of twenty five years of research, a good part of which was based on field work, I can claim the right to be confused and somewhat guilty, a collaborator in the process of knowledge production based on my interpretation of other's lives. I am still at times bewildered and overwhelmed by the entire process of giving expression to and creating another reality. In the present context, the fact that the 'truth' lay in a discourse which I felt to be at times 'false' compounded my unease. It made me inwardly rage against statistics and the need to universalize human emotions. At the same time, I am conscious of the "freer spirit" in anthropology which allows us to be "more honest

with ourselves and acknowledge the force of our emotions" (Bruner, 1983, p.15). Here, Edward Bruner's idea of a basic story is useful. When read in conjunction with the belief in many stories, it helps the researcher situate herself better.

Sociologist Mary John has recently pointed out that though third world feminists are thinking about issues of the politics of representation, there is not nearly enough articulation, for instance, on the role of the middle class woman ethnographer (John, 1996). She is right in pointing to the overall lack of self-reflexivity among feminist scholars and even activists in India; while it is true that innovative tools such as Participatory Rural Appraisal (PRA) and the growing emphasis on experience-sharing stress the need for heteroglossia and plurivocality, these have as yet to grow into an alternate discourse which questions the canon. In its absence, is left to individual scholars to search for spaces to share their dilemmas with those who care to listen.

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¹ Much of the work on this paper is based on Chapter IV in "Violence against Women - Domestic Violence", unpublished report by Karlekar, Agrawal, Ganjoo, and Mukherjee (1995). On the basis of the study a workshop was held in 1995 and its report entitled "No Safe Spaces - Report of a Workshop on Violence against Women" by Karlekar, et al. (1995) was circulated.

² Dowry refers to gifts given to the bride, bridegroom and by implication, his kin on the occasion of marriage. As South Asian marriages link together two families and kin groups rather than two individuals alone, dowry acquires an important significance. It can include gifts of clothes and jewellery to the girl, household items, personal gifts to the groom and his kin, substantial sums of cash and property. Increasingly, the quantum of this specialized form of gift-giving has become a cause of tension between families - and as the case studies in this paper show, often the cause of violence against in-marriage women. See Uberoi, 1995[1994], p.193 and p.230-5 for a detailed discussion of the institution of dowry.

³ Shortly after we submitted our report, procedures were made more efficient and a complainant could complete all the formalities of recording her/his case on the same day.

Violence Against Women in Indonesia

Saparinah Sadli and Tita Marlita

Introduction

Everyday women around the world are maligned, humiliated, assaulted, beaten, raped, physically tortured, threatened with weapons and murdered. In Indonesia, women share the same fate. Indonesian newspapers and television often report about women being battered, raped, assaulted and murdered. In most cases, the violence directed at them come from those whom they have been encouraged to trust, whom they are taught to respect, those whom they love: their husbands, their brothers, their fathers, or their male relatives. This kind of violence is likely to be categorized under domestic violence. Though there are some definitions available for domestic violence, in this article it is defined as “physical or mental assault of women by their male partners”. This definition is sometimes interchangeable with wife assault (United Nations, 1993).

Although reports of women being assaulted, attacked, raped, murdered, appear almost daily in the Indonesian media, it is difficult to estimate the actual figures of incidence of violence suffered by women. Available statistics gathered from police records and other official resources do show that domestic violence exists. However, it is believed that the available statistics underrepresent the real problem.

There are some reasons to explain why this is so. First, women are often reluctant to report the actual incident because they feel ashamed of being assaulted by their own husbands. Indonesians, especially the predominant Javanese ethnic group, adhere to the value that family matters which bring shame, such as domestic violence, should not be disclosed to the public. Second, the victims themselves tend to underestimate the forms of violence they receive. Women may have different opinions what type of behaviour can be called violence. Third, when women do report, the police often fails to record the incident unless it can be categorized as a crime. To categorize it as a crime means at the same time that the sex of the victim is disregarded and the gender of the perpetrator is also rarely recorded. Therefore, even though violence against women do exist, it is underreported. Lack of official statistics on domestic violence has impeded efforts to deal with this issue in an effective and appropriate manner. However, research on domestic violence has identified that domestic violence originates from, like other

type of violence against women, an unequal power relationship between men and women within the family context. This imbalance of power between men and women in general generates from a complex set of values, traditions, customs, habits and beliefs, most of which foster the superiority of men over women.

Women's Status in Indonesia

Starting with the 1993 and further enforced in the 1998 State Guidelines, it is outlined that men and women have the same rights, responsibilities and opportunities. Normatively speaking women are also not discriminated. The Indonesian Constitution supports women's equality before the law. Indonesia has also ratified women's political rights by Law no. 68/1958; it has also ratified the ILO Convention no. 100/1951 concerning equal pay for equal value of work, and the Convention on the Elimination of All Forms of Discrimination against Women by Law no. 7/1984. Women workers' rights are further strengthened by Law no. 25/1997.

However, sociologically, the implementation of the various laws cannot happen automatically because it often collides with existing traditions and values which are already internalized by members of society and thus governs their daily life. This is reflected in an unequal power relationship with its various manifestations such as sexual and economic inequality within family relationships as well as in society in general. This condition is further complicated by the fact that the State Guidelines also specifies that the husband is the head of the family and the wife is the caregiver of the children.

The statement of the family reads that it recognizes the family as a small and fundamental institution which is based on an equal and harmonious partnership between men and women. This ideal of equal and harmonious partnership has been enforced by a formal statement by the President of Indonesia during the celebration of 'Hari Ibu' in 1994, one year before the World Conference on Women in Beijing. It should be noted that 'Hari Ibu' is celebrated annually in Indonesia. It is a commemoration of the Indonesian women's movement since before Indonesia's independence (from Dutch colonialism). The announcement about equal and harmonious partnership on that particular day and in that particular year by the President himself is therefore politically important. This is strengthened by the fact that it became the official framework for deliberation by the official Indonesian delegation during the Women's Conference in Beijing (in 1995). After the Beijing conference, a National Seminar was held by the Ministry for the Role of Women to follow up on the concept of equal and harmonious partnership between men and women. It is therefore clear that the announcement at the Hari Ibu celebration by President Soeharto bears political influence on Indonesia's formal perception on the role and status of women in society. However, it should also be noted that until now (1998) this ideal is still more a rhetoric than a visible application of the norm in daily life.

In daily life, women are still being discriminated against in various aspects of social life. An example is the studies carried out by the Convention Watch working group (a

multidisciplinary team which is monitoring article 11 of the Convention on the Elimination of All Forms of Discrimination against Women). Their studies have shown that women workers are discriminated starting from the selection phase as potential workers and further on up to her promotion possibilities. This is a direct consequence of the prevailing norms in society which depict that women as the main caregivers. As breadwinners, women are only second wage earners and consequently paid less than her male counterparts for work of equal value. Another study on the formulation of the Collective Labour Agreement which aimed at providing protection and promoting the rights of women workers has found that women workers are not involved at all in its planning stage or in the various stages of its formulation. This has resulted in a lack of women workers' awareness of their rights and their low bargaining position. The serious consequences are among others: women in the workplace experience various types of violence, such as sexual harassment, physical abuse, being victims of rape and other gender-based treatments which are discriminative in nature. This existing reality is reported by the legal aid centers, especially those concerned about gender-based violations and by the crisis centers newly established by women activists who are providing services to the public. Those cases have given us a perspective about how certain families are failing to provide a condition for developing a normal and healthy family life, and in particular, how gender-based violence affects women's well being.

Currently, a new concept about women is proposed by the new Minister for the Role of Women (installed in February 1998), namely 'women as cornerstones (pillars) of the well-being of society'. Her idea of 'women as pillars' has been received with reservation by women organizations and women activists in general. It is considered to be based on the Moslem religion which can create problems given the fact that Indonesia is a pluralistic nation, although more than 90% of the people are Moslems. The official interpretation of women as pillars of society as proposed by the new Minister for the Role of Women, Tutty Alawiyah, is as follows. To support her role as the cornerstone, three pillars must be erected by Indonesian women. First, the pillar of building and guiding the family, which means that a woman should be responsible for family welfare and for maintaining the family moral values. Second, in their capacity as a citizen women as pillars are the actors/agents as well as users of the results of the countries' development. Third, as a pillar, it assigns women to be head of organizations or to be actively involved in social organizations. Today, it is still too early to evaluate how this concept will effectively influence women's role and status in society.

However, it shows that in Indonesia perception about ideal womanhood is an ever developing concept and is multifaceted because it is developing within a pluralistic society. At the same time it should be recognized that the status of Indonesian women have advanced significantly compared to women's status a generation ago. However, perpetuation of superiority of men over women is still widely adhered to by the majority of Indonesian men and women. It is this power imbalance which makes every man a potential actor of violence against women because the power imbalance is likely

manifested in a hierarchical relationship between husbands and wives within the family and between men and women in the workplace. It is therefore an irony that this hierarchical relationship is believed to be the very factor that can contribute positively to the harmonious relationship within the family. It is an irony because it is a belief shared by the majority of Indonesians which originates from the Javanese ideology, especially those called the 'priyayi' or the middle-upper class. It should also be understood that within the concept of harmonious relationship, obedience and shame are important values. Although this is expected to be adhered to by the Javanese ethnic group in general, but in its application it is more stressed for Indonesian women in general.

Based on the aforementioned background information, this article will concentrate on three aspects related to violence against women within the cultural context of Indonesia as a plural society. It will discuss briefly the concept of womanhood in the Javanese family and how it applies to the Indonesian family in a developing and plural society. A discussion of womanhood in Indonesia is of significance to explain the cultural dimension of domestic violence because the concept of womanhood in Indonesia has contributed consciously or unconsciously, to the unequal power relationship between men and women. Second, the concept of harmony, obedience and shame as it applies to women and family life will be outlined. Third, existing cases of domestic violence will be used to illustrate the context of womanhood, obedience, harmony and shame.

Concept of Womanhood

Women's behaviour and beliefs are constructed within a context in which powerful and interested persons or groups are active in constructing images about women. Included in this construction are the specific qualities which should be accentuated in her existence as a woman. Stereotypical images of women as being nurturant, cooperative and passive are laudable qualities and are considered beneficial to themselves. These qualities at the same time will influence the power relationship between men and women. Such stereotypical images are often used to justify traditional subordinate roles of women. These stereotypes also justify the perception that women are inferior to men. The existing stereotypical images can therefore become real and imagined hindrances to develop equal relationship between men and women, or become barriers to actualize the concept of equality, or equal partnership. Despite the fact that there is a wide cultural diversity among the fifty-five existing different ethnic groups, one could say that the Javanese as the dominant ethnic and cultural group has been a real influence on the development of, among others, the stereotypical images applied to women.

Historically and politically, it can be said that the existing concept of womanhood has been influenced by the dominant Javanese ideology of womanhood. Djayadinigrat has observed that the concept of womanhood in Indonesia is a result of the process she calls 'priyayisation'. A process of transformation and use of Javanese traditional values

to sustain development, modernisation, as well as the control of power (Suryakusuma, 1987). While those considered 'priyayi' are the Javanese elite who have a socioeconomic position based on the fact that they are members of the Javanese aristocracy or are commoners but held high positions in the (then) Dutch administrative structure (Hatley, 1990).

The development of the concept of womanhood can be traced back to the letters written by a Javanese girl by the name of Kartini, a rebellious daughter of a prominent Javanese priyayi who lived more than a hundred years ago. Although during her lifetime (in the late nineteenth century) it was against Javanese norms, her liberal father allowed his daughters to obtain a western education. But in line with the strictly existing tradition, they were only allowed to attend school until they reached the age of twelve. However, for one of his daughters, namely Kartini, exposure to Western (Dutch) education has opened her eyes and stimulated her aspiration that girls should have the same opportunity to continue their education. These aspirations made her rebellious against existing rules applied to girls (of the aristocracy). Kartini's short experience at a Dutch school and her friendship with the Dutch people made her conscious of how different the rights of women were in the West as compared to the fate of girls and women in the East. Kartini became conscious of the fact that just because one was born female, she automatically had no rights and as a woman, was not expected to decide whom she would marry. A woman, during her lifetime, could and should only dream that she will become the wife of so and so, and may-be even become the second or third wife of a man she hardly knows. It was her personal experience which opened her eyes that prevailing Javanese tradition and values forced her father that Kartini had to leave school at the age of twelve to go into seclusion (and wait for a husband who would be selected for her by her family). But during her seclusion Kartini did not only become rebellious but also became a ferocious reader of foreign books (sent to her by her Dutch friends) which became a precious source of her thirst for knowledge and which also became her source of information about happenings in the outside world. She also became a pen friend of various Dutch women. It was through her letters which Kartini wrote to her Dutch friends in Holland and which were published after her untimely death which made Kartini a well-known figure in Indonesia.

In her letters, Kartini clearly showed her very wide interest in various social and political issues during that period (the Colonial period). Kartini's letters also contained her reflection on womanhood in Javanese society, her perception and strong criticism towards traditional (Javanese) gender prescription for women who were denied the right to autonomy, of making choices and to have ideals. All of these "don'ts" were based on the Javanese values system which depicted that 'women are nothing' (no full human beings). Apart from considering women as non-persons, Javanese customs also prescribed to girls and women qualities like: obedience to older persons (parents, brothers and sisters included), patience in all circumstances, total conformity (passive

acceptance of all rules and regulations). Men are the ones who decide what is good or not good for women. Men also become the yardstick for women's behaviour.

Kartini's letters also revealed in various ways her intense wish to be able to have the same rights and opportunities as her brothers, particularly to have the same rights to education. She also believed strongly that women's status and positions could be enhanced by giving women and girls the rights to education. But Kartini was denied all these rights exactly because she was a woman. Kartini could not and did not accept this fact. She strongly criticized the existing traditions that denied women their rights to say or choose something in which they believed. She also rebelled towards the existing stereotypical beliefs about the expected qualities of womanhood in Javanese society which were: "to accept happily what others decide for you; not to expose or discuss your own aspirations or wishes; to be obedient, in particular to men, and not to expose your feelings to others." (letter to Mevrouw Abendanon of August 1900).

The gist of Kartini's perception of womanhood in Javanese society of the 19th century could be summarized as: subordination of women to men; the unequal relationship between men and women within the family based on the belief that women are inferior and men superior and are automatically entitled to have whatever is good in life; also that women had to serve the needs of men and the unquestionable rule that the place of women was mainly in the domestic sphere. In her lifetime, these traditional beliefs effectively limited women's opportunity to education and kept women from participation in the public sphere except in her role and position of wife and mother. Kartini who strongly believed that every human being is created equal longed for a world where women and men had equal rights. Her correspondence to her Dutch friends revealed her vision of free, liberated, courageous, and independent women. She believed strongly that this could be achieved by means of education. She was convinced that through education women could do professional work and thus be economically independent. She identified that women's economic dependence on men became one major factor that kept women in inferior status. In her letters, Kartini also spoke out her mind the need for women's autonomy to choose a marriage partner or not to marry at all. She could not wait for the time when there were no bars foolishly created between the two sexes. To her to be a woman was to be what she wanted to be regardless her sex and class. This is what was clearly stated in her last letter before she died shortly after she gave birth to her baby. She wrote "if the child which I carry under my heart should be a girl.....She will not be made to do anything against her innermost feelings. What she will do, she will do of her own free will...." (Cote, 1992). It is because of her progressive thoughts on the rights of women that Kartini is also perceived (especially by Westerners) to be the first Indonesian feminist.

The traditional Javanese concept of ideal womanhood can also be found in the classical Javanese literary work entitled "Serat Centhini" (Murniati, 1992). This work lists the roles assigned to Javanese women as wives. To be a good wife, the woman is

expected to be submissive and obedient to her husband. A wife should always honour and respect her husband and never argue with him. She is expected to always give comfort to her husband at the expense of her own well-being. Moreover, she should not complain while serving her husband's physical and emotional need. Therefore, a wife should not fail to serve her husband in various ways that will satisfy her husband. Thus a wife should always be 'smart and witty' to please and fulfill her husband's needs and demands.

Kartini's letters illustrates how doctrines about "how to be a good wife" are more strictly assigned to upper-class or aristocrat women (*priyayi*). Dependency and submissiveness are assigned characteristics of Javanese upper-class women. As a consequence, Javanese values consider women to lack spiritual and intellectual characteristics, the traits supposedly only to be possessed by men. Therefore women are expected to be dependent creatures who will happily receive protection and guidance from men. In return, a wife should care for her husband's emotional and domestic needs, submissive to his wishes and supportive of his endeavors. A woman should be modest and virtuous (Hatley, 1990). A Javanese woman is expected to be modest, virtuous, shy, passive, diligent, loyal and even faithful to her dead husband (Santoso, et. al, 1992).

These concepts are rooted in patriarchal and feudalistic concepts about women which were actually imported by the Javanese aristocracy from the Dutch rulers who colonized Indonesia. This aristocratic image of women and its consequence on male-female relations became a cultural ideal in Java, celebrated in dominant cultural forms, and thus became influential at all levels of (Javanese) society (Hatley, 1990, p.181).

A further source for understanding about the concept of 'ideal' Indonesian womanhood can be found in more contemporary and popular literary works. Assuming that literature is bound by the society it has produced, it is therefore also recognized that literary works can transmit values and society and foster social consciousness among their readers. Within this context, in Indonesia, the notion of women being dependent, submissive and willing to accept ill fate has in fact been depicted and socialized through literary works. *Siti Nurbaya*, a popular novel written by a male novelist (during the first part of the twentieth century), depicts women's positive qualities as being dependent, weak (physically and psychologically), obedient and totally compliant to the strict rules of existing traditions. As a woman, she should be ready to suffer in complying to the traditional norms applied to women. It is the death of the protagonist which in this novel finally ends the woman's plight.

Another novel entitled '*Layar Terkembang*', (Alisyahbana, 1990) written during the same time period and also written by a man is a novel which slightly offers a rather independent protagonist. She is pictured as a more liberal and educated woman. For instance, this novel begins to discuss the issue of women's dual role. This novel seems to allow women to be a full-fledged member of society and to be equal to men as it allows the protagonist to be an emancipated and liberated woman who will not be

subject to her husband's superiority. However, at the end the novel gives a message to the readers that no matter how liberal a woman is, she should not forget the very functions nature has chosen for her namely: to be a wife and a mother. The novel ends by describing how the resistant protagonist finally give in to marry her sister's ex-husband, a deed expected by the society in which she lives.

In a contemporary context, two novels written by women in the seventies are '*Karmila*' (Marga, 1987) and '*Masih Ada Kereta Yang Akan Lewat*' (Mira, 1987). They can serve as examples of how the notion of womanhood have been internalized and influenced the way the protagonists see themselves in relation to men. Both novels are very popular in contemporary Indonesia and has even been made into movies which became a box-office success. '*Karmila*' is currently shown as a TV soap opera with the same success among the Indonesian audience, especially liked by women.

'*Karmila*' is about a third-year medical student whose bright future was shattered in one wild night when she was raped by a fellow student. Having lost her virginity so highly valued in the society in which she lived, her self-esteem degraded and even turned into self-hatred. Finding herself pregnant and not being able to perform abortion because of her oath as a medical student, she decided to marry the rapist, which at the same time means to break off with her long loved fiancée, at least until the baby was born. Marrying the rapist seems to be only way for her to 'repair' her shattered ambitions and life in general where a married woman is much more respected than a single but pregnant woman. *Karmila's* decision made it possible to give birth to the child (as a married woman) and to, later on, become a medical doctor. The novel also tells us that *Karmila* was ready to leave her husband (she married out of desperation) and the baby when the baby got sick. Constant repentance of her husband and the crying of the baby made *Karmila* realize how selfish she was to want to fulfill her long buried dream (to live with her previous fiancée in Australia) while her own flesh and blood baby and her husband needed her care and attention. The novel further on describes how *Karmila's* maternal bond with the child finally influenced *Karmila's* decision to stay as a wife (with the husband she did not love) and to be a mother of her baby.

The other novel (*Masih Ada Kereta yang Akan Lewat*) centres on a woman's plight in a society where being a spinster and a widow is a stigma. Realizing that she was not beautiful, the protagonist was worried about maintaining her status as a spinster. She decided to marry her best friend's suitor who actually was already her best friend's lover. Realizing that her marriage only served to cover her best friend's affair (who is already married), she then left her husband and pursued higher education abroad. It was during her stay abroad that she met a young man who fell in love with her. Being much older and a widow she was pictured as building her own barriers. Because of her self-depreciation, she failed to see any alternatives available to her. Her past marriage always reminded her that she was not worth any man's attention and love. Her sense of failure as a wife was also augmented by the fact that she had abandoned her child with her ex-husband. She was always haunted by the notion that she had to fulfill what was

called 'woman's nature' (kodrat wanita) despite the fact that she had become a successful career woman. Finally she came to terms with herself and against all odds married her young suitor and later on gave one of her kidneys to save her child's life.

Indonesian Women of Today

It goes without saying that Indonesian women nowadays have progressed a lot since Kartini's days. When one reflects on the various concepts of womanhood since Kartini's days, it can be said that while women's status and role have changed, basically the majority of women are still ambiguous about their own aspirations, especially when they contradict with traditional values concerning qualities of 'a good woman'.

The reminiscences of Kartini who lived at the end of the 19th century is remarkable considering the fact that she has not even finished primary school. It is therefore not surprising that the government has elevated Kartini to the status of a national heroine. This shows that in present day Indonesia, the concept of ideal womanhood as pictured by Kartini is acceptable and is expected to be aspired by Indonesian women in general. The formal concept of womanhood as outlined in the State Guidelines, however, proves that actualisation of gender equality (the very thing Kartini strove for) is still a real issue as can be read in the following passages in the 1998 State Guidelines. It is stated among others that there are:

- * the need to actualize equal partnership between men and women. This means that women still need to be accepted (by men) as fellow human beings with certain potentials (and are not more or less than men);
- * the need to 'enhance the status of women in family life'. This is considered a reflection that until today women's status in the family has remained unequal to that of men (meaning that women are still in a subordinate position to men);
- * the need for a policy to 'develop a social cultural environment which supports and enhances the self-esteem and dignity of women'. This is perceived that the existing labour law does not yet reflect women's increasing role in society (in the public sphere), especially her involvement as women workers in the formal sector. Women still lacks the much needed opportunities to education, training and protection and the guarantee of social services with due recognition to their biological nature which should be recognized as serving a social function;
- * the need for the recognition of the female labour force as migrant workers. This means that existing labour laws do not explicitly show its commitment to enhance the skills, productivity and welfare of women workers, or to ensure protection concerning their health, work safety and their career development.

In summary, womanhood in a formal sense is depicted as human beings with the same rights, opportunities and responsibilities as men and to serve as citizens and human resources in all aspects of development. As women, however, she is the responsible for person nurturing healthy, prosperous and happy families, and enhancing

the growth and the development of children, teenagers and youth within the scope of the total human development. It is this ambiguous perception about womanhood and women's role and responsibilities that women activists regard the formal concept of womanhood (in the State Guidelines) as basically relegating women to the domestic sphere. It is further seen that women's participation in the public sphere will face various barriers, from within themselves as well as from the society. While women are encouraged to actively participate in the various development programmes and to work outside her home, it is at the same time being stressed that her role as a wife and a mother must be her primary concern. Women are thus formally expected to perform dual roles, which consequently means that women should shoulder the double burden.

It is this notion of ideal womanhood which is criticized by a well known Indonesian feminist- sociologist, Julia Suryakusumah. In her analysis of womanhood in present day Indonesia, she contends that the concept of Indonesian womanhood is formulated in an ideology she calls "State Ibuism", a combination of "housewifization" and "Ibuism" as suggested by M. Djayadiningrat (1987). "Housewifization" is a process by which women are socially defined as housewives, dependent for their sustenance on the income of their husbands, irrespective of whether they are housewives or not (Mies, 1982: 180). The social definition of women as housewives becomes the counterpart of the social definition of men as breadwinners, irrespective of their actual contribution to their families' subsistence (Suryakusuma, 1987). It is further argued that the ideology of "Ibuism" is a result and combination of Dutch petite-bourgeois with traditional "priyayi" values (Djayadiningrat, 1987). She therefore defines Ibuism as an "ideology which sanctions any action provided she is perceived as a mother (ibu) who is looking after her family, a group, a company or the state, without demanding power or prestige in return" (p. 44). It is derived from the most oppressive aspects of both housewifization and the concept of "State Ibuism" [from Ibu, (as a priyayi)] which binds a woman to be a mother and a housewife in its oppressive and traditional function. Women are to solely serve men, their children, the family, and the community as well as the state while at the same time provide free labour, a situation which will easily lead to power imbalance between men and women. In "State Ibuism", women are perceived to be mainly mediators of power while the source of power itself is firmly held by men, or by the "bapak" (who is the father figure.) 'Bapak' in Indonesian means literally 'man as father' which elevates men in a superior position who should be respected, by women in particular.

It is further argued that in today's Indonesia, the ideology of State Ibuism is socially and politically secured by the establishment of the woman's functional organization called "Dharma Wanita". An obligatory organization of wives of civil servants with an organizational structure which is identical and is a reflection of the husbands' hierarchical position in the government's bureaucracy. It promotes therefore the image of women's status as socially dependent on that of her husband, women as the custodian of household, as the main nurturer of her family needs, as a wife and a mother. Dharma

Wanita as a women's organization is easily perceived by many women activists as an organization which fosters the dominant ideology (originally adhered to by the Javanese *priyayi*) of women being the husband's companions and at the same time strengthens a gender hierarchy. They also stress that through the 'Dharma Wanita' phenomenon, a hierarchy of gender is imposed based on the hierarchy in the formal bureaucratic power structure. This is further pictured as follows: the state (government) controls its male civil-servants, who in turn control their wives, and who reciprocally control their husbands and the wives of junior officials including their children (Suryakusuma, 1987, p. 121). She further argues that at the village level a similar women's organization called 'PKK' (Persatuan Kesejahteraan Keluarga; or the Family Welfare Movement) also strengthens the concept of State Ibuism. The PKK also promotes the nuclear family model and the concept that women are primarily wives and mothers. Its main function is to ensure family welfare through its programmes which include the comprehension and practical application of the national ideology (Pancasila). PKK promotes women to be skillful in various women-related activities on its ten programmes. These programmes represent in essence a value system of a traditional middle-class women rather than that of the working class and peasant women. But as a national movement, its programme is widely disseminated to all women in the thousands of villages throughout Indonesia.

Another important women organization called KOWANI (The Indonesian Women's Congress) which was originally established in 1928 as a federation of organizations of educated women during the nationalist movement (Suryochondro, 1985) is currently also perceived as applying the concept of State Ibuism in its programme activities. The Government has appointed this organization to be an umbrella organization of all women groups ranging from professional, religious to functional organizations. The organization is now also more often associated with 'Golkar', the ruling Government Party. (Suryakusuma). Similar to Dharma Wanita, and 'PKK,' 'KOWANI' has endorsed the government's idea of the Five Duties of Women called 'Panca Dharma Wanita'. The duties are: (1) women as loyal companions of the husbands; (2) women as procreators for the nation; (3) women as educators and guardians of children; (4) women as regulators of the household; and (5) women as useful members of society. This is another manifestation of the idea that wives are mainly the husbands' companions or "pendamping suami" which is the essence in the concept on State Ibuism (Suryakusuma, 1987:26).

The concepts of womanhood in Indonesia as articulated in Kartini's letters, in some present day literary works, in the State Guidelines of 1993 and 1998, as well as they are perceived by a present day Indonesian feminist have directly and indirectly affected the way present day Indonesian women see themselves. However, the group called Indonesian women is a heterogeneous group in terms of education, professional achievements, social-cultural backgrounds and aspirations. Womanhood in Indonesia therefore does not constitute a single image of what it means to be a woman. Womanhood

in present day Indonesia is at best reflected as a mosaic of traditional and non-traditional qualities considered to be 'good qualities' a woman within the context of values still adhered to by the various ethnic groups. This is even more true because Indonesia is a developing and modernizing society. Within this cultural reality, there are:

- * women who have internalized and adhered themselves strongly to still existing 'traditional' values and are quite happy to have 'clear' guidelines on how to behave. They may not always be happy that others make choices for them but they do not rebel but rather comply to what others think is right for them because they are women. This group is still the majority. The qualities adhered to are basically: submission, nurture, subordination to men, compliance to expectation of others;
- * women who are in constant conflict with herself and others because as a woman she cannot yet find a happy combination between internalized traditional values and the wish to have freedom to choose what she thinks is best to fulfill her needs and wishes. These are usually the women who are educated, are young adults, in a marital relationship with young children, and are aspiring to have a career. This is still a relatively small group but it is a growing phenomena because of rising expectations of freedom to choose and fulfill one's own aspirations and career which is based on a happy, family life;
- * women who have consciously adopt a mission to fight for the advancement of women in particular those women without power, economically or politically, including those who are victims of all kinds of violence. This group is also still a minority, but they are a vocal group of women who strongly believe in their cause, advocate aggressively what they are doing (despite various criticism) and are also not reluctant to criticize their seniors on women's and national issues. This attitude is still not always appreciate within the cultural value system of Indonesia. It is even less acceptable if it is done by women, who clearly and consciously have made a choice to be different than the majority of women. Despite their traditional upbringing, they are aspiring strongly for recognition of their potentials and to have their personal voices heard. Particularly concerning the issue of women's subordination to men which is still a widely accepted value among men as well as among many women.

In essence, this also means that Indonesian women in general are still socialized to the fact that to fulfill men's need and wishes are far more important than to meet or voice their own needs as women. It is especially for the second group of women where the internalization of these values has created internal conflict. Women are expected to be subordinated to men and to obey to men in gender relations. This becomes the potential source of violence against women both in domestic as well as in the public sphere because women's subordination and obedience to men are deemed to be the cornerstone on which ideal womanhood is judged.

Women's subordination and obedience to some extent have been perpetuated by the ideology of State Ibuism which has relegated women's main roles to be homemakers and housewives while it reserves the role of heads of the family and as the main breadwinners for husbands. Women are thus designed to be dependent on men for protection and fulfilling their basic needs. The sexual division of labour has effectively secured women's dependence on men for protection and her basic need fulfillment. Ironically this unequal relationship is believed to make for a harmonious family, while the concept of harmony itself (again) is derived from the Javanese values.

For the Javanese, especially the 'priyayi', the concept of harmony or 'rukun' is a significant factor in social relationships. Mulder (1978) describes rukun as "soothing over differences, cooperation, mutual acceptance, quietness of heart, and harmonious existence" (p.39). This value is mostly stressed at the level of the family but also in the community which is the source from which someone can derive feelings of psychological security. Javanese ideology sees a person as a social being and an intimate part of a group in which s/he is accepted. In order to be accepted in such a milieu, a person should conform to expectations, cooperate, share, and be respectful to others (Mulder, 1978). 'Rukun' for the Javanese serves to maintain social solidarity and harmony (Geertz, 1961, p. 148). Both 'rukun' and etiquette prevent social conflict and thus social disorder caused by different opinions and disagreement. In order to maintain solidarity and harmony in the community, socially the individual is not allowed to express her/his own feelings, will, emotions, private wishes or ambition. Such behaviour is considered impolite, embarrassing, and an intrusion upon the order and the privacy of others (Mulder, 1978). It is therefore a moral duty for a person to maintain the harmonious order to seek agreement and under any circumstances. Agreement should be one's priority over one's own opinion which may mean that the individual has to sacrifice herself/himself for the common good (Mulder, 1978). In addition, a person should not pursue her/his personal desires, ambitions, and passions because this might endanger the social harmony. Instead, a person should serve the needs of the community.

The value that accompanies the value of 'rukun' is that of hierarchy. The Javanese believes that everything in the world is hierarchically ordered. Everything is assigned to its own order and its own place. This means that a person has to know his/her designated place in the social hierarchy. To know her/his own order, a person should conform to the prevailing circumstance. At the same time, s/he has to perform in a correct manner according to her/his place when s/he interacts with those who hold either higher or lower positions. This will ensure social solidarity and harmonious cooperation (Mulder, 1978). Again, because of the subordination of women in gender relationships, it is the woman who is responsible to maintain the harmonious relationship based on 'rukun'.

Another value socialized in Javanese culture as a means of social control is the feeling of shame as a positive personal quality. Every child has to learn to be ashamed of her/his own behaviour when s/he violates norms and values which are socially and

culturally assigned to her/him. Although shame is socialized to both boys and girls, it is more emphasized on girls. Shyness, shame along with fear is considered cute for girls and is socialized as a positive quality of femininity. Mather as quoted by Berninghausen and Kerstan (1992) described that this learned behaviour had contributed towards the subordination of women to patriarchal norms and prevented women from rebellion against her female role. "The attitudes of shame and fear (malu and takut) encourage women to identify themselves publicly with their husbands (ikut suami) or fathers (ikut bapak) and show cooperation as husband and wife outside the limited spheres of the home..." (ibid, 74).

The attitude of shame also prevents one from exposing private matters such as family matters, a Javanese value which serves to maintain a harmonious family. To intervene in family matters is considered rude and impolite. Similarly, exposing family matters to the public (non-family members or the police) will bring a disgrace to the family. This important value explains why violence against women, in particular domestic violence, is still widely considered to be a family matter and thus not to be exposed to others. It also explains why gender-based violence is statistically underreported. In conclusion, women's subordination, dependence, resignation and acceptance, and the dominant concept of harmony and shame have contributed to Indonesian women's vulnerable position to violence.

Domestic Violence and Wife Assault

The concept of womanhood, shame, obedience and the notion of family harmony are factors which cannot be minimized in understanding violence against women in the domestic sphere. This will be illustrated by the following cases (unpublished master thesis by Ade Latifa Sutrisno on Violence against Wives (original title: Kekerasan Suami Terhadap Istrinya: Sebuah Analisa Berperspektif Feminis Atas Kasus-Kasus di Sebuah Lembaga Konsultasi Perkawinan di Jakarta)).

The study has examined 171 cases of wife assault reported to the Legal Aid Centre for Women and the Family (Lembaga Konsultasi dan Bantuan Hukum untuk Wanita dan Keluarga) in Jakarta between 1992 and 1996. The cases selected here are those which clearly illustrate how traditional concepts of womanhood contribute to domestic violence and wife assault, mainly by husbands.

The study has also identified that in most cases the precipitation of domestic violence is related to extra-marital affairs (by husbands), disobedience or failure of the woman to fulfill her duties as a 'good wife'.

It has been found that 68 of the 171 cases of domestic violence were related to extra-marital affairs mostly committed by husbands. The 'other woman' may be the husband's colleague, the husband's subordinate (such as his secretary) or women servants. Wives' knowledge about their husbands' affairs is made possible because some husbands reveal their affairs to their wives and even bring home the other women with the expectation that their wives will accept the husbands' behaviour.

Violence against the wife is often related to the fact that the wife's behaviour upsets the husband's relationship with his lover. Some wives are beaten by their husbands because they want to investigate their husbands' affairs. A husband may also beat his wife because she dares to ask her husband (based on information from their servant) whether it is true that he has brought home another woman (while she was not home).

The types of violence experienced by a wife are slaps and punches, or rude and nasty comments in front of his 'lover'. In some cases, wives are also intimidated, terrorized and beaten by their husbands if they keep questioning husbands about their extra-marital affairs. It is exactly this intimidation and terror by husbands which make wives feel submissive, frightened and powerless to express their own feelings to their husbands. It is therefore very rare that a wife dares to ask for a divorce or to leave her husband. On the contrary, a wife can be forced to sign a divorce document or to give formal and legal consent to let her husband marry a second wife (because legally a husband can only take a second wife with the consent of his first wife). This is therefore another type of situation in which domestic violence may occur, namely if the wife dares to refuse her husband's demand, as told by a wife:

...When I found out that he had an affair with another woman, his behaviour started to change. He became very angry and used terrible words addressed to me. I wanted to talk to the woman but he prohibited my intention to do so. Actually, if he did not have an affair with that woman, he needed not worry or be frightened.... He threatened that he would beat me... he asked me to give him our marriage document but I did not give in. He then started to strangle me. Fortunately I managed to push him away and he lost his grip on me. However, he keeps on trying to hurt me by throwing things at me. (Soetrisno, 1998: 80)

In another case, a thirty-six-year old woman told that when she knew that her husband had an affair with other women, her husband started beating and terrorizing her as a method to break up their marriage and to get a divorce (Soetrisno, 1998: 77). In some cases wives were found dead, killed by their own husbands who wanted to marry their lovers. In 1993, as reported in a daily newspaper, a forty-year old husband killed her thirty-five year old wife brutally in a small village in Central Java because the victim did not allow him to remarry (Jawa Pos, 1993). A month later a similar case happened in Jakarta. Another daily newspaper reported that a wife of a high-ranking officer from the Custom Bureau in Solo (Central Java) was found dead in her house in Jakarta. It was later revealed that she was killed by a man hired by her husband who wanted to marry his lover. Both her husband and the lover were involved in the murder plot against her. (Media Indonesia, 1993). In 1994 a thirty-year old policeman confessed that he shot his wife because he did not want his wife to stand between him and his second wife (he had secretly married his lover). The incident happened after the couple were involved in a bitter quarrel in their car. The wife was angry and upset about her husband's second wife and asked him to stop the car to let off. The wife ran into the

woods nearby but was chased by her husband who then threatened her with a gun. At one point he shot the wife right on her head (Suara Pembaharuan, 1994).

A reason often given by husbands why they have affairs with other women is that they find their wives' behaviour unsatisfactory. Some husbands expect their wives to be able to manage household financial matters so that she can make ends meet. She should also accept any amount of money given by her husband without questioning. When she needs to leave the house, she should come home earlier than her husband. In short, a wife should give her full attention to the home, her husband, and children, and obey every word uttered by the husband. She should also stay away from people her husband does not like. Others expect their wives to treat and give them respect just like their mothers did towards their father. They oblige their wives to cook, serve them at the table, and prepare their clothes without servants' help.

While husbands expect their wives to accept their marital affairs as normal, the husbands will not allow wives to do the same. Some husbands admit that they abuse and torture their wives when they found out their wives had an affair with another man. They even beat their wives severely to force wives to confess about their affairs. The following is a story of a wife who had been accused of having an affair with another man because she chatted with him while serving him as a customer in her food stall.

I was chit-chatting and joking with my neighbour and a male customer while surrounded by my servant, my sister and my husband's nephew when he came in and saw me talking with the male customer. At home, while he was having his meal he told me that I was caught red-handed and he accused me of having an affair with the man. He was so angry that he threw a big bowl full of rice at me. I managed to ward off the bowl with my hands but I hurt my hands and was in pain for three days. He not only threw the bowl, but also took a door beam to hit me. I do not know what could have happened if I did not manage to run away. (Soetrisno, 1998: 78)

In this sort of relationship a husband probably does not realize the fact that his violent attitude is the very reason that causes his wife's unfaithfulness. An illustration is the story of a thirty-year old wife who had an affair with her colleague because she needed to have a feeling of intimacy which she did not receive from her authoritarian, aggressive and abusive husband. Actually she wanted to have a divorce but her children prevented her from doing so.

A few weeks after their first child was born, Irna (not the real name) had a big quarrel with her husband during which she was strangled by her husband. They often had quarrels and her husband often yelled at her in front of others. Her husband's behaviour encouraged her to do the same (say nasty words to her husband). It was a year after they got married that she was physically abused by her husband. That day she got home late because she had dinner with her client.

When she arrived home, her husband hit her repeatedly and he did not want to speak to her for a month. ...In April 1994 Irna met a widower who really cared for her. They got involved in a romantic and sexual relationship. Actually Irna wanted to break up with the widower, but she did not want to lose the only man who really cared for her well-being and to whom she could confide. (Soetrisno, 1998: 82)

Domestic violence may also be related to a husband's ideal of a 'good wife' such as that a good wife is expected to always obey her husband and please him in any way he prefers, especially in bed. A good wife must serve her husband well in bed even though she is treated like an animal or as merely a sexual plaything. This is illustrated in the following cases:

A wife said that '...her husband always forced her to sleep with his friend while the husband slept with his friend's wife (change partner). When she refused to comply to his request, she was beaten. This has occurred many times in two years - 1988 to 1989. (Soetrisno, 1998: 67)

A wife complained that her husband is hyper-sexual, and if possible wants to have sex everyday. As a wife she will be beaten up if she refused. She cannot have sex everyday because as a gymnastic trainer she often feels physically tired when she comes home. (Soetrisno, 1998: 67)

Another illustration about wife abuse is where a husband often asked his wife to engage in what the wife considered to be an abnormal sexual act. When she refused to obey him, he called his wife a frigid woman and a worthless wife, unable to serve her husband well.

In another case a wife said that her husband used to insert blunt objects made of rubber in her genital if she refused to have intercourse with him (Soetrisno, 1998: 68). Her husband spoke dirty words every time he wanted to make love to her. This often makes the wife feel disrespected and her negative feelings towards him had provoked violent acts by the husband towards his wife.

Obedience of wives towards their husbands include serving without any complaint any requests to serve their husbands' sexual desires and fantasies. This can be illustrated by the following cases:

This couple has been married for twenty years, but the wife started to feel that their marriage was falling apart. One thing that she abhorred was her husband's demand to have sex with her every night. If she refused, the husband would always remind her that a wife must obey her husband. Not wanting to be considered a disobedient wife, she would do what he said, but after he finished, the husband would be angry and made nasty and rude comments about his wife's sexual performance. He would say things like "what kind of woman are you? You are as cold as ice. You are like a machine, too passive". As a wife, she admitted that all those nasty comments made the situation worse and made her become even 'colder' because she felt that her husband is treating her without any respect. (Soetrisno, 1998: 68)

In another case, a wife was forced by her husband to have sex with his twin brother. She was tied up and then raped by the twin brother. The husband also told her that someday when their daughter was grown up, he will sleep with her. (Soetrisno, 1998: 89)

Wife assault can also occur because the husband thinks he has every right to legally possess his wife's body. An illustration is the case of Diah (not her real name).

Diah is an editor, married to Aman in 1988. She confessed that her eight-year marriage did not make her happy at all. Her husband often said nasty words to her and behaved violently towards her. If he is angry, he beats her. Her husband is now secretly married to another woman, but because he is still Diah's husband, he keeps insisting to have sex and to be served by Diah. If Diah refuses, her husband will get angry, beat her and even strangle her. Diah feels that she is actually raped by her own husband. (Soetrisno, 1998: 66)

An even worse case of domestic violence happened in 1994 in a small village in Ciamis, West Java (as reported in a daily newspaper).

A thirty-four year old husband killed his wife because the victim refused to make love. For the past month the husband failed to provide financial support to his family and the family was therefore supported by their parents. Because she did not receive anything from her husband and because she knew that her husband once tried to seduce the neighbour's wife to have sex with him, she refused to have sex with her husband on several occasions. This frustrated her husband even deeply and he finally decided to kill her while she was asleep (Pikiran Rakyat, 4 January 1994).

The husband's ideal about a "good wife" includes everything, from being good in bed to serving all his needs, such as preparing food to his liking and assisting him at his will. Some wives told that just because they serve the 'wrong' food to their husbands, they were tortured by their husbands:

Says a wife: my husband gets angry easily and beats me. If he is angry, he will break and smash things even though it is only because a small matter, such as being served food that he did not like. My husband wants me, as his wife to cook for him myself. (Soetrisno, 1998: 92)

Another wife said: if my husband asks for coffee or tea and it is not available in the house, he will reprimand me and beat me (Soetrisno, 1998: 92).

A similar experience was forwarded by Rita (not her real name):

She said: once my husband poured tea over my whole body (from head to toe) because I accidentally bought him lunch he did not like. That time I was about to collect Anggi (our child) from school. When he knew that he was served food he did not like, he got very angry and uttered terrible words such as ... "you are a pig, dog, etc."...When as a wife I said: 'why do you have to be so rude (abusive), you could have simply said that the food is not good'....he replied by pouring tea over my body. (Soetrisno, 1998: 92)

In another case a wife was killed by her husband because she failed to serve him a

meal after he came back from work. Feeling tired and hungry he asked his wife to serve him supper but she refused and said that she didn't have enough money to buy food. They soon got involved in a bitter quarrel and it became worse when the wife ran to the kitchen to get a knife. However, the husband managed to take the knife from her and directly stabbed his wife with it (Pos Kota, 1993).

While a husband expects a wife to be "perfect" in serving him, a wife cannot expect her husband to help and take care for their children. When a wife asks for help, she is likely to get kicks and blows from her husband. Says a wife: "One day while I asked my husband who just arrived home to prepare milk for our little child who was crying because I was busy frying peanuts (for Idul Fitri, an Islamic festival), he just kicked me right in my shin bone with his shoe." The husband refuses to do it because he thinks that preparing milk for their child is a mother's duty, not a father's responsibility and asking him to do a 'mother's duty' meant that his wife did not respect him as a husband. A similar situation occurred in which a wife received severe blows from her husband when she failed to help her husband download things from his car as she herself was busy taking care of the children. Her husband got very angry and started to torture her. When she screamed in pain, her husband covered her mouth with a cushion while sitting on her breasts. This all happened because as a wife she is not supposed to talk back to her husband, especially when he was angry. The unequal gender relationship between husbands and wives is a serious source of various violent acts by husbands against their wives. From hitting the wife immediately if she tries to reason with him about some happenings in the family up to where a wife is strangled or tortured physically because she, for one or other reason, has upset her husband's feelings and has failed to meet his expectation.

Cases about domestic violence reported that a wife who tried to reason with her husband when he reprimanded her was immediately hit by the husband. In another case, a wife was strangled by her angry husband who was upset over the children and tried to calm him down. Another wife was beaten by her husband because she always talked back to her angry husband. He says: It is you who makes me angrier. If I am angry, you must be silent. If you try to talk back, I will beat you again" (Soetrisno, 1998: 89). However, the wife said that if she kept quiet, he became more angry and violent.

While husbands expect wives to fulfill their roles satisfactorily, husbands themselves tend to apply double standards to their roles as breadwinners. A wife is likely to receive reprimands or even blows from her husband if she tries to remind him of his obligation to provide for the needs to manage a household. In one case a wife had to work very hard for her family because her husband did not provide her with enough financial support for the family. Instead of feeling ashamed, he, on the contrary, forced his wife to give him some money. In another case, a wife was beaten by her husband when she demanded him to give her the monthly allowance needed for household expenses. The husband gave her a very limited amount of money daily or gave it to her on a weekly

basis. As a result the wife had to do extra work for an additional income. Ironically, the husband did not appreciate his wife's efforts. Instead he accused her of 'selling her body' to others.

These cases of wife assault illustrate that domestic violence is a direct and indirect consequence of internalized values about being good wives which are mainly derived from traditional Javanese values. In particular, women should be dependent, obedient, submissive, silent, totally conforming to a husband's demands at the expense of her own physical and psychological well-being. It is an irony that these norms are also internalized by a majority of women resulting in the wives' almost total dependence on their husbands. It also explains why wives can put up with the various types of abuse and can 'survive' their marriages. Wives in general develop a great sense of dependency on their husbands, and are afraid to deal with the economic, social and psychological consequences following a divorce.

Their financial dependency on the husbands inhibit them from pressing charges against their husbands even after they have reported the case to the police. Out of 171 cases, 17 had been reported to the police, and only in one case was a wife consistent in maintaining her charges. Her husband was then imprisoned for three months based on her charges.

That wives are reluctant to expose their abusive relationship with their husbands is illustrated by a case in which a wife bailed out her abusive husband when he was arrested because he was charged with using office money illegally. She did this in spite of the risk that she would face further abuse, having to deal with the same-but-more-abusive husband. Abused wives often go back to their parents' house but they generally return home after the husbands collect them asking for forgiveness. These wives admit that they return to their husbands because they miss their children, need financial support, and actually still love their husbands. They also do not want to bring shame and disgrace to their own families (Soetrisno, 1998: 110).

From media reports and some court cases, it can be summarized that cases on violence against women are happening in the workplace or in society in general. Those cases consist of rape, or burglaries with rape or murder cases combined with rape. On the other hand, there is only little media coverage about wife abuse or assault. This may be interpreted that domestic violence is still considered a private family affair and not exposed in public.

From the media clipping collected at the Women's Studies Programme on cases of violence against women between 1994-1995, there were 197 rape cases, 53 cases involving assault and murdering of wives, 42 incest cases and 3 cases of abandonment by husbands. Of those cases, rape and murder and incest cases were processed by the court. However, assault of wives and cases in which husbands left their wives did not become court cases. This is another example how violence within the family is usually not reported to the police because it is not considered a crime. This sort of behaviour is not protected by law, and is also not considered a crime by the victims of the perpetrators.

At the Legal Aid Center for Women and Justice (APIK), the cases reported were: divorce (39), domestic violence (29), complaints about 'the other woman' (15), about rape (13), illegal marriage (7), family dispute (7), sexual harassment (3) and other family related disputes, including about children's rights (25). The total cases reported until January 1997 is 146. It shows that in Jakarta alone, violence against women has increased sharply from 29 cases in 1994-1995 to 146 cases in 1997.

Conclusion

Multiple factors, such as socialization and internalization of traditional and religious values, contribute to the occurrence of violence against women in the home. Research data such as mentioned in this article show that violence against women is not a problem faced only by women of low socio-economic class (as previously believed). It cuts across economic and attained educational status. The multi-factorial nature of the problem violence against women is slowly understood by various groups, such as the police, women organizations and the families themselves, which before did not want to consciously face it as an existing problem in society. In Indonesia, it is the women activists who are the ground breakers in establishing crisis centers for abused women. They are still a minority but their activities are slowly gaining support from various other groups in the society. However, going to a crisis center is still a traumatic experience for the women involved because it requires from them a willingness to expose their family affairs to strangers. Also, taking the case to court is a long and often a very emotional experience which often influences the women to drop the charges altogether.

Indonesia in general has not progressed very far in confronting the increasing problem of violence against women. The existing activities are still very sporadic. But the response to the newly established crisis centers (mainly in the big cities) has shown that the need to confront the problem of violence against women is becoming more urgent. It has also clearly brought home the message that the problem of violence against women must be approached from many perspectives and by many disciplines that do not act in isolation. The main obstacle still faced is that not all religious leaders, government officials, police, other law enforcement agencies as well as important public figures recognize the issue as a serious one and to ensure that the behaviour related to violence against women is condemned by those people in authority. Even so, formal condemnation may in itself be insufficient if it is not accompanied by a clear resolution to act against the abuse, and to deal properly and effectively with both the victim and abuser.

In Indonesia violence against women in the family is influenced by existing legal, social values and religious values, in which dominance of men and unequal gender relationship is a basic issue. These values are reflected in the reluctance among women to leave an abusive husband because they feel economically insecure, or in the tendency among husbands to solve conflicts with violent behaviour. Indonesian women activists

believe that changing existing attitudes and values about women is crucial and should become a combined effort by as many parties as possible and by men and women together. There should be a concerted effort among local government officials, academics, women's studies centres, law enforcement officials, community organizations including religious groups. In developing strategies, existing laws on rape and gender-based violence should be analyzed with a gender perspective and changed to meet the needs of women. In addition, inter-disciplinary research on this issue should be consciously encouraged because of the multi factorial nature of violence against women. This will help to promote understanding on violence against women and change existing stereotypes and myths.

Postscript

Violence against women in Indonesia attracted worldwide attention 1998. Reports about organized gang rape of ethnic Chinese women during the May riots were initially denied by the government. Frustrated by the unresponsive attitude of the government, a group of women including representatives of various social and religious groups, women activists, frontline volunteers and academicians joined together to form the Civil Society of Violence Against Women. Communicating via the Internet, they collected over 4,500 signatures on a statement condemning the May riots and rape.

A group of 22 women representing the Civil Society met with President Habibie in July. During a four-hour meeting, the women presented the signatures and recounted personal experiences of being terrorized by unknown callers for their support of the rape victims. They succeeded to convince the President to officially condemn the riots in public.

The meeting resulted in two important Presidential decisions. First was the establishment of a Joint Investigation Team to investigate the May riots and rape in Jakarta and other cities with a three-month mandate. Second was the formal establishment of a National Commission on Violence Against Women as a permanent and independent body by a Presidential decree in October. The Commission consists of 18 women and three men, all known to be active in human rights and women's rights issues in their individual capacity.

The mission of the National Commission on Violence Against Women (the Women's Commission) is to promote the development of a political and social environment which is conducive to the elimination of violence against girls and women as well as the development of support-related mechanisms. The strategic plan for its first three years is to :

1. Disseminate knowledge about violence against women through training and informal education to different sectors of the society, including the army, the police, teachers, the media and NGOs.
2. Empower and develop the capacity of existing groups that are active in programmes through networking.

3. Develop school curricula and activities on women's rights as human rights for primary and secondary schools, in collaboration with the Ministry of Education.
4. Initiate law reform to eliminate VAW, in collaboration with the Ministry of Justice. During its first year, the Women's Commission set out to establish a one-stop crisis center as a pilot project to develop a multi-disciplinary team of professional counsellors and personnel to deal with the trauma of rape. It also attempted to map out the situation of VAW in various provinces of the country. Members of the Women's Commission met with the UN Special Rapporteur on VAW during her fact-finding visit to Indonesia and East Timor. The Special Rapporteur's report raised political awareness of VAW in Indonesia both at home and internationally. It has taken VAW on a massive and traumatic scale to arouse the concern of a nation. The challenge of the Women's Commission is to keep up the visibility of the issues on the national agenda.

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Violence Against Wives in Korea: A Feminist Perspective

Joo-Hyun Cho

Introduction

For the past decade women in Korea have witnessed a dramatic increase in the interest in violence against women. Some of these include wife battering, sexual abuse of (female) children, incest, sexual harassment, and rape. Since some of these are situated in the private sphere of family while some others are in the public sphere, researchers and activists have treated each type of violence separately in explaining the cause as well as in making intervention efforts. However, these various types of sexual violence are basically identical in that they are all deeply intertwined with the hierarchical gender relations in Korean society. The unequal gender relations in Korea stem basically from the Korean family system which makes the backbone of Korean society and, to me, wife battering is the key sexual violence directly speaking to the nature of gender relations of power. I think all different types of violence against women are basically gender violence and wife battering is the prototype for it. That is why I turn to the problem of wife battering in speaking for the broader issue of violence against women in Korea.

In Korea the social concern with wife battering began when the Women's Hotline first identified the issue and brought it to public attention in 1983. Since then, and especially for the last few years, there has been increasing public and scholarly attention to the problem of physical abuse of wives by husbands.

The Korea Women's Hotline United (in Korean: *Sadanbeobin Hankuk Yeoseongui Jeonwha Yeonhab*)¹ has played a central role in the battered women's movement. It offered counselling and shelter services to battered women, organized numerous public education programmes, workshops and meetings, produced documentary video tapes, and published monographs based on counselling cases. Currently, it is working on legal reform of the new family violence law. Meanwhile, researchers, by providing statistical evidence documenting the extent of wife abuse, have played a critical role in attracting public attention. Their statistics on the extent of wife battering have been cited to legitimize concern in the media, scholarly journals, books, and the popular press. 1984 survey data demonstrating that 43 percent of wives in Korea had been

physically abused at least once during the marriage by their husbands had been frequently cited in the beginning years of the battered women's movement (Women's Hotline, 1984). Other frequently cited figures include 1992 survey data showing that 46 percent of wives had been physically abused at least once during the marriage. This demonstrated that for the last 10 years the wife battering rate has not decreased; in fact it increased by 3 percent (Kim & Shim, 1992).

Out of these efforts, there have been some changes in the public response to battered women. One such change is that mass media has begun to cover the issue of wife battering in a serious manner. Two murder cases in 1996, one in which a battered wife killed her husband while he was asleep, and the other in which a mother-in-law killed her son-in-law who had been battering her daughter for years, precipitated this change in attitude. The fact that wife battering could escalate to the extreme end of violence, murder, has challenged a deeply held cultural belief that wife battering is nothing more than a family affair which is a "normal" part of family life.

However, it is too early to conclude that "wife battering" has been transformed from a private, largely invisible matter to one viewed as a social problem for which appropriate interventions should be sought. Kim & Shim (1992) found that 75 percent of those surveyed, drawn from a sample of 50% married men and 50% married women, thought that wife battering is a family affair to be considered within the family. They also found that 52 percent answered that they wouldn't call the police even though they were in a situation where a wife was severely being battered by her husband. This leads us to see the problem of wife battering in the context of Korean society.

The purpose of this paper is to examine the nature of wife battering in contemporary Korean society. This paper is composed of three parts. Firstly, a cross-cultural comparison of the data on the extents, causes, consequences, and social interventions of wife battering in Korea and the USA is offered. Here, a general overview of the problem of wife battering in Korea is given. Secondly, experiences of the battered wives with respect to their views on family, marriage, sexuality, desire, and violence are drawn. The problem of wife battering is placed in ongoing, everyday Korean family life, where the historical, legal, cultural, economic, and interactional structures of Korean society are embedded. I argue that wife battering in Korea is inextricably bound to two issues: the problem of sexuality and conflicts with the family-in-law (Cho, 1988). These two issues provide the very fabric of husband-wife relations in the family of violence. Thirdly, the present condition of social interventions of wife battering in Korea is briefly examined. In particular, activities of *the Korea Women's Hotline United* and the recent legislative amendment movement for the enactment of a new family violence law are introduced.

I will examine the problem of wife battering in Korea from a feminist approach. The feminist perspective places male-female relations at the center of the analysis and views inequality between men and women as a key factor in violence (Dobash & Dobash, 1979; Yllo, 1993). For feminist researchers violence itself is not the only

problem to be explained. An equally important question is why women are overwhelmingly the targets of violence (Breines & Gordon, 1983; Kurz, 1993).

A Comparative Understanding of Wife Battering

Recent survey research in Korea tells us that violence against wives in Korea is more persistent and severe than in Western countries. Measuring violence by the Conflict Tactics Scales, researchers in both Korea and the USA specify eight violent acts for the survey: 1) having something thrown by the other; 2) being pushed, grabbed, or shoved; 3) being slapped or spanked; 4) being kicked, bit or hit with a fist; 5) being hit or tried to hit with something; 6) being beaten up by the other; 7) being threatened with a knife or gun; 8) having a knife or gun used (Straus & Gelles, 1986).

TABLE 1. Rate of Violence by Husband During the Marriage: Comparison of S. Korea and the U.S.A.

Category of Violence	Rate per 100 couples	
	S. Korea(1992) ^a	U.S.A.(1980) ^b
Overall Violence	45.8 (1-8) ^c	28.0 (1-8)
Severe Violence (Wife battering)	9.1 (6-8)	5.3 (4-8)
Number of Cases	1,171	2,143

Note: Both Kim and Shim (1992) and Straus (1980) used Conflict Tactics Scales to measure the level of violent acts. Kim and Shim's research is based on the data on a Seoul probability sample of 1,171 households of a 1991 survey, while Straus's data is a nationally representative sample of 2,143 households of a 1975-1976 survey.

^a Kim and Shim (1992), p. 77.

^b Straus (1980), p. 29.

^c Violent act 1 to 8 : 1. Threw something; 2. Pushed/grabbed/shoved; 3. Slapped or spanked; 4. Kicked/bit/hit with fist; 5. Hit, tried to hit with something; 6. Beat up; 7. Threatened with gun or knife; 8. Used gun or knife.

Table 1 summarizes the findings on violence against wives in S. Korea and the U.S.A. in the form of "overall violence" and "severe violence". The first row of Table 1 shows that Korean wives (45.8%) are much more abused than American wives (28%) during the marriage. Moreover, the violence level is much more severe in Korea. The second row of Table 1 reports that 9.1 percent of Korean wives were "beaten up" wherein half of those were also either "threatened with" or "injured by knife or gun", whereas 5.3 percent of American wives experienced "severe violence", most of which belonged to the violent acts of 4 (kicking) and 5 (hitting), which the Korean survey did not count as severe violence. Therefore it seems reasonable to assume that violence against wives in Korea is overwhelmingly pervasive in extent and severe in intensity.

TABLE 2. Specific Acts of Marital Violence During the Year: Comparison of S. Korea and the U.S.A.

Type of Violence	Rate per 100 couples			
	Violence by Husbands		Violence by Wives	
	S. Korea (1992) ^a	U.S.A. (1986) ^b	S. Korea (1992) ^a	U.S.A. (1986) ^b
Overall Violence(1-8)	28.4	11.3	15.6	12.1
Severe Violence(4-8) (Wife battering or husband battering)	10.6	3.0	4.7	4.4
A. Minor Violence Acts				
1. Threw something	13.3	2.8	7.0	4.3
2. Pushed/grabbed/shoved	18.1	9.3	11.3	8.9
3. Slapped	11.4	2.9	2.6	4.1
B. Severe Violence Acts				
4. Kicked/bit/hit with fist	9.6	1.5	4.1	2.4
5. Hit, tried to hit with something	3.2	1.7	1.4	3.0
6. Beat up	1.9	0.8	0.5	0.4
7. Threatened with gun or knife	1.5	0.4	0.3	0.6
8. Used gun or knife	0.5	0.2	0.1	0.2
Number of Cases	1,171	3,520	1,171	3,520

^a Kim and Shim (1992), p. 72.

^b Straus and Gelles (1986), p. 471.

Table 2 shows the rates for each of the violent acts of the CTS in two national surveys of Korea and the USA. The first row of Table 2 shows that Korean wives (15.6%) are much less violent than Korean husbands (28.4%), whereas the U.S.A. rate reveals that American wives (12.1%) are about as violent as American husbands (11.3%). This is consistent with the rate of "severe violence". The second row of Table 2 shows that Korean husbands (10.6%) are more than twice as violent as Korean wives (4.7%), while American men (3.0%) are even somewhat less violent than American women (4.4%). Acts such as "threw something" (13.3%), "push" (18.1%), "slap" (11.4%), and "hit with fist" (9.6%) are the violence types that Korean husbands mostly use. Among these violence types, slapping is the act where the gap in the violence rate between Korean husbands and wives is greatest: Korean violent husbands (11.4%) slap their wives more than 4 times as much as Korean violent wives (2.6%) do.

Dobash et al. (1992) argued that the statistical sexual symmetry in marital violence as shown in the USA survey is a myth because a great deal of violence by wives against their husbands is reaction or self-defense. Then, if we apply Dobash et al.'s

argument to Korea, it follows that in Korea more than half of battered wives did not even react physically when they were beaten.

TABLE 3. Marital Violence Indexes: Comparison of S. Korea and the U.S.A.

Violence Index	Rate per 100 violent couples			
	Overall Violence		Severe Violence	
	S.Korea ^a (1992)	U.S.A. ^b (1986)	S. Korea (1992)	U.S.A. (1986)
Both Violence	34.1	48.6	27.1	35.2
Husband Only Violence	52.3	25.9	60.7	35.2
Wife Only Violence	13.5	25.5	12.1	29.6
Number of Cases	384	495	140	211

^a Kim and Shim (1992), p. 90-91.

^b Straus (1993), p. 74.

Table 3 shows that husband-only violence is the dominant violence index in Korea, comprising 52.3% and 60.7% of "overall violence" and "severe violence" respectively. This means that 52-60% of violent marriages in Korea are violent solely because of attacks by the husband. Only 13.5% of "overall violence" and 12.1% of "severe violence" result from wife-only violence in Korea. This contrasts sharply with USA survey data. In the USA survey, a gender difference does not occur either in "overall violence" or "severe violence." In overall violence the husband was the only violent partner in 25.9% of cases, the wife was the only one violent in 25.5% of cases, and both were violent in 48.6% of cases. In severe violence, the proportions were similar: both, 35.2%; husband only, 35.2%; and wife only, 29.6% (Straus, 1993).

TABLE 4. Social Intervention Mode of Abused Wives in S. Korea

Intervention	Rate per 100 abused wives	
	Overall Violence ^a (wife abuse)	Severe Violence (wife battering)
No Intervention	64.9	32.8
Family/Neighbour/Friend	31.4	55.2
Social Agency	2.0	6.0
Police	1.7	6.0
Number of Cases	293	67

source: Kim and Shim (1992), p. 123-124.

^a The rate of overall violence measures wife abuse, while the rate of severe violence measures wife battering.

Korean abused wives rarely seek outside intervention. Table 4 shows that of the 293 abused wives in the 1992 survey (Kim & Shim, 1992), the wife didn't seek any help in 64.9% of cases, the wife did seek help from a family/neighbour/friend in 31.4% of cases, and the wife did seek help from either a social agency or the police in 3.7% of cases. Meanwhile, of the 67 battered wives 32.8% of cases didn't seek any help, 55.2% of cases did seek help from a family/neighbour/friend, and 12% of the cases did seek help from either a social agency or the police. Thus the findings show that approximately 88-96.3% of abused Korean wives think violence is a private matter, regardless of whether the analysis is based on all violence or is focused on severe violence.

TABLE 5. Physical Injury Type of Abused Wives in S. Korea

Type of Injury	Rate per 100 abused wives	
	Overall Violence ^a (wife abuse)	Severe Violence (wife battering)
No Injury	61.4	14.9
Light Injuries	13.7	17.9
Contusion	22.2	58.2
Fracture	2.7	9.0
Number of Cases	293	67

source: Kim and Shim (1992), p. 116-117.

^a The rate of overall violence measures wife abuse, while the rate of severe violence measures wife battering.

Table 5 shows that of 293 abused wives, the wife was not injured in 61.4% of cases, the wife was lightly injured in 13.7% of cases, the wife was injured to contusion in 22.2% of cases, and the wife was injured to fracture in 2.7% of cases. Meanwhile, of 67 battered wives, 14.9% of cases were not injured, 17.9% of cases were lightly injured, 58.2% of cases were injured to contusion, and 9% of cases were injured to fracture. Thus the findings show that when based on the severe violence, 67.2% of battered wives were physically injured.

TABLE 6. Psychological Disorder Type of Abused Wives in S. Korea

Type of Disorder	Rate per 100 abused wives	
	Overall Violence ^a (wife abuse)	Severe Violence (wife battering)
No Disorder	61.7	32.8
Avoidance of People	7.9	17.2
Difficulty in Concentration/ Memory Distortion	4.5	7.8
Irritability/Depression	22.1	37.5
Lack of Confidence in Herself	3.8	4.7
Number of Cases	290	64

source: Kim and Shim (1992), p. 118.

^a The rate of overall violence measures wife abuse, while the rate of severe violence measures wife battering.

Note: The type of psychological disorder was predetermined based on the previous qualitative research results.

Table 6 shows the psychological disorder type of abused wives in Korea. Of the 293 abused wives in the 1992 survey (Kim & Shim, 1992), the wife didn't show any disorder in 61.7% of cases, the wife avoided meeting people in 7.9% of cases, the wife suffered from difficulty in concentration or memory distortion in 4.5% of cases, and the wife suffered from irritability or depression in 22.1% of cases. Meanwhile, of the 67 battered wives, 32.8% of cases didn't show any disorder, 17.2% avoided meeting people, 7.8% suffered from difficulty in concentration or memory distortion, and 37.5% suffered from irritability or depression. Thus the findings show that 38.3% of overall violence cases and 67.2% of severe violence cases suffered from psychological disorders.

TABLE 7. Reaction Mode of Violence by Abused Wives in S. Korea

Reaction Mode	Rate per 100 abused wives	
	First Incident of Abuse	Overall Incidents of Abuse
Simply being hit with no reaction	27.3	16.4
Argue back	49.8	51.7
Beg for mercy	2.4	3.2
Run away/hide	2.4	5.8
Hit back	18.1	22.9
Number of Cases	293	292

source: Kim and Shim (1992), p. 110.

Table 7 shows the reaction mode to violence by abused wives in Korea. In the first incident of abuse of the 293 abused wives, the wife was simply hit with no reaction in 27.3% of cases, the wife argued back in 49.8% of cases, the wife begged for mercy in 2.4% of cases, the wife ran away in 2.4% of cases, and the wife hit back in 18.1% of cases. Meanwhile, for overall incidents of abuse, of the 292 abused wives, 16.4% were hit with no reaction, 51.7% argued back, 3.2% begged for mercy, 5.8% ran away, and 22.9% hit back. The findings show that the most common reaction mode of the Korean abused wives to violence by husbands was to argue back. Accepting abuse without any mode of resistance was also common comprising 27.3% in the first incident and 16.4% in overall incidents. Physical reaction on the wife's part was not common marking only approximately one-fifth of the cases.

TABLE 8. Cause of Wife Abuse Viewed by Abused Wives and Violent Husbands in S. Korea

Reason for Wife Abuse	View from Abused Wives (rate per 100 abused wives)	View from Violent Husbands (rate per 100 violent husbands)
Problem in the spouse relationship (lack of understanding or compliance to the husband)	48.0	57.3
Problem in the family relationship (trouble with family-in-laws)	30.5	20.6
Problem in the wife (she is a bad luck/she is indecent)	6.1	4.3
No specific reason (drinking causes violence/finding faults for everything she does)	15.4	17.8
Number of Cases	292	281

source: Kim and Shim (1992), p. 114-115.

Table 8 shows the cause of wife abuse viewed by abused wives and violent husbands. The second column of Table 8 shows the cause of violence viewed from the wives' part. Of the 292 abused wives, the wife thought she was being hit because she didn't fully understand or comply to her husband in 48% of cases, the wife thought she was being hit because she had trouble with her in-laws in 30.5% of cases, the wife thought she was being hit because she was either bad luck to her husband or indecent in behaviour in 6.1% of cases, and the wife thought she was being hit without any specific reason in 15.4% of cases. Meanwhile, according to the third column of Table 8, of the 281 violent husbands, the husband thought he hit because his wife didn't fully

understand or comply to him in 57.3% of cases, the husband thought he hit because his wife caused trouble with his family members in 20.6% of cases, the husband thought he hit because she was either bad luck to him or indecent in behaviour in 4.3% of cases, and the husband thought he hit his wife because either he was drunk or without any specific reason in 17.8% of cases. Thus the findings show that both abused wives and violent husbands thought the two primary causes of wife abuse were problems in their relationship with each other (48% and 57.3% respectively) and the wife's trouble with in-laws (30.5% and 20.6% respectively). More wives counted the trouble with in-laws as the cause of violence, whereas more husbands counted the problem in the relationship with each other as the cause of violence.

In summary, violence against wives exists in wide segments of the population in Korea. The intensity as well as the extent of violence in Korea is much severer in Korea than in the USA. Korean abused wives suffer from physical as well as psychological injuries but they rarely seek outside (public) help. Most abused wives think that wife abuse is a family affair to be kept secret. The commonest mode of seeking outside help is to tell it to friends or family members. Most Korean abused wives think that their trouble with the position of being a wife and a daughter-in-law caused their husbands to be violent.

Battered Wives Speak Out²

The most common questions regarding violence against wives in Korea would be (1) why does he not stop when injury and pain are apparent? and (2) why does she not leave? Various researchers have discussed these questions in terms of the origins of abuse through psychological (O'Leary, 1993), sociological (Gelles, 1993), or feminist (Yllo, 1993) lenses, but only a few have focused on the interactional process (Bateson, 1958, 1972; Cho, 1988; Denzin, 1984a, 1984b; Erchak, 1984). From the feminist and interactional point of view, I argue that it is not a violent husband that holds a battered wife at home. It is *the system, the interactions, the relation*, that takes hold of him and her. Korean patriarchal structures are embedded in the interactions. Wife battering is a patriarchal terrorism which is characterized by increasingly escalating the level of violence (Johnson, 1995). Therefore, in this section, I will look at the process, i.e., the maintenance and escalation of patriarchal patterns of violent interaction drawing upon battered wives' experiences. Also I will look at gender differences in ongoing, everyday Korean family life, which provides the very fabric of interaction patterns.

The maintenance and escalation of patriarchal patterns of violent interaction are explained drawing on Bateson's idea of *schismogenesis* (Bateson, 1958; Denzin, 1984b). Schismogenesis is "a process of differentiation in the norms of individual behaviour resulting from cumulative interaction between individuals" (Bateson, 1958, p. 175). The differentiation pattern has only two kinds, which are (1) symmetrical differentiation and (2) complementary differentiation (Bateson, 1972). Symmetrical differentiation refers to the case when individual A and individual B respond to one another in the

same way. For example, individual A will deal with individual B with the patterns X, Y, Z. Similarly, individual B will adopt the patterns of X, Y, Z in dealing with individual A. Thus, an interaction pattern is set up in which the behaviour X, Y, Z is the standard reply to X, Y, Z (Bateson, 1972). For instance, if boasting is the reply to boasting, then each individual will drive the other individual into an excessive emphasis on this pattern, and if not restrained, the cycle will lead to more and more extreme rivalry and hostility, culminating in collapse of the system itself.

On the other hand, complementary differentiation refers to the case when individual A and B respond to one another in a complementary way. Individual A and B are fundamentally different in their behaviour and expectation. Individual A will respond to the behaviour patterns of O, P, Q by individual B with different patterns of R, S, T. For example, within a given culture, assertive behaviour by one person is followed by submissive behaviour by another which leads to further assertion, and so on. Again, without intervening, the process will continue indefinitely (Bateson, 1972).

While Bateson never discussed family violence in relation to schismogenesis, the relevance of the definition to wife battering is manifest. Erchak (1984), for example, utilized Bateson's idea of schismogenesis and offered a cybernetic model of wife battering. He states that Bateson's complementary schismogenesis is "exactly what occurs in those sequences of interaction commonly called spouse abuse" (Erchak, 1984, p. 250). Johnson's model of patriarchal terrorism is also similar to Bateson's idea of schismogenesis in that the level of violence increasingly escalates either to control resistance or to draw out further submissiveness on the wife's part (Johnson, 1995).

Once complementary schismogenesis is set in motion, the behaviours of the husband and wife are distorted in one direction. The husband becomes increasingly assertive and violent, while the wife becomes increasingly submissive. The behaviour of one feeds off the behaviour of the other with progressively exaggerated results. No statement is taken at face value but rather carries with it an accumulated train of symbolic messages from the past. Therefore, as the sequence goes, the acts of each spouse become more bizarre to outsiders.

The complementary pattern of schismogenesis in family violence includes eight stages, showing progressive distortions of the emotional self of the husband and wife. These are (1) denial of violence; (2) pleasure derived from violence; (3) the building of mutual hostility between spouses and other family members; (4) the development of misunderstandings; (5) jealousy, especially sexual, (6) increased violence; (7) eventual collapse of the system, or; (8) the resolution of violence into an unsteady, yet somewhat stable state of recurring violence (Cho, 1988; Denzin, 1984a, p. 490-493). Stages can be either overlapped or skipped depending on the situation of each case.

Denial of violence

People in everyday interaction expect each other to behave as mood-neutral. Everyday interaction is carried on assuming others to be in a neutral or little more

euphoric state of emotion. The taken-for-granted assumption of a mood-neutral self, however, is “an illusion” (Denzin, 1984b, p. 174). Simply put, it is the way everyday people make sense of social order. People create and maintain the taken-for-granted world (the social order) in order to believe that the taken-for-granted world is really out there in the real world (Garfinkel, 1967).

The incidence of violence shatters the battered wife’s assumption of a mood-neutral self. The incident demands the battered wife to bracket her attitude towards the taken-for-granted world. In confronting the violence, she has to put into parenthesis her habitual, everyday definition of the relationship between her and her husband. Thus, when the first incident of violence occurs, the battered wife usually responds to it with the question, “Is this violence real?”

A battered wife speaks:

My husband beats me up. I don’t want to live. It started three months ago. He came home drunk and called me in the bathroom, and then started beating me up. When he hits me, he is always drunk and it is always in the bathroom. It happens two or three times a week. All my body has been bruised.

One day, he hit me yelling that he didn’t want to live with me.

[Me: Then what did you say?]

I didn’t respond. I cried. My mother doesn’t know all this. My family (in origin) doesn’t know it. What shall I do? What do I have to do? I’ve thought about it. I want to die. Does he beat me up because he has a girl friend? Two or three times a month he spends nights outside home. He said he was at a friend’s house but he might have been with some girls. Or is he crazy? Why would he keep on beating me if he is sane? I asked him why he acted like that. Then he ridiculed me calling me a bitch and yelled at me to get out of this house and go back to my own family. He hasn’t slept well recently. He talks in his sleep. Does he hit me because he is tired? Or does he hit me because I didn’t get along well with his mother?

[29-year-old housewife; 2 years of marriage with one child; a college graduate; quotes from Cho (1991), p. 152]

The battered wife here is asking herself if this violence is real. The first series of violent incidents has shattered her taken-for-granted attitude towards her husband. But she is not yet involved in the differentiation of interaction pattern. She would have to negate, not bracket, her taken-for-granted world and be able to define the incident as “This violence is real” in order to be set in the process of schismogenesis. Her taken-for-granted world has been removed, but the world of violent emotion has not yet replaced it. Rather she is in the *world of doubt*. That is, she cannot define his violent behaviour. Since she cannot define it as real violence, she does not know how to respond to it. Is it because he is tired? Is it because he is having a love affair? Is it because she

is not a good daughter-in-law? Should she tell it to her family (in-origin)? She doubts what is happening to her.

When one’s assumption of reality is challenged, one responds to it with anger and hostility against the other who is violating the assumption of the taken-for-granted world (Garfinkel, 1967). Facing the first consecutive incident of violence, the battered wife in the world of doubt also becomes confused and frustrated. She expresses it as, “I don’t want to live”.

Pleasure derived from violence

Out of the violent act the husband often experiences pleasure. The pleasure he experiences through the violent act comes out of the negation of her body. The battered wife becomes a mirror or an object who allows the violent husband to see himself as an “authentic” self (Stigliano, 1983, p. 62). Violent acts give him a moment of restoration of his self. But the violent act is always absorbed into alienated conditions for further demands because what he grabs is her flesh, not her will and freedom. Thus violence calls for more violence (Denzin, 1984a). Meanwhile, as the husband repeats the violent acts, the wife seeks to bring cognitive and emotional meaning of the acts in her life (Denzin, 1984b). A physically violent act is not always considered real violence by both the husband and the wife. *Real Violence* is intentional, believed in, authentic, doubted neither by the person nor by family associates (Denzin, 1984a). When a physically violent act is interpreted as real violence, it becomes a meaningful event that transforms her life.

In Korean wife battering cases, real violence is not established only by the recognition of the husband and the wife. It also requires the involvement and recognition of the members of the family-in-law and the wife’s family (in-origin).

A battered wife speaks:

[Counsellor: How did he hit you?]

He was really brutal. I was punched and kicked in the head, shoulder, face, all over my body. He shoved my head on the wall. He threw the pot over me. I leaned on the wall moaning. Then he forced me to lie on my back and then rubbed ointment on the bruised parts to heal injuries.

[Counsellor: What happened when you have been beaten lately?]

That night he came home at midnight. When he came in, I complained that I had been waiting for him. He didn’t look at me, but then he wanted a honey tea. While he was changing his clothes, I made a honey tea and gave it to him. Then I went into his room to take out his dirty clothes and there I found some stains on his underwear. Showing it to him, I asked what that could be. He said it’s a spill from the honey tea and then threw it away. Then he went to sleep. But I felt something wrong. I turned on the light and looked it again. It was a stain of the woman’s menstruation, you know. He was lying to me. He thought I was a fool. But I kept up talking to him to tell me the truth. Then he sat

up and slapped me in the face. I yelled at him not to hit me. He said he became mad because I made him not to sleep. Then he beat me two more times. I pushed him back. And I left my finger nail marks on his chest. Then he became real crazy and beat me up. I shouted him back that I had been always beaten up to death but I was patient and he was mad for that tiny marks!

On the next day around 10:30 in the evening, I was waiting for him again. I locked the door inside because I wanted to open the door myself when he came home. And then I fell asleep with kids. The air-condition and the TV were turned on. I guess I didn't hear the bell at 11. When I was wakened up by him, I found my bra torn off and the sleeping gown stretched. It seemed that they had shaken me up real badly. He was with his brothers. They came in through the window. Why did he call his brothers? Only to give shame on me. He yelled, "damn you!". Then he started to curse my family (in origin). He cursed and swore at my father and my brothers. When he started his business, he borrowed 500 man won (\$5,000) from my family. He didn't pay back the interests. And he used to say that I'm arrogant because of that little money. Oh, I can't stand it.

Not too long ago when I had been beaten up, I called my brother on the phone to complain how much I had been beaten up. Until that time, my brother always said that I should be patient. But at that moment, my brother became mad and told me to divorce him. He said not to be patient with him any more. So did my sisters and my parents.

Even when he is doing well to me, I doubt if there's anything called love between us. Sex is the only thing that makes us a husband and wife. I've never been satisfied having sex with him in my marriage. And when I feel uneasy somehow, he looks disgusting to me. Battering is good to me in one way because it gives me the reason not to talk with him and to sleep in other room. I am sick of him. When he is drunk, he says he loves me. But a lover can't act like that. He says that he is satisfied with me everything but nagging. And do you know what that nagging is? In the end of the month, salesmen visit us to collect bills. I want to pay it in time. Otherwise they will have to come again. But my husband always postpones it and I can't stand it. That's what he calls nagging. And when he comes home late being drunk, I ask him why he hasn't called me at home. And that's the nagging to him.

[Counsellor: What did you say when he insulted you?]

He yelled at me that I was a bitch, that he didn't need me, and that I should get out of the house. Then I yelled back that I would not leave the house. You know, my mother-in-law always blamed me whenever we were in trouble. Once she shouted at me to get out of the house. She humiliated me with all kinds of insults. I left the house and stayed at my parents' house. But then she became really mad because I had really left the house. Those were the days when everything had been messed up. So I told him I would not leave. If I left the house, I would be the one to blame from my mother-in-law's eyes. Then he dragged me to the door. I resisted. I shouted, "You sucked up all the sweetness out of me in the marriage. And now you want to throw me away!"

He will put me down more and more as I'm getting old. He would be cruel to me when I am not attractive any more. Coming home at night, he asks kids if I have massaged my face. He complains that I try to keep young while he is getting old.

I don't want to see him. But after the violent act, even though I don't talk to him and do not look at his eyes, I do what I am supposed to do. When he comes home at midnight, I just stay in my room. But if I hear him going to the kitchen, I come out to serve him a late dinner. I hate him but I serve him because I know that only when I carry out my duty, I have the right to command respect.

My parents-in-law believe that their son is always right. Even for the little trouble between us, they call and yell at me on the phone. They don't listen. They just say what they have wanted to say and hang up the phone. Recently my husband also hit his sister so badly. She was shocked and still she is not well. My mother-in-law said that I was the one to blame. She said that I drove him mad to burst it to his sister. Usually I don't talk back when I am listening to my parents-in-law to preach at me. But by that time, I became crazy. I talked back to her that she chose wrong person. Then she became really angry and yelled that I dare talked back to her.

Then my father met my husband to tell him not to hit me. My father said to him that he himself scolded me to be patient, and then it's his turn to listen to what my father tells him. Then my mother-in-law later called my father on the phone and criticized that my family (in-origin) came to my house to eat too often. My father was stunned by her saying. My father told me he wouldn't have been shocked like that if only my father-in-law had called him. How dare she was! (note: Both sides of the parents of a couple usually do not talk to each other across sex. The principle of separation between man and woman remains here.) My father had his face palsied out of shock. Now all my family members (in origin) say that I should divorce him.

[33-year-old housewife; 7 years of marriage with two children; a college graduate; from Cho (1991), p 155-157]

In the above wife battering case, the violence has been interpreted as real violence both by the husband and wife. This requires them to expose their interaction pattern to their in-laws and members of the family (in origin). When they are in a violent situation, they let the brother, mother, father, brother-in-law, mother-in-law, and father-in-law become involved in the situation. In expecting a violent situation, the husband brings his brother over to his house to provide his family's support in his violent action. And in the middle of the fight, the wife calls her brother to complain how she is being treated by the husband at that time.

Once both the family-in-law and the wife's family (in origin) define the incidents, "this is real violence," the differentiation pattern sets in not only between the husband and wife, but between the two families. Family members accuse not only the daughter-in-law or the son-in-law as the cause of the incidents, but they begin to accuse each

other. The momentum is now moved from the violent incidents of the husband and wife to the struggle of family to family. In this case, as family members were involved in the battle, the nature of the violence between the husband and wife began to change. Between the husband and wife, the conflict came out of the husband's adultery, the wife's nagging, and his sexual jealousy over her. But then family members changed it into a matter of money, and a family feud.

The mother-in-law's accusation to the father of the daughter-in-law that he and his family have been involved too much in her son's family is a fatal attack to him both in form and in content. First, the fact that the mother-in-law has directly talked to the father of the daughter-in-law is itself to give shame to him. By crossing the rule of the principle of separation, she implied that she did not respect him. And, also, by saying that his family members came to her son's house *to eat* too often, she labeled him the head of a mean and shameful family. This attacked his inner self as she intended (Denzin, 1984b).

The violent husband above sometimes tries to let the wife read his violent acts as not real. He says he loves her. By saying that, he intends for her to interpret the past incidents as not real. But she dismisses it. She says, "a lover can't act like that." She knows that the violence was real and intended, and that she doesn't love him. But she would not leave *the house* if not for *him*. Instead, as the violent incidents continue to happen, she sticks to her wifely duty more strongly. She waits until midnight to open the door for him and serves him dinner the day after the violent incident happened. Paradoxically, she endured the violent incidents not to leave the house. She knows that her status is preserved only when she stays in the house. Consequently, the husband yells at her to get out of the house whenever he hits her. The wife's expression, "You sucked up all the sweetness from me in the marriage. And now you want to throw me away!" exactly represents her situation.

The building of mutual hostility between spouses and other family members

As violent incidents happen regularly, hostility between the spouses and other family members increases. As was seen in the earlier case, however, the battered wife does not leave the house. She seeks a way to survive *in* the house instead. It could be because of money, the image of a powerful mother, the image of a dutiful daughter-in-law, or religion.

A battered wife speaks:

He has always had a woman. I can't even count on how many women he has gone through. Just after we married, he went to the army for two years and I lived with the parents-in-law. I gave birth to two babies those days. Then, about a month after his service was over, he met a girl and gave our marriage watch to her. Even from the beginning of our marriage, I figured out that I had to be really spiteful to save the money under my name. I knew it was the only way I could survive in the house. I knew I

couldn't divorce him. I had children, and frankly speaking, I was afraid that, if divorced, I had to earn money myself for living. So I was really diligent, frugal, and determined in house keeping. Soon my husband believed in me and allowed me to manage his whole paycheck. Later on, when we saved enough to buy the houses, he listed the smaller house under his name while I owned the bigger one. Now since he has sold his house, he has no estate under his hand at all.

But he had never hit me until he met this woman four years ago. Now he threatens to burn me to death if I don't give him some money. And she is so daring. She calls a lot to humiliate me. Other women that I handled so far always called me "ma'am.". But this woman is different! Now he spends weekends with her. The other day I went to her apartment to bring him back home. Near her apartment, I called and talked to him to come back home with me. So far I have been in her place two times. I was not that messy when I came in her house, you know. And this time I didn't even come in. Soon my husband came out and told me to ride in the car. He drove to the outside of the town. He stopped the car near the hill where nobody was seen. He dragged me out of the car and started beating me. Later on, when we came back home, I couldn't even walk. He told me to see a doctor, but I didn't....

He tells kids that he will divorce me to marry his woman. He tells our daughter that she has been educated much better than I have and she is from a good family background... Our daughter is 19 years old and our son is 18 years old. They hate him so much. He is ravingly mad at me because he thinks they hate him as I spoke ill of him to them.
[44 year-old housewife; 20 years of marriage with three children; a junior high school graduate; from Cho (1991), p. 158]

The battered wife here knew from the beginning years of the marriage that the husband's adultery could be a lifelong habit. She figured out that she should save *her* money while *in* the marriage to protect herself in the future. After 20 years of marriage, she found that she was right. He is still involved in adultery, but this time with no money of his own. He wants to divorce her in order to get married to his mistress. But he knows that he cannot divorce her if she does not consent and, moreover, even if she agrees to a divorce, he will have no money at all if she does not give it to him willingly because it is his actions that led to the divorce. Then the violent husband tries to manipulate the children in order to get rid of her. He explains to the kids why his mistress is better than their mother. But this is to demand the children ignore the "we/they" separation. For the children, whatever the objective qualification is, the mistress belongs to "they," and she is "bad" as long as she crosses the line to threaten "we." In response, the children hate their father. The hostility between the husband and wife grows and grows, though each of their ways of response are different.

Development of misunderstandings: The cause of violence

As mutual hostility builds up, each of the family members becomes hyper-conscious

of the other. The selves of the violent family are not protected anymore. Each of them are watched by the other family members. They feel that they are totally exposed to the “entire” family (Denzin, 1984b, p.171). Either intended or not, misunderstandings develop.

A battered wife speaks:

My husband’s brother lives with us. He is 35 years old and mentally ill. He has never had a job and stays at home all day. He doesn’t talk to outsiders. I think my husband has received some financial support in exchange of taking care of his brother from his parents. Problem is that I don’t get along with him. He hates me and I don’t like him either. In the early days of marriage, he didn’t live with us. We lived in the place far from the parents-in-law’s house. But my husband and my mother-in-law visited him in turn and spent a few days over there and came back. One day when all family members got together on the mother-in-law’s birthday, I heard from the talks of my sisters-in-law that I had already been planned to live with that brother. I thought if things had been supposed to be that way, then I better let things go. My parents-in-law bought us a house and a car. But later on I found that the house belonged to the brother while the land belonged to my husband. And the car owner was my sister-in-law. I was angry because they all, including my husband, lied to me. It turned out my husband and I don’t have money of our own.

When we moved into my brother-in-law’s place, my husband and my mother-in-law warned me to do whatever they told me to do. I said I would. My brother-in-law didn’t want to eat a meal with me. So I prepared two tables each time: one for him and my husband and one for me. About a month later he began to complain on my cooking. He said I served him the leftovers in the refrigerator. Then my mother-in-law came by and cooked for him. But his complaints didn’t stop. When I was the only one in the house, he roamed around and slammed the door. He couldn’t stand the intimacy of me and my husband.

My husband and I couldn’t go out together. When we went out, he left home first and then I left. When I had fight with my brother-in-law, my husband stood on his side. If he had only consoled me later on, I would have been more patient. But he always blamed me that I was not patient. One day, when I was in trouble with him, my husband blamed me again. That time, I was not silent. I talked back to my husband real lousily. Then he shoved me to the door. I fainted. They brought me to the hospital. Since then, when I am upset, I become numb and my body shakes. And when I fight with my husband, he goes to his brother’s room and stays there. He always cares for his brother not me.

One day all in-law members came over to my house. They were in a room and again talked about me of not having a baby. I opened the door and shouted to them not to talk on my back. I told them that we three (me, husband, mother-in-law) go to the hospital and check whose fault it is. I warned them I would leave this house if I was responsible for not having a baby. But if it was his fault, then they had to pay for it. My mother-in-law used to say to me that she didn’t blame me for not having a baby, which she should

because she had to send her sick son under my care. I retorted back that I didn’t do anything wrong as a daughter-in-law except that I didn’t have a baby. And that’s not my fault. I told her for God’s sake to let us live apart from the brother. She said she has no money to buy us a house.

[33 year-old housewife; 5 years of marriage with no child; a high school graduate; from Cho (1991), p. 158]

The battered wife above feels that her brother-in-law is the cause of the negative interaction between her and her husband. She asks her mother-in-law to let them live alone. But her mother-in-law responds that her being childless has been forsaken in exchange for the care of the sick brother-in-law. The battered wife herself knows that by being a childless daughter-in-law she is indebted to her in-laws. When her in-laws get together and talk about her, she assumes that they are accusing her of being childless. She feels that she is totally exposed to her in-laws. Thus she opens the door and shouts, “We three(wife, husband, and mother-in-law) go to the hospital and check whose fault it is!”

The exchange of the fault of childlessness, for the care of the brother-in-law, however, is a trap to her. In either way, she cannot get out of the violent situation that is set between her and her husband. If she continues to live with her brother-in-law, she has to be patient with the interruption of the brother-in-law in her relationship with her husband. Otherwise, violent incidents could happen. But whether she accepts the situation or not, she is destined to be alienated from the family. In either way, she cannot achieve a strong status of a wife in the family. If she accepts the interruptions of the brother-in-law, it means that she accepts her inferior status to him in the family. If she does not accept it, then either violent incidents happen or an apparent attack on her status as a daughter-in-law could occur. The family-in-law including her husband assumes that she is neglecting her responsibility, while she thinks she is exploited by them. Misunderstandings and hatred develop.

Jealousy, especially sexual, and increased violence

As violent incidents begin to happen frequently and as mutual misunderstanding and hatred develop, both the husband and wife are tightly set in the schismogenesis, and their behaviours are distorted more and more in one direction. Neither the husband nor the wife take statements at face value. In this process, sexual jealousy in both parties appears as a major theme (Denzin, 1984a). In Korean family violence, this is surrounded by the issue of the husband’s adultery, and the conflict of the husband, the mother-in-law, and the wife. The violent husband, who has been nagged by the wife because of his adultery, wants revenge on her by finding evidence of the same kind of sexual infidelity on the behalf of the wife. Sexual doubt and sexual jealousy prevail. Again, it is an attempt on the husband’s part to get even for what the wife has done to him because of his sexual infidelity.

A battered wife speaks:

He had been fooling around girls for 5 or 6 years. I knew it because I got a V.D. from him. We fought a lot those days. He begged me and said he would never do it again. Then last year, he got a V.D. again and went to the doctor. But by that time his attitude was changed and told me, "so what?" I said I wanted to divorce. Then he said he would divorce me but wouldn't give me a penny. What a nonsense! Then one day I ran away home in the midnight. I got a live-in maid job.

About a week later, he found me. He threatened to kill me with a knife. All my master's family were scared to death. I was pulled out of that house anyway. Back home, my husband pleaded for another chance. Let's forget all those bad things and start all over again, he said.

But now he doesn't allow me to go to church and always watches me. Even when he is in the other city, he calls me to check where I've been, what I did, and why I came home so late. Then when he comes back home, he wants to have sex two or three times a day. And since he has been fooling around for a long time, he does sex in a strange way. I can't stand it myself.

We don't talk to each other. If I ask how he has been the day, he talks back that I don't have to know. If I keep asking, he hits me. I can't stand this life any more. How much patience is called patience?

I don't trust him. He doesn't trust me either. All the members in my family-in-law know that I ran away home once. It's shame on me whatever the cause was. We don't talk and we don't believe each other. It is only my children that prevent me from leaving this house. But when things go too much out of my hand, I ask myself, "What's the use of children?"

[40 year-old housewife; 15 years of marriage with two children; from Cho (1991), p. 158]

For this battered wife, sexuality is the only structure of experience that connects her to her husband. Otherwise, both the husband and wife withdraw into themselves. They do not talk and they do not believe each other. But the only field of experience that connects both of them is filled with the husband's sexual jealousy, desire, violence, and the control of her sexuality. The husband desires to restore the relationship that he and the wife once had through the very act of sexual intercourse because he knows that having sex is the only way to connect him to her. But his desire is not fulfilled. He desires it through the submission of her body to his will. He did control her body, but not her subjectivity. In response, the wife hates him more and more. Thus the very process of realizing his desire has actually destroyed his desire.

When the husband's lack of fidelity which resulted in the birth of an illegitimate

child becomes the issue of conflict between the husband and wife, the husband often displays his sexual jealousy over her by attacking her own sexuality.

A battered wife speaks:

He didn't let me sleep. We sat in the living room together from midnight till early in the morning. He forced me to sit down on the sofa while he drank beers. This went on for about a month. Every night he said the same story. It was like to turn on the recorder. He said that I was a ruthless bitch. He said he doubted if I was a virgin when I married him. And he said that I snatched his money secretly. And he said that he could live well off without me by marrying another woman, etc. He said that I abused the child he brought in. But I knew that the real reason why he blew up was because I kept criticizing him for his having a mistress.

[Volunteer: What do you say then?]

I just say yes or no. You can't imagine how brutal he is. If I talk back to him, I am hit to death. It's not just a slap or punch thing. He beats me up with a show horn, then with a rod, then with a bar. Sometimes in the middle of the battering, he calls my parents to tell them to bring me back. In early days of the marriage, he used to force me to take off my clothes and then he looked at me drinking beer. He told me to dance. He did this two times. Do you think it makes sense? That's what the strip dancer is doing. I was so shocked and still I can't forget it. And he threatened me putting his knife on my neck to sign on for the divorce. I think I signed more than 10 times on the form. But then that's all. He did not divorce me. I keep that knife myself.

[Volunteer: Why did he want to divorce you?]

He said I was arrogant to him as he brought a love-child to the house after we married. He said he was put to shame by me. I think it all came out of his feeling of inferiority. When I am battered, I only think that I want to die. After the battering he sympathizes with me. I think it gives him a pleasure when he sees what he has done to me. The whole years of my marriage were filled with these battering and doubts. Now he doesn't hit me often, but emotionally still he abuses me. I fear of seeing him. In the day time I have a hallucination as if I heard the bell. When I hear the bell, my body begins to tremble. Even when I see his shoes, I am frightened.

[Volunteer: What did your parents respond to that?]

My father talked to my father-in-law that they had to do something. Otherwise I would die of beating. He also said that my husband was too cruel. But my father-in-law replied that I would not die of beating because his son is a warm-hearted man. He said that his son might hit me, but not to death.

[31 year-old housewife; 7 years of marriage with three children including one born out of wedlock; a college graduate; from Cho (1991), p. 162-163]

The husband wants to shame her body and her sexuality. He forces her to be naked and to dance. He attacks her morality by asking if she was a real virgin when she

married him. He attacks her moral person intentionally (Denzin, 1984b). But these consecutive acts, he desires to push her into his interpretive frame where his untidy sexuality could not be the reason for her feeling of superiority over him. By the same token, he continuously attacks her saying that she is a ruthless bitch because she abused his illegitimate child. Again by doing so, he wants to say that she should not preside over him for that because she is not morally right either. Thus the husband's incessant divorce threats are another expression that she is not better than him. She neglected the responsibility of being a good mother to the child. The threat of divorcing her because she hasn't been a good mother is to attack her moral person.

His desire for the submission of her subjectivity to his will through the abuse of her sexuality and physical violence, however, is not complete. Instead she fears him. Even seeing his shoes can scare her. She suffers from hallucinations. She is now totally caught in her world of violent emotion. For both the husband and wife, normal interaction is not possible any more.

A battered wife speaks:

I live with my grandmother-in-law. She is 84 years old. Frankly speaking, I don't like her. But she raised my husband and his brother. One day when my husband battered me up real badly, she watched all the scenes. She didn't try to stop him. Instead, she said that a nagging wife deserved battering. From that time on, I hated her. I didn't prepare a meal for her several times. I did it intentionally. I admit. Then she left the house and stayed in the other grandson's house. Then all the relatives came by and accused me that I had abused her. My husband filed for a divorce. I visited each of them and apologized a lot.

My husband doesn't sleep with me if I do not please him sexually. He brings the pillow and comforter over to my grandmother-in-law's room and sleeps there. I won't feel bitter on her if she tells her grandson to go back to his room. You will know how I feel at that time. I come to my grandmother-in-law's room and bring back his pillow and comforter to my room! We do not have sex often. But every night I offer him a sexual service until he gets pleased. About 4 years ago, I attempted suicide. Those days, he wanted to divorce me because of the trouble with my grandmother. I couldn't accept the fact that I would be divorced. He used to say, "This marriage is over. You go out and find a young guy!" I was sick of listening to him.

My child goes to the kindergarten. There I met some mothers. One day after the parents meeting, we three went to the bar and had some beer. One of them told it to her husband and he told it to my husband. He became real mad. But then I thought I had nothing to be ashamed of. Did I dance with men? Did I drink with men? We three got together and had one beer for each of us. That was all! But he blew up because the place we went was a bar where one can meet guys.

He went crazy because I talked back to him. I was pushed down on the floor and he kicked and kicked my back real badly. I thought he was going to kill me. I shouted at

him, "You son of bitch, stop beating me. Just tell me what's wrong with me." At that time we had been repairing our house and fragments of the materials had been scattered around. I found something sharp under my stomach and stabbed his wrist with it. Everything was done in one shot. Blood came out, and you can imagine how he reacted. I was almost beaten up to death.

[30 year-old housewife; 7 years of marriage with two children; a high school graduate; from Cho (1991), p.164-165]

Both the husband and wife know that the wife is not sexually satisfied with her husband. His jealousy over her is displayed directly by attacking her moral person by shouting, "go out and find a young guy!" Also, he takes advantage of her responsibility of being a dutiful daughter-in-law to fulfill his desire, a desire to control her sexuality. He knows that conflicts exist between his wife and grandmother. Thus, when he moves to the grandmother's room to sleep, he knows that he punishes his wife twice, both by negating her sexuality and by letting both her and grandmother know that he is on the grandmother's side. This, in turn, initiates more conflicts between the grandmother and the wife. The husband later takes advantage of these conflicts for the divorce threat and thus for further control of her sexuality.

When a violent incident arises out of the triadic conflict of the husband, the wife, and the mother-in-law, the battered wife often feels that the mother-in-law invades her being a wife.

Battered wives speak:

My husband is a bus driver. He often spends nights outside the home for the job. But when he comes home, my mother-in-law becomes more excited than me. In other days when he is not around, she is okay. But in the day he comes home, she becomes fussy and says she is sick here and there just to get attention from his son. She became a widow when she was 32 years old. She has two sons but my husband is her favorite. My husband started hitting me from the beginning of our marriage. It always happened either directly or indirectly because of my trouble with my mother-in-law. My mother-in-law always comments on what I am doing. I can't stand it. Then the trouble begins. My husband listens to her and he becomes mad and then in the end he hits me. Once we planned to move to the other city but the mother-in-law cried saying how she could see him often if he were in the other city. Then he gave up the plan..

[31 year-old housewife; 9 years of marriage with 2 children; a high school graduate; from Cho (1991), p. 165]

I have been beaten so many times for a long time. He hits me particularly on my head. He used to grab my head and hit it on the wall. He grabbed my head and smashed it on the floor. He was not drunk. Nowadays he rarely hits me because now I am sick. In the afternoon I have a severe headache and I think the battering is the cause. When he hits me, he is really scary. Even for one slap, he hits real hard that my face immediately becomes swollen and then turns into blue. You can't catch on how he feels. You can't

expect what his action could be in the next minute. He suddenly changes. He becomes mad and threatens to hit me for the little things. One day, he came home earlier than usual. I was cooking in the kitchen. He told me to give him a meal. I said it was not ready yet, and said it took time and cooking was not easy. Then he blew up and turned the table upside down and threw things. He threatened to hit me. I fear him. I fear him a lot.

[Volunteer: Tell me about the situation when you have been severely beaten.]

I have been severely beaten so many times in the early days of the marriage. But I would tell you the recent one. About 8 months ago, I was badly beaten. In the middle of the beating, I could run out of the house by chance. But he followed me and caught me. He grabbed my hair and dragged me to the house. He pushed me to the bathroom and kicked all my body with his foot. My baby was crying. When he starts hitting, what I think first is that I should escape. But then when he keeps beating me, I no more think about escape but only think that I'm going to die, die of beating. I shout, "Hit me, hit me you bastard!"

[Volunteer: Why do you think he hit you?]

It simply depends on his mood. If he doesn't feel good, anything that I talk or behave could cause him to beat me. Now I suffer from a severe headache. When I go out to the grocery store, I can't see the items. I feel pain in my eyes. I feel dizzy. I can't talk to the people because I have a memory problem. Now with the help of pills, it's getting better. [Sigh] I can't forgive him! I hate, hate, hate him so much. This is not fair! Is this because I was born to a woman?

My mother-in-law became a widow when she was 24 years old. My husband is the only child to her. She runs a store now and my husband visits there every night to help her to figure out the sales. They like each other very much. He discusses with her everything that is important. But he doesn't allow me to intervene the relationship. If I keep on asking, he says that a damned woman doesn't need to know anything. When he comes home at night from his mother's store, he is usually silent. What he says is that he wants something to eat. That's all. Then after the meal, he goes to the bed and sleeps showing his back on me. He is so cold. He is kind only to his damned mother. He never holds his wife. From the beginning of the marriage, I felt that the mother-in-law is the wife and I am only a concubine! I heard that even age old couples are kind to each other when they sleep. But look at me! I can't leave this house for the sake of my child. He would never give me the child if I divorced him. And I can't live without the child. Now I don't get any affection from my husband and I am not allowed to speak out what I think. If I do, he threatens to hit me. He just can't stand it when I am talking to him. This is not the life of a human being! [crying]

[30 year-old housewife; 5 years of marriage with one child; a high school graduate; from Cho (1991), p. 166-167]

The mother-in-law forces her son to admit that the mother-son dyad has priority over the husband-wife dyad. Even after her son has been married, she wants to keep the intimacy and closeness that the character of the dyad provides. The existence of the

daughter-in-law is an intrusion to this dyad. This directly threatens the relationship between the husband and wife. On the other hand, for the wife, the mother-in-law is the intruder on the dyad of her and her husband. The expansion of the dyad into the triad can provide the members of the dyad the experience of enrichment among themselves, if the third member is welcomed by the two other members. But if not, the indirect relation with the third member can disturb the direct relation between the two members (Simmel, 1950). Thus, the wife's relation with the mother-in-law and the husband's relation with the mother always disturb the direct relation between the wife and the husband.

In this case, she has no place to stand between the husband and the mother-in-law. She thinks that the mother-in-law is the wife and she is a concubine. The jealousy over the mother-in-law, however, becomes the cause of the violent incidents. Thus, the husband never takes the wife's statement about the mother-in-law at face value. He can interpret any statement by his wife as an accusation of his intimacy with his mother. Then the triad of the wife, husband, and mother-in-law is inherently surrounded by impending violence which could happen at any time.

Eventual collapse of the system

As Bateson (1972) described, the schismogenesis, whether complementary or symmetrical, is destined to destroy its own system unless it is stopped. I assume that many Korean violent families would follow this process although no information is available at the present time as to how many of those families actually have ended in divorce. But when considering interviews with battered wives and the historical, structural, and legal conditions that surround the battered wife in the Korean family, it is not difficult to assume that the battered wife in the Korean family will be patient with the situation to the extreme degree. Therefore, what would happen to the battered wife when she keeps family violence going is the primary concern that must be dealt with in the remainder of this section.

The resolution of violence into an unsteady, yet somewhat stable state of recurring violence

In the final stages of schismogenesis, violence is now centered in the family interaction. The family now provides "the fields of experience" that connect all family members (Denzin, 1984b, p. 195-196). Whether directly involved in a violent episode or not, the selves of the violent family cannot escape from the "fields of experience" that the family has provided. These fields of experience are oppressing but are always there. These fields of experience are constantly filtered through the interaction between members. All the members of the family produce it. Therefore, "the violence" in the violent family in this last stage not only refers to the discrete violent episodes, but, moreover, refers to the whole fields of experience that surround the violent episodes.

Still members of the violent family assume that violence is out there, outside of

themselves. Therefore they perceive it as something that would happen and pass through themselves. But they fail to perceive that the violence is now inside themselves, that they have become a part of the violence.

A battered wife speaks:

One day I went to the prayer meeting for a few days. I lied to him again that I would visit my family (in origin) in the country. When I came back home he was mad because he waited for me to go to my parents' house together. I didn't know that. That night he came home and laughed at me if I had fun. I said I was honest. Then he yelled at me to pull out the Holy Cross out of the wall. Since then, he shut his mouth again as usual and I acted as usual as I could be. But in my mind I was scared to death because you never know when he would burst out. Then a few days later, I was sleeping when he came home. I heard the door opened. I concentrated my attention on him. Suddenly he came in the room and grabbed me to sit down and then struck me on the head with his foot. I ran out of the room and acted as if nothing happened even though I was bleeding already. We were on the hallway where our daughter could see us from upstairs. My daughter always turned on the lights at night not to let her father come in her room. When the lights were on, he thought that she was studying and didn't come in not to interrupt her. (She knew it and made use of it to escape the violent situation). Still I acted as if I was half asleep and asked what's happening to him. Inside my mind I was scared to death. He glimpsed upstairs shortly to find out whether our daughter was coming down, and then went back to his room. Then a minute later he left the house. I went to upstairs and sat down still waiting for him. I thought he was out to get drunk. I was in fear. But he didn't come back till in the morning. Then I became mad because it's for sure that he went to that bitch's house. In the morning I heard the maid opened the door for him. Then I talked to my daughter that I would quarrel with the father so that she should come down the room to stop the fight if the quarrel went tense. I talked to him not to hit me. I threatened him if he did hit, he was hitting not only me but the children. I said everything I wanted to say. Then I came out of the room. Since then I stay in the other room. Frankly speaking, I feel much more comfortable when I don't see him. If I use the same room with him, when I see him half naked, I have hallucinations as if he is going to beat me up. And when he doesn't come home till two in the morning, I am strained. About the time he comes in, my heart almost bursts with fear. If we use separate rooms then I don't have to worry about all these.

[41 year-old housewife; 19 years of marriage with 4 children; an elementary school graduate; from Cho (1991), p. 170-171]

During 19 years of marriage, this battered wife and her family have built up the family of violence. The family now provides the fields of violent experience to all family members. Whether the violent incident has happened or not, the members are constantly surrounded by impending violence. That is because the experience of violence in the past and the expectation of violence in the near future are always melded, and fully lived in the present situation by all members.

The battered wife above expects every night that she might be beaten that night. Her present moment is never freed from the experience of the past and the projection of the past experience to the future. She is caught in these fields of experience and she herself in turn provides these fields continuously.

All the members of the family, broken apart internally, try to avoid each other. Each one of them finds their own hiding places. Thus, the battered wife runs into the basement to escape the impending violence and stays up with the children because she knows that he is not brutal in front of the children, and she sometimes leaves the house for prayer meetings if she cannot control herself with the devices described. Their daughter, aged 15, always turns on the light in her room to avoid seeing her father. She knows that the father will not come upstairs to her room if the light is on. Whether the father is in the same house or not, in her fields of experience he is always there and she must hide herself from him. The father would assume that she is studying and he should not interrupt her. The violent father himself, finding excuses that no one in the family wants to be with him in the same place, goes to the mistress's house. The family becomes a hollow, empty place.

The feelings of revenge and hatred towards the husband surround her. Whether the husband is actually involved in adultery or not, she is already caught in the world of violent emotion. She can interact with him only in this world. Also the physical violence as well as the denial of her sexuality culminates her feelings of revenge and hatred towards the husband. The feelings of hatred and cravings for revenge are, however, repressed for various reasons (Dobash & Dobash, 1979). First of all, in Korean culture, wives are expected to be passive and reserved in their sexual relationships with the husband. In this culture, a wife being furious and outspoken to the husband about a "trifling" love affair is not supported by the society. Instead a wife has an absolute right to burst out at the woman the husband is close with.

Repression of the hatred and revenge arises in many ways. As we have seen earlier, the battered wife has repressed the feeling of hatred towards the husband with the images of the powerful mother, the dutiful daughter-in-law, the wife with the financial security, the religious believer, and so forth (Ferraro & Johnson, 1983). But these value feelings are not genuine. These are the illusions of value feeling.

Along with these value illusions, she is in search of objects that she could blame for the husband's behaviour. For example, the existence of a mistress and the habits of the husband become the objects to blame. She makes believe that if these conditions are removed then she will resume her former relationship with her husband. This is the bad faith of Korean battered wives. Under the social situation that the wife's breaking out of the family is difficult, she tries to find reasons other than the violent self of her husband for the cause of violence.

At the same time, however, her craving for revenge towards her husband has not stopped. The revenge is carried and fulfilled in her world of the violent emotion. But the revenge here always accompanies her desire to return to a normal family. That is,

her craving for revenge itself is the transformed expression of the desire for a normal family. Therefore the vengeful imagination accomplishes the very thing it pretends to condemn: the reunion with the husband. Korean battered wives do not resist violence against themselves by dissolving the family. The patriarchal ideology of womanhood in Korea is so powerful that even in the world of violent emotions Korean battered wives dream of the completion of the family rather than the dissolution of the family. She tries desperately to go back to the taken-for-granted world with revenge. But as she couldn't face what is happening to her, she herself becomes the victim of her own plan.

Social Interventions for Battered Wives

The thought that wife battering is a family affair to be considered within the family is pervasive in Korea. This leads to the lack of appropriate social interventions as well as social support systems for battered wives. The lack of legislation to cover the problem of wife battering, the poor response to wife battering by police, and the shortage of social support systems including shelters and family counselling centers lead battered wives to stay in the family. In this section, I'll review briefly the present situation of each issue.

The problem of legislation

In Korea, there are no special statutes defining domestic abuse. Under the present legal system designed not to intervene in the family, the Korean battered wife has two choices. One is to prosecute her husband for physical assaults. However, criminal laws are seldom enforced against domestic batterer unless the violence has escalated to a stage of severe injury or death. The other is to prosecute her husband under the condition to terminate the relationship through civil divorce proceedings. This causes many Korean battered wives to withdraw or recant legal proceedings because most of them as full time housewives find it difficult to be independent economically as well as emotionally after the divorce (KWDI, 1993; Shim, 1996).

Feminists, legal services attorneys, and women's organizations have been working to enact domestic abuse statutes since 1995. Provisional statutory schemes include warrantless arrest provisions which are to allow police to arrest immediately at the scene and protective orders which are to insure that the abuser is denied access to the residence of the victim. The proposals were proposed to the legislation committee of Congress in 1996. It was in pending status until it was finally turned down in July 1997.

The problem of police intervention

Under the present jurisdiction, Korean battered wives can call the police for intervention, if not for prosecution. However, as was seen in Table 4, only 1.7% of abused wives and 6.0% of battered wives have called the police for help. This extremely

low rate of police calls is related partly to the ineffective response to and ignorance of domestic abuse by the police. Kim (1996) states that 80.6% of the abused wives who called the police for help reported that the police left after urging them to reconcile at the residence. Also most of the battered wives who contacted the police complained that the police identified too closely with the battering husbands and blamed battered wives. 6.5% of the abused wives who called the police received protection: either they were sent to the women's hotline or their husbands were under detention for one night. However, not one of the battering husbands was arrested! Instead, 12.9% of the abused wives who called the police were recommended to prosecute their battering husbands by the police.

Needless to say, the police need to intervene in family violence more actively with adequate training because police intervention could generate not only prevention of further violence in actual situations but also prevention of possible violence in future situations.

The problem of shelter shortage

Korean battered wives seldom call a women's hotline. As shown in Table 4, the hotline call rates are as low as the police call rates. Only 2.0% of abused wives and 6.0% of battered wives called a women's hotline offered by a social agency for help. This is partly because despite the rigorous battered women's movement there have been too few shelters across the country and those were not well known to the battered wives. In Korea, there are 11 shelters across the country: the Korean Women's Hotline United opened three shelters, the Catholic Social Service Foundation opened three, and government supported social agencies opened five (see Table 9 & 10).

The scarcity of shelters and hotlines hinders abused women to seek for services to avoid violence. For Korean battered wives, it takes long to ask for support at the shelters. Table 11 shows that for Korean battered wives, it took 8 to 10 years until they decided to ask for support from social agencies, while for American women it took 6.7 years. In the USA, battered women didn't come to the shelters until they had experienced an average of 59 incidences of battering and 5 incidences of battering every 4 weeks. In Korea, battered women at the shelters experienced an average of 2 incidences per month.

TABLE 9. Shelters Run by Civil Organizations

District	Name of Organization	Founding Year	Facilities	No. of Residents in a Year	Length of Stay	Financial Support	Counselling Programmes
Seoul	KWHU	1987	3 rooms.	100-130	1 month	membership fee	individual & group counselling
Seoul	Catholic foundation	1992	6 rooms	100	1 month	catholic foundation	individual & group counselling
Pusan	KWHU	1992	5 rooms	100-120	3 months	membership fee	individual & group counselling
Taegu	KWHU	1992	1 room	20-30	1 month	membership fee	individual & group counselling
Masan	Catholic foundation	1991	13 rooms	350	1 month	catholic foundation	individual & group counselling
Chun-chon	Catholic foundation	1992	unknown	unknown	6 months	catholic foundation	individual & group counselling

source: Lee (1995), p. 56.

TABLE 10. Shelters Run by Government

District	Name of Organization	Founding Year	Space	No. of Residents in a Year	Length of Stay	Financial Support	Counselling Programmes
Seoul	government	1992	80 residents	300	5-6 months	government support	individual & group counselling
Pusan	government	1995	50 residents	unknown	1 month	government support	individual & group counselling
Taegu	government	1994	30 residents	unknown	1 month	government support	individual & group counselling
Kwangju	government	1992	4 rooms	30-40	1 month	government support	entrust to other agency
Inchon	government	1995	50 residents	unknown	1 month	government support	individual counselling

source: Lee (1995), p. 56

TABLE 11. Frequency and Duration of Battering Experience of Battered Wives at the Shelter

Country	Frequency of Battering	Duration of Battering
USA	59 incidences of battering were experienced, 5 incidences of battering in every 4 weeks ¹⁾	6.7 years on average ²⁾
Korea	2 incidences of battering in a month ³⁾	8-10 years on average

source: Lee (1995), p. 59

1) Okun (1986)

2) Rounsavile (1978), p.11, 31

3) Korea Women's Hotline at Pusan (1994).

These shelters offer a variety of emergency services to battered wives, but half of those do not receive their children. Services include emergency hotlines, individual and group counselling, emergency medical care, food and clothing. But shelter space in Korea is so limited that only about 800 residents in a year can receive support. Also, shelters run by women's organizations suffer from unstable, inadequate funding. Shelters would have received funding from the government if the proposed domestic abuse statutes had been enacted by the Congressional committee. However, efforts to the

enactment of domestic abuse statutes have not been successful. It implies that by far the seriousness of family violence has not been fully acknowledged in Korean society.

Conclusions

In this paper, I have discussed wife battering in Korea in three aspects: 1) a general overview of the extent, causes, consequences, and social interventions of wife battering; 2) experiences of the battered wives in the ongoing, everyday Korean family of violence; 3) a general overview of the level of social intervention in Korea.

Wife battering in Korea exists in wide segments of the population. The Korean survey showed much higher rates of violence in severity as well as in extent. However, Korean battered wives seldom sought help from police or social agencies. In general, most of Korean people, including abused wives, thought that wife abuse is a family affair to be kept secret. Most battered wives thought they were abused because they had trouble either with a position of wifely virtues or with a position of dutiful daughter-in-law.

Experiences of battered wives with respect to their views on love, marriage, sexuality, family, desire, and violence have been drawn. Experiences of wife battering were placed in the ongoing, everyday Korean family life, where the historical, legal, cultural, economic, and interactional structures of Korean society have been embedded. The problem of sexuality and conflicts with the in-laws composed two major issues in the husband-wife relations in the violent family in Korea. The patriarchal ideology of womanhood in Korea is so powerful that even in the world of violent emotions, Korean battered wives dream of the completion of the family rather than of the dissolution of the family.

For the last 13 years, the battered women's movement has worked to change the social attitude that wife battering is a private, family affair. Thus it has generated hotlines and shelters across the country. However, efforts to change the social attitude has not been successful to reach the point of revising the law. The Korean Congress dropped the proposed domestic abuse statutes in July 1997. The Korean battered women's movement will suffer from this failure to reform because without revision of the law Korean battered wives will continue to occupy a subordinate position in the family, and the shelters and hotlines will continue to lean on unstable membership fundings.

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- ¹ The Women's Hotline (*Yeoseongui Jeonwha*) was expanded to the Korea Women's Hotline United Inc. (*Sadanbeobin Hankuk Yeoseongui Jeonwha Yeonhap*) in 1991, where currently eleven women's hotlines are lined up nationwide. Hereafter I use the Korea Women's Hotline United to refer to both *Yeoseongui Jeonwha* and *Sadanbeobin Hankuk Yeoseongui Jeonwha Yeonhap*.
- ² Most of the material in this section have been drawn from Cho (1991).

Violence Against Women and Girls in Nepal

Sapana Pradhan Malla, Indira Shrestha, Ananti Shrestha, Bhagwati Khadka and Indu Singh

Introduction

Violence is an obstacle for the achievement of the objectives of equality, development and peace. It violates, impairs and nullifies the enjoyment by women of their human rights and fundamental freedoms. Failure to protect and promote their rights and freedoms are a matter of great concern to all states and should be addressed effectively. In all societies, to a greater or lesser degree, women and girls are subjected to physical, sexual and psychological abuse that cuts across lines of income, class and culture. Violence against women is proving to be an effective weapon in the hands of men through which they can exploit women and establish their supremacy. In many cases, violence against women and girls occur in the family within the home, where violence is often tolerated. The Beijing Platform for Action highlights that violence against women in the family including neglect, physical and sexual abuse by family members and other members of the household, as well as incidences of spousal or non-spousal abuse often goes unreported and is thus difficult to detect. Even when such violence is reported, there is often a failure to protect victims or punish perpetrators (Malla, 1998).

In recent years, violence against women is emerging as a grave social problem particularly in the Asian Region. The problem is neither new nor unique to this region. The problem receives little social recognition and legal redress because patriarchal values, traditions, norms, and even laws discriminate against women. Women are subjected to physical, sexual, mental abuses and tortures in all social structures in all countries. A few actions to combat violence are recently taken up by the national governments and NGOs of this region. Whereas many of these actions have not proved to be effective, there is a need for effective action, legislation, and support services to address VAW in the region. The situation in Nepal is not an exception.

A few studies on VAW in Nepal in recent years have raised public awareness on the matter. A community survey conducted by a women's advocate group, SAATHI, (1997) showed that 88% of the households reported domestic violence as at least occasional incidents. Physical beating is reported to be the most common form of

violence by 82% of the respondents. Other forms of VAW include sexual harassment in public places and in the work place, telephone and letter abuse, bonded labour, child, marriage and forced labour. VAW also takes place in conjunction with religious practice such as “Devaki” (a girl who is offered to the god and not allowed to marry), and customs such as dowry.

In a study on the use of the legal system for crimes (Sangrula & Malla, 1997), the following kinds of violence against women were found in the District Police Station: murder, rape, trafficking of women, assault, polygamy, imprisonment under abortion crime, prostitution, child marriage and domestic violence.

There are many examples of old sayings in the culture that downgrade women:

“Low castes, women and animals should be physically tortured to control them.”

– *Sant Tulcidas*

“A man has a right to tie and beat his wife with a bamboo stick if she does not listen to him.”

– *The Matsya Puran*

“Wives are the dust of the feet.”

– *Srimati Bhaneko Paitalako Dhulo*

“Sons are the light of the family where daughters lighten the kitchen only.”

– *Chhora Bhaye Sansar Ujyalo,*

Chhori Bhaye Bhansa Ujyalo

Government Policy to Deal with Violence Against Women

In Nepal, government policy and its commitment to the Beijing Platform for Action have placed a focus on eradicating discrimination between men and women and to provide with the equal rights. Among the strategies adopted is the involvement of NGOs, GOs and local bodies in the process of preventing all forms of violence against women so that the protection of women’s human rights could be possible. The Ministry of Women and Social Welfare has also prepared a National Plan of Action for five years to deal with gender-based violence, including the review of all discriminatory laws and the enactment of domestic violence legislation.

Prevailing Legislation and Enforcement Mechanism to Address Violence Against Women

Nepal does not have separate legislation on domestic violence. There are various scattered laws dealing with violence against women. Wife battering (physical violence) are dealt with under the *Country Code* of 1963, the Civil and Criminal Code of Nepal, which incorporates physical assault as a crime. The *Country Code* includes both ordinary to serious physical injury as assault, and institutes fine up to Rs. 10,000/- and imprisonment up to 10 years as the punishment, depending on the nature of the assault, its effect and the weapons used. The victims can claim for compensation also. However the chapter on assault does not have any provision regarding mental torture and verbal

abuse. Verbal abuse can be dealt with under the Defamation Law¹. The chapter on assault is a civil criminal offence. The State does not initiate the case. Hence, a victim has to go to the court herself and follow lengthy procedures. The role of the police in this case is limited. They are only involved in the preparation of Case Form Report. The victim does not get any support from other government machinery while initiating the case². Hence, very few cases of evidence against women are initiated under this law.

Incest has been defined as a crime involving sexual intercourse between persons who are relatives within seven generations. Incest is strictly prohibited in Nepal. Marriage involving the incest relationship except under the customary practice is void. The punishment varies according to the distance of the relationship between the persons involved in incest. Incest law can be invoked only when there is an intercourse, but has been used in Nepal mostly against women.

Bigamy is prohibited in Nepal by the law except on the ground stated in the law. Punishment under the bigamy law is very low. In the *Country Code* 1963, Clause 10 of the Marriage Chapter has imposed one month to two months imprisonment and rupees 1,000 to 2,000 fine as the punishment of Bigamy. Hence it does not deter the bigamists. In Kathmandu Police Station, the Women Cell has recorded 32 cases of bigamy in 1997.

Under the prevailing law, forced sexual intercourse with one’s wife doesn’t constitute the crime of rape. As a fundamental element, the victim must be a woman other than the wife. Thus, the existing law does not recognize the right of the wife to deny the husband to have sexual intercourse with her. Not even a forceful or violent sexual intercourse consummated by the husband constitutes a crime of rape under the existing law. It can, therefore, be said that marital rape is not considered a crime. Unfortunately, if a wife reports such incidents of rape, it typically becomes the subject of fun even for the police.

The Social Practice Reform Act 1986 prohibits dowry and unnecessary expenses on marriage. The Human Trafficking (control) Act 1986 prohibits compelling women in forced sex, and the selling and buying of women. There are many cases recorded and initiated in the court where family members themselves sell their daughter, wife, niece and sister etc. State Cases Related Act 1992 deals with the procedure to be followed for the initiation of these cases.

A case can be initiated under the Homicide chapter of the *Country Code* if there is crime of attempted of murder or murder. The Marriage chapter of the *Country Code* 1963, prohibits the Child Marriage and Forced Marriage. Child Marriage and Forced Marriage are still common in Nepal. Women are denied the custody of children in case of second marriage after the divorce. There is a chapter on Intention to Sex in *Country Code* 1963, that says if anyone looks from head to toe of the woman with intention to have sex, he shall be punished. However, this law is not pragmatic. Since abortion is illegal, a woman who undergoes abortion is punished by life imprisonment.

Victims are reluctant to report an incident of family violence. According to the SAATHI's (1997) study, the reasons are mainly due to financial dependency, lack of education and wanting to keep a family intact for the children, and fear of social sanction. Instead of pressure or sanction against the perpetrators, the victims were pressurized to stay with the abusers in the case of domestic violence. NGO groups reported having to face social sanction and even political pressure for trying to help victims of violence. Although violence against women and children was widespread, the community at large was generally unconcerned about the victims.

In order to illustrate the sociocultural context of violence against women in Nepal, a number of case studies will be presented in this chapter.

Case Studies

The case study on Violence Against Women was conducted by a women's service organization, Shtrii Shakti (Women Power) with reference to the participants at a Halfway-Home (HH). Shtrii Shakti (S2) was formed by a nucleus of development professionals as an overall linking institution bringing together women in need of assistance and the appropriate facilitating agencies. It targets women of the low-income and low-skills group. The Halfway-Home is a transit rehabilitation center at Budhanilkantha, 8 km north of the capital. It is run by Shtrii Shakti under the 'Self-reliance Development of Women in Need' (WIN) project, sponsored by the Netherlands government. The goal of the project is to support socially and economically distressed women to become self-reliant and rejoin society. Under the project, needy and homeless women from different parts of Nepal are brought to Halfway-Home and offered awareness, capacity-building and skill training to develop their self-esteem and self-confidence. A total of 201 cases are represented in the original report published by Shtrii Shakti. The participants stayed at Halfway-Home in five groups over a five-year period, from 1993 to 1997. The following major issues are highlighted in the report (Shtrii Shakti, 1997):

The majority of the women had narrated experiences of their married life with a sense of bitterness. They had had high hopes and expectations from their married life but in return all they got was abuse and emotional distress. These experiences can be sub-divided into the following three types:

1. Wife-Beating
2. Desertion by husbands
3. Ill treatment by in-laws (particularly mother-in-law and unmarried sister-in-law)

Wife-Beating

Wife-beating is one of the common events that occurred in the lives of many married women. Most of the married women had experience of having been beaten up by their husbands for not performing their womanly duties, like housekeeping, childcare, taking care of in-laws, etc. A few cases of wife-beating related to money matters and illicit

relationships with other men were also reported. An interesting but tragic point in the narration of the miseries of these women is that most of them had taken these wife-beating incidents as an acceptable social behaviour. They did not find anything wrong with it. "Every other women is being beaten so what is wrong if I am beaten also" was a common answer.

Common forms of wife-beating were done by kicking, punching and brutally pulling hair. An illustrative case history of such behaviours is that of Kanta:

Kanta, 21, is from Gularia, Bardia. She was the first child of her parents. Her father used to work as a watchman with the Nepal Electricity Authority. There was a big family with three brothers and two sisters. The only working member was her father and they barely managed to survive with minimum food and clothing. One day, she ran away with a boy of Kailali district, who happened to be her own caste. She was just 13 years old and did not know what was right and what was wrong. For a few years after the marriage, they had a satisfactory relationship and she did not have too much to complain about. But happiness was short-lived. After the birth of their first child, a daughter, who was not happily accepted by him, he became a different man. He began to drink alcohol and started a regular habit of beating her badly. He started stealing food and grains from his own house to pay for the alcohol and prostitutes. Whenever Kanta tried to talk to her husband about his illicit affairs with other women, he did not listen and beat her badly. Once he threw a big piece of stone on her head. His parents also could not tolerate such behaviour and asked him to move out of the house. This made him even more reckless and aggressive. Fed up with this life, she went back to her parents and lived there for some time. Eventually, she came back to her husband, reconciling herself with her husband's habits. After a few months, her husband developed another ritual. Every night he would come home drunk and start beating her. Her life continued in this manner till the birth of their third child. She silently suffered and blamed her fate for all her misfortunes. Then her husband went to Kailali in search of a job. When he returned after six months, he had a woman with him. He asked Kanta to leave the house, but when she refused, her husband caught hold of her long hair and dragged her on the floor and finally, threw her out of the house. She was kicked out of the house at mid-night with her three children. She went back to her parents' house in the morning. Due to the poor economic condition of her parents, she was regarded as a burden by her brothers and sisters. Nobody respected her and her children. She then came to the Halfway-Home and learned to become self-reliant and spend her life with dignity.

Desertion by Husbands

In the Nepalese society, parents or elders of the family arrange a majority of the marriages. The husband and wife come to know each other only after marriage, and put a great effort towards adjustment. There are many cases where husbands left their wives and went abroad to marry girls of their own choice. A few of them promised to

come back soon but they never returned. There are also cases where wives have been deserted when they were pregnant, as in the case of Shobha, a 22 year-old woman from Lumjung:

Shobha was illiterate. After marriage, she had a great hope of support from her husband but her husband left her while she was pregnant. He wanted to marry another girl. Now she was all alone and helpless. She was very concerned with the future of her child, so she came and joined the Halfway-Home to learn some skills for a source of income. Here, she gave birth to a girl-child.

She took a tailoring course and gained a lot of confidence to start a new independent life. She started making clothes and earned enough money to meet the basic needs of herself and her daughter. She was able to support her small family easily. When her husband came to know that she was now earning, he went to her and apologized for his past behaviour. He requested her to forget their past lives and proposed that they live together in her house. As she was soft-hearted she believed that he was a changed man now and they could have a happy marital life. But events proved otherwise. One night, her husband stole all her goods and sewing machine and ran away. She was abandoned again and forever by her husband.

Ill Treatment by In-laws

There are many cases of oppression of women by their in-laws. There are various ways in which the in-laws manage to oppress their daughters-in-law. In one of the most common ways, the son is instigated by his mother who narrated many 'negative points' about his wife, such as: she is not good at housework; she is not a homely girl; she does not care for children. The striking point in the oppression of women by their in-laws is that it is almost always the mother-in-laws and sister-in-laws who are the culprits. It is the oppression of women by women that causes most concern. It is expected that women should understand the problems and miseries of other women in a much better way than men would, but the case studies suggest otherwise.

It is not always possible to categorize the violence against married women in the three categories mentioned above, as many of the victims suffer from these three circumstances at the same time, like in the case of Bhagwati:

Bhagwati, from Dhading district, was 18 years old. She was the first of six children. She had two younger brothers. Her parents were from the lower social class and were landless. Her parents used to work as farm labourers. She had to look after her brothers when her parents went out to work in the farm. She did most of the household work and also assisted her parents in the farm work. Her parents never thought it necessary nor could afford to send her to school, as she was a girl-child. At the age of 15, she was married off to a boy from the adjoining village. But after a few weeks of marriage, her dreams of a blissful married life were shattered. Her in-laws started to torture her for not bringing in enough dowry from her parents. The torture was both mental and physical. Frequently, she was beaten up by both her in-laws and husband. She was also

verbally abused. Her parents were abused with vulgar words that hurt her immensely. After three years, her husband got married with another girl. With the arrival of this new woman, her position in the house worsened. She was denied food and finally thrown out of the house.

Physically abused and mentally tortured she went back to her parents. She hoped that with her parent's support, she could start a new life. Unfortunately, she could not even get their support. She became a burden for her parents. Having her last hopes blown away, she did not know what to do. She was physically so weak that she was not able to work on the farm. She was illiterate and possessed no other skills. All avenues of gaining a livelihood were closed. She came to the Halfway-Home, physically weak, battered, and humiliated.

Mental and Physical Abuse

While the three types of abusive marital relationship mentioned above relate to the physical and mental abuses suffered by married women, unmarried, separated and widowed women were also victims of this nature. They also suffered from various physical and mental abuses. They were being abused not only physically or verbally but were also victims of mental torture and trauma. They had lost their self-confidence and self-esteem.

These unmarried young girls were not only ill-treated and used as bonded labourers denied of the basic human rights of having food, education and health. They were also accused of having a bad character. They were captives in their own homes where family members (mostly step-mothers, step-fathers or relatives) would seek to isolate them from others including friends, relatives, suspected lovers.

In a few cases, widows were blamed by their mother-in-laws for being the cause of their sons' death. A large majority of widows and divorcees were suffering from guilt, insecurity, anxiety, and self-hatred. Any activity of widows and separated women were restricted by family and society that they could not overcome and that resulted in them being frustrated and depressed. Most of the time they were thrown out of the houses against their will as in the case of Kanchi from Dhading district:

Kanchi was only four months old when her mother died. She managed to study up to class 3, when she was married at the age of fifteen. She never enjoyed the life with her husband. He never behaved well with her. He was all the time angry with her and wanted her to go back to her parents' house. Her in-laws also encouraged their son to mistreat her. They wanted him to divorce her. Her husband on many occasions even gathered some of the villagers to put social pressure on her. But she never agreed to the divorce. This went on for eight years. Once, in a festival, she went to her parents' house for a few days and when she returned, her in-laws would not allow her to enter the house. They locked the door of the house and went to some other village. She waited for a few days, but they did not come back. So, she again went back to her parents' house. Many times she tried to come back to her own house, but every time

she was refused entry. In her parents' house, her brother and sister-in-law resented her presence. Nobody needed her, and she did not know what to do.

Then she came to Shtrii Shakti with the help of her distant relative, looking for a new direction to her life by acquiring some skills and becoming self-reliant in the future.

Rape and Sexual-harassment

A few of the women have experienced sexual acts against their will as a part of the process of humiliation and domination. They have also narrated the traumatic experience of being raped by their neighbours, family or relatives. Most of the unmarried young girls who were victims of rape did not inform their parents of these incidents due to the fear of being disgraced and beaten by them. It is also observed that there was a tendency among victims not to report about rape and sexual harassment to any one. Women seem to have perceived it as their very personal and private problem. They also had a fear of being blamed by the society, because it is generally the woman who is held responsible for encouraging such incidents. Sunmaya is one of the married women who was a victim of rape:

Sunmaya, a 28-year-old woman from Lumjung district, was married at the age of 13. She had two daughters and one son. For fifteen years she spent an uneventful and happy married life as she had a very caring and responsible husband. Most of the time, her husband had to stay out of the house because of his job in the Royal Nepal Army.

A man from his neighbourhood used to visit Sunmaya's house regularly. He was reported to be in love with Sunmaya's younger sister.

It was a day of *Laxmi Puja* when the man came to Sunmaya's house and wanted to play cards with her. She was not interested in playing cards and wanted to go and sleep in the next room where her children were sleeping. Somehow she allowed the man to play cards with his friends. Sometime during the night, he forced his way in the room in which Sunmaya was sleeping.

She cried and pleaded and tried to run away from the room but she was no match to the brutality of that man. She could not prevent the man from raping her. Sunmaya did not dare disclose this incident to anyone within and outside the family.

When Sunmaya's husband came to know about this incident, he did not believe Sunmaya's version of the event. He forced Sunmaya to go back to her parents' house. There she gave birth to a baby boy who died after 13 days. Sunmaya, feeling lonely and helpless, came to Halfway-Home for economic and mental support.

Trafficking of Girls into Prostitution

Ten women plus a girl-child were brought to HH, who were trafficked to India and forced to adopt prostitution as their occupation. Two of them have been sold by their parents for money to support their family. All of them had no prior knowledge of this job of prostitution in which they had to be involved.

The case studies of these prostitutes bring out the fact that most of them lacked the experience of being loved by their parents and somehow they wanted to get out of their homes. The root cause of their business is found to be economic or lack of family care, but in some cases, the desire to lead a better life like someone else, is also a factor. Brokers had misguided these women or their parents for a better job, life situation and a good range of income in all the cases.

Saraswoti is one of the girls who were brought to Kathmandu from Bombay, India. Saraswoti belongs to a very poor scheduled caste family. She had to work hard on the farm and in the house in order to get two square meals a day. Her father used to work hard in a landlord's farm and was hardly able to meet even the basic needs of his big family with 10 members. She was, therefore, not sent to school and was married off at the age of 15.

Her husband also belonged to a joint family where his father, mother, three brothers and three sisters were living together. She was still in search of affection and love. She also wanted to have a lot of money, which she was not getting. Her husband used to drink alcohol and beat her almost every night. She was fed up with her lonely and monotonous life and was looking forward to getting out of this rut.

In the meantime, an unfamiliar woman, named Farida, came to the village as a trainer of some skills. She started showing concern and talked to Saraswoti about her future and her helplessness. She promised Saraswoti a job by which she could earn a lot of money. She strictly forbade Saraswoti to tell her family about this job, as they would never give their approval for going abroad. One day Saraswoti was taken to Nepalgunj where she was kept until the arrival of three other girls. These four girls were taken to a big city where they came to know that it was Bombay. They were then sold to a brothel located at Kamatipura, Bombay. After being sold to the brothel she cried day and night and received nothing but torture. No one was there to help her. She was told that if she wanted to return to Nepal, she had to do some duties for customers. She had no option but to accept what she was told. She used to be very busy every evening from 4pm to 2am. She used to be paid Rs. 500/ only and the rest of the money was pocketed by the madam of the brothel. Another misery was added to her life when she became pregnant after one year. Madam left to her the decision whether she wanted to give birth to the child or to abort. Saraswoti was very much concerned with the future of her child so she decided to get an abortion. Only after three days of rest after the abortion, she was again forced to sleep with men in a very painful condition.

She was very happy when the Indian police rescued her.

Factors Contributing to Violence Against Women

The study of 201 emotionally and mentally abused 'spaceless' women who participated in the WIN programme conducted by S2 demonstrate the effect of violence on their conditions. One observation that clearly comes out of the study is that all the

women were victims of the violence in one form or another. The only variation that is noticed is the level of violence that they suffered.

Out of the total number of participants, more than 73 percent reported violence to be the main reason for their conditions. For the remaining 27 percent, the major reason for their status was economic.

The findings of the study clearly demonstrate how any particular girl and woman is victimized by violence of some kind and what are the various contributing factors - social, traditional and psychological which act and interact with one another. In these cases, there are definite trends, norms and patterns that can be recognized. A traditional role expectation of wife is that she has to assume a subordinate position in the marital relationship. Husband wants to continue with his position of dominance, which is one of the most important causes of women's abused marital status.

One of the major themes that emerged from the narration of the lives by most of the women at HH is poverty. They narrated how they had to starve, and how the death of a nearer and dearer one without medication affected their lives. The basic reason that come out of these stories, is the dependence of women for economic support on men or their families, both natal as well as husband's house. Poverty entails a lack of option to women and that lack of option forced them to accept their inferior position in the family.

The basic thing that was affected by poverty is a child's education. This is due to a combination of poverty and the girl's role in a household. On one hand, she has to look after her young brothers and sisters; on the other hand, her parents cannot afford to send her to school. Since she does not go to school, she is married off at a very young age. She would not be very mature and educated, and so is unable to adjust in her in-laws' family. Her in-laws would dominate her, which most of the time takes the form of both physical and emotional violence. She has no chance of breaking free of this cycle of torture and oppression.

Although most of the women at HH are victims of poverty-related violence, to some it is a major cause of violence while for others, it is not so predominant.

Those women who participated at the Halfway-Home had no control over the money they had earned in the family. When they wanted to hide the money for their own use, their husbands hit them badly. In poor family status, women tend to be even poorer than men.

The case studies demonstrate how parents, family and society are unconcerned about the victims' suffering. Though victims have to go through so many bitter and humiliating experiences related mainly to violence, society is still pretending to be unaware of these women's suffering. Most of the participants were aware of the fact that violence should be stopped soon, but they were not in the position of stopping it by their own efforts. Naturally, the question arises: Why were these women putting up with the violence? Some of the reasons offered by these women may be summarized as follows:

- (a) Economic dependency: Women are economically dependent on men. This dependency causes them to tolerate the violence. They have no other option but to meekly follow men.
- (b) Lack of awareness: Women have a tendency to perceive the violence as a natural behaviour that happens everywhere. They have seen their mothers and sisters suffering from violence.
- (c) Lack of training: These women are unskilled so they are not able to get a job.
- (d) Traditional up-bringing: These women are brought up in such a situation that they have a belief that they are inferior to men.

The analysis of the reasons for the violence against women shows the economic dependency to be a main factor in determining the level of violence suffered. The study also suggests lack of awareness, lack of knowledge of law, lack of training and mode of upbringing to be the other reasons for the prevalence of violence. But the key factor underlying all these reasons is undoubtedly because given the economic dependency of women on men, the life of women is controlled by men. It is men who control the apparatus of the society. Women are thus denied access to different opportunities that men are entitled to get. Thus they end up in life without any job-getting skills or awareness as to their rights. This situation is perpetuated from generation to generation.

Initiatives to amend the law related to violence against women

Through the advocacy of human rights activists, lawyers and women's groups, there is more awareness raised on issues of VAW in Nepal. Recognizing the inadequacy of scattered legislation dealing with domestic violence, there is a campaign towards introducing a specific law on domestic violence. The Women and Social Welfare Ministry of Nepal has taken initiatives to draft the "Domestic Violence Bill 2054" as part of their commitment made on the Beijing Platform, and the National Plan of Action prepared by the Ministry itself. The Bill incorporates physical and psychological violence within the definition of violence. It also includes some provisions for the protection of and compensation for the victim. A victim can appeal for the immediate protection for herself and for her property after lodging a written complaint about the problem. The Bill also includes the special provision for camera court, speedy trial, and mediation.

Concomitant to the legislative reform, the need to strengthen services and training of frontline personnel has been raised by the advocates. In order to expand the capacity of the police to enforce the provisions contained in the law, the number of Women Cells in the police should be increased. They should be delegated with adequate authority, and should be provided with proper training and infrastructure. Training should also be provided to public attorneys.

Hospitals, the first place where the domestic violence is reported, should be provided with psychological and legal counselling services along with a police section to register

the complaints. The victims should be provided with the facilities of short and long-term shelters — which should be like shelters and not jails — with avenues for income generating activities. The government should aim at creating a better understanding of the seriousness of domestic violence cases within the community and encourage the community to participate in eradicating violence against women.

Similar efforts to deal with other forms of violence against women are needed. There is a need to enact new legislation on rape as the definition itself is too conservative. Only vaginal penetration is defined as rape. Abortion is illegal and 20 percent of women in prison are sentenced for infanticide since women do not have access to abortion.

The Judiciary is not sensitized to the seriousness of violence against women. It does not take cases of violence against women seriously. In many cases on trafficking of women, the judiciary acquits the accused defendants. In one rape case, the Supreme Court of Nepal has also said that “If there is a lack of evidence which prove that the sperm found on the woman’s vagina does not belong to the defendant, it is injustice to establish crime of rape.”³.

Conclusion

Gender violence is a pervasive and prevalent problem worldwide, affecting all aspects of woman’s life from the home to the workplace. Violence against women is a problem that results from unequal power shared by men and women. The patriarchal structure of the society enables men to wield more power than women. Obviously, the relation between men and women is governed by the societal values. The long practice of unequal power sharing has given rise to many traditions that impose on women a culture of tolerance, of discrimination and exploitation.

Law plays a role towards positive transformation of the society and is a means of social reform. It plays a critical role in promoting and changing, the attitudes and practices related to violence against women. The law plays a dual role of reforming the fundamental social values and defining them. Passage of legislation alone cannot address the issues relating to violence against women; what is required is an effective implementation mechanism.

Women are very vulnerable to violence and this in turn leads to their additional dependence on men. In most of the cases, economic dependence is a critical factor in domestic violence. To put an end to domestic violence, among other things, improving women’s economic situation is required. When their freedom is restricted and they have no options for escape, women are more likely to be abused by their husbands or other male relatives.

In cases of domestic violence, the legal system is generally utilized as a last resort if other mechanisms like family counselling have been exhausted or proved ineffective. Domestic violence is a problem beyond the criminal justice. It is a problem relating to health, legal, economic, educational development and human rights as well. Victims seek assistance from family, friends, doctors, social workers, counsellors or women’s

organization. Community support service, therefore, plays a vital role in the situation of a domestic violence.

It is obvious that a major attitudinal change would be required to bring about reform in the traditional values of society as it has always given superior rights to men over women.

The legal system has failed to recognize various forms of gender violence as unacceptable social behaviour. In the process of establishing a new legal framework for confronting gender violence, many important achievements have been made but several theoretical issues still remain to be addressed. These will persist till the Government of Nepal shows strong political commitment.

The State has an affirmative duty to protect the human rights of women and it must exercise due diligence to prevent the violence against women. High incidents of domestic violence are recorded throughout the country. The State must develop extensive strategies in order to fulfill their national, regional and international commitments effectively.

As a party to several international conventions dealing with the elimination of violence against women, Nepal is duty-bound to pursue policies and enact laws aimed at ensuring complete equality of treatment to women and providing them with proper legal and institutional protection from gender based violence. The existing laws of Nepal do not cover all incidents of violence as criminal offences. Hence there is a necessity of a separate legislation dealing specifically with such abuses on women. While drafting such legislation, it has to take into consideration the recommendation no. 19 on CEDAW.

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¹ Defamation Act 2016

² Assault Chapter of *Country Code* 1963

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Hidden No More: Violence Against Women In The Philippines

By Aurora Javate de Dios

Introduction

The term *violence against women*, although of recent origin, describes what now seems to be a pervasive phenomenon in our country as well as in many other cultures and societies globally. A culture of silence often shrouded the violence women suffered and the survivors dealt with their traumatic experiences of abuse and dehumanization without words and concepts that capture such experiences. When women chose to speak they invariably faced social stigma, ostracism and the cruel scrutiny of the media and the legal system that often amounted to another form of victimization. With no sustained support system even from their families, women often ended up isolated and forever burdened with feelings of guilt and shame. Even if some women were not themselves victims, all women have to live with threat of violence in their everyday lives. Most simply avoid going out at night or walk in dimly lit streets or pray that they will not be part of the ominous crime statistics and stories that they read about in newspapers everyday. This situation is slowly but perceptibly changing. Mainly due to the organizing and advocacy efforts of women's movements around the world in the last two decades, violence against women has now become a public issue and the locus of women's activism and feminist research.

This paper will attempt to present in broad strokes the major and significant developments in the advocacy on violence against women locally and internationally. It will discuss the concepts, forms and trends of violence against women mainly in the context of the Philippine experience. Initiatives and strategies to address the issue will be presented alongside the difficulties, dilemmas and challenges of legislative and policy reforms within a predominantly patriarchal political and cultural environment.

In much of Europe and North America, the specific issues of rape and wife battering became the initial impetus for action against violence against women. In the Philippines, a few progressive women's groups began to publicly articulate the issue of violence against women in the early 80s even while the political movements they were part of considered the issue as marginal to what they considered as larger and priority political issues such as imperialism and the US Bases in the Philippines (De Dios, 1998). With the establishment of the Women's Crisis Center in the mid-80s, domestic violence

cases of Filipino women began to receive some public attention. Interest on the issue likewise evolved from research, studies and community outreach programmes under the rubric of women in development. It must be noted that religious orders and institutions such as the Good Shepherd Sisters have long been running shelters to help abused and battered women and children in the context of the charitable work of the church. In contrast, the campaign to raise violence against women as a public and political issue was borne out of the feminist analysis and work of Filipino women activists from the early 70s to the 80's (De Dios, 1998).

Internationally, the United Nations Decade for Women (1975-1985) proved to have a catalytic role in many countries in that for the first time, the issue of violence against women was articulated in an international fora. The Nairobi Conference on Women in 1985 concluded that violence against women was a serious obstacle to the attainment of equality, development and peace. Close on the heels of the conference was the adoption of a United Nations Resolution which called on governments to take concerted multidisciplinary action on the issue (UN General Assembly Resolution 40/36, November 29, 1985). The UN study on *Violence Against Women in the Family* (UN, 1992) presented a critical analysis of what heretofore was regarded as a private issue that did not concern governments and signified the UN's increasing resolve to deal with this controversial topic. In 1992, the General Assembly also adopted a **Declaration on Violence Against Women** which clearly defined violence against women "to encompass but not limited to:

- a) physical, sexual and psychological violence occurring in the family, including battering, sexual abuse, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;
- b) physical, sexual and psychological violence occurring within the general community including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and (forced) prostitution;
- c) physical, sexual and psychological violence perpetrated or condoned by the state wherever it occurs" (UN, 1992)

Another significant initiative in 1992 came from the UN Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW) which came out with General Recommendation 19 on Violence Against Women affirming that "gender based violence is a form of discrimination that seriously inhibits women's ability to enjoy rights and freedoms on a basis of equality with men" (CEDAW, General Recommendation 19, 1992). The Beijing Platform of Action states that "violence against women both violates and impairs or nullifies the enjoyment by women of their human rights and fundamental freedoms" (UN, 1996:73).

The increasing recognition of violence against women as a policy concern for governments stems from the realization, long emphasized by women's groups that

violence against women usually hidden and unrecognized must now be seriously dealt with as life-threatening and fatal to women. Statistics from countries such as Bangladesh, Brazil, Canada, Kenya, Papua New Guinea and Thailand indicate that more than half of all murders of women were committed by present or former partners. Moreover, suicide by women is often associated with other forms of violence which may have been inflicted on them. The World Health Organization contends that violence against women is evident all throughout the life cycle from pre-birth stage (through sex selection) to girlhood (female genital mutilation, incest rape, child prostitution and pornography) through adolescence and old age (WHO, 1997). Violence against women affects women's physical, emotional and psychological well being and is an obstacle to gender equality and women's ability to fully claim their rights and exercise their full human potential. Human rights activists have likewise begun to appreciate that violence against women such as rape and battering are also acts of torture that should be equally condemned as other acts of torture. Since 1985, significant policies and action undertaken by government and civil society have shown that violence against women is not only preventable but that acting decisively on it can help minimize the human, social and health costs that society is now incurring as a result of inaction and indifference.

Naming and Defining Women's Experience of Violence

An analysis of gender violence requires an understanding of its root causes and consequences; the underlying ideology that underpin practices and institutions that sanction, reinforce and perpetuate such practices; and the role that civil society may play in putting an end to it. Violence against women occurs in the context of unequal gender relations where male power and control over women is exercised as a matter of right that is often sanctioned by society's norms and institutions. Simply by her gender, a woman is at once at risk and vulnerable to violence. As Lore Heise (1996) puts it: "violence against women is not random violence. The risk factor is being female". Radhika Coomaraswamy, the current UN Special Rapporteur on Violence Against Women explains (1991) why this is so. She points out that:

- a) Because of being female, a woman is subject to rape, female circumcision, genital mutilation, infanticide and sex related crimes. Assumptions and construction of female sexuality and its role in the social hierarchy underlie such practices.
- b) Because of her relationship to a man, a woman is vulnerable to domestic violence, dowry murder, sati. The concept of woman as the property and dependent of a male protector such as the father, husband, son, etc. partly explains these phenomena.
- c) Because she belongs to a particular group, in times of war, riots, ethnic, caste or class violence, a woman may be raped or brutalized as a means of humiliating

the community she belongs to as in the case of the Bosnian women who were raped by the Serbian soldiers during the war in Bosnia Herzegovina.

- d) Violence against women occurs in several contexts — in the family, the community and the state. Within the confines of the family, traditionally regarded as a haven and a nurturing shelter for family members, battering, incest and sexual abuse are happening. Traditional practices like sati, female genital mutilation and female foeticide through sex selection are all sanctioned within families and are very often strongly influenced by pressures from the community. Yet another site of violence against women is the community where social, economic, religious and cultural institutions provide the mechanisms for perpetuating male control over women's sexuality, mobility and labour. Reports of stoning or murder of women suspected of having committed adultery or are perceived to be acting outside the socially defined codes of femininity in Islamic fundamentalist contexts demonstrates male mob rule in some countries. Sexual harassment in the workplace, rape and sexual assault as well as commodification of women in prostitution and trafficking are also manifestations of violence in the community.

Another locus or site of violence against women is the state which provides the framework where unequal gender relations is institutionalized through the law. Its clearest manifestation is custodial rape and torture which is directly perpetrated by agents of the state or when the systematic torture and rape of women is sanctioned and regulated by the state such as in the "comfort women". Hundreds of survivors of rape and torture perpetrated by Japanese soldiers during World War II finally broke their silence after fifty years and revealed the systematic kidnapping of young women from China, Indonesia, the Philippines and other Asian countries to serve the sexual needs of Japanese soldiers in brothels sanctioned and operated by the Japanese Imperial Army. The massive rape of young women in Bosnia Herzegovina was reminiscent of the comfort women's experience.

Violence Against Women in the Philippine Context

Though still economically developing, the Philippines has a long history of liberalism and democratic tradition that dates back from its pre-colonial, colonial and recent history. An often-repeated theme of the Centennial celebrations of Philippine independence in 1998 is the Philippines' historical claim to being the first Asian country to have fought and won its independence from her colonial masters. In all these historical junctures, the Filipina played significant roles directly or indirectly in the struggle for national independence and against dictatorship. Historically, Filipinas were held in high esteem due to their high education, social, economic and even religious leadership before the Spanish came to the islands (Mananzan, 1991). With the introduction of Christianity during the Spanish colonial period, they were re-oriented to be docile,

obedient and virtuous in emulation of the ideal image of the Virgin Mary. The *mujer indigena* was thus domesticated and deprived of her previous public activities which became the exclusive domain of men. The Americans have been credited for having introduced universal education and other social reforms which tremendously benefited Filipino women who thereafter began to have their own professions and reclaim their place in the public realm (Santos in Mananzan, 1991). The Filipino woman today is equally highly regarded by other countries for her high level of education, her relative independence in combining work and family and in her leadership in the professions both regionally and internationally. However, this veneer of achievement especially of the more gifted and elite women in Philippine society very often masks the strong patriarchal institutions, practices and attitudes that are still predominant in Philippine society. Wide disparities between women and men in terms of employment and pay, in political leadership and economic life are still major issues of the women's movement. It is in the area of violence against women however that the continuing inequality and oppression of Filipino women become starkly clear. Until the issue was projected and raised by women's groups in the early 80's, violence against women was thought of as isolated cases perpetrated by a few deranged, drunken or drug addicted men. Thus, studies on the family and crime in general did not deal with the particular forms of violence against women and the factors that accounted for them. Only with the growth of the women's movement in the 80's and 90's did a feminist analysis of violence begin to emerge and change the whole discourse on violence (Women's Legal Bureau, 1997; WEDPRO, 1998; Coalition Against Trafficking in Women Asia Pacific, 1995; UP Center for Women's Studies, 1996; National Commission on the Role of Filipino Women, 1992).

The Filipino family is one of the most cherished institutions in society that is protected and safeguarded by constitutional and legal codes. Thus the family must be kept intact at all costs. Cultural, religious and social norms dictate that husbands and wives must stay together for better or worse. In a Catholic country like the Philippines where divorce is not allowed, nothing must stand in the way of keeping the family together not even the infidelity of husbands and partners (which is often socially tolerated). For the longest time, battering and incest were also regarded as private matters better left within the confines of the family. Implicit and explicit moral codes disseminated and institutionalized through law and religious exhortations (Catholics constitute 90% of the population) in the Philippines exert strong pressures for women not to allow family tensions, conflicts and even violence from breaking up the family even at great cost to their physical, mental and psychological well-being. Due to lack of professional counselling centers and the Catholic upbringing of Filipinas, most battered or abused women seek pastoral counselling from the parish priests or religious advisers to help them in dealing with violence in their households. More often than not, these priests and religious counsellors will admonish women to go back to their husbands to try to patch up relationships in order to maintain family unity. Thus, the

moral burden of keeping the family together tends to be placed on the shoulders of the victims themselves. *Pagtititii* at *pasensya* (forebearance and patience) are expected of wives who must bear the cross of a philandering and/or a violent husband.

Poverty has figured prominently as a precipitating factor in family violence incidents in most studies (UP Centre for Women's Studies, 1996; Kalakasan, 1995; Women's Crisis Center, 1998) though this must be viewed with other factors as well. The Philippines is still poor by most economic standards, a situation further aggravated by the recent economic downturn in Asia. Massive unemployment of both women and men has intensified economic disparities between the privileged few and the majority of the poor and between women and men. Viewed together with prevailing cultural norms of docility and submission, media images glorifying women as sexual objects and religious exhortations to keep the family at all costs, the economic crisis has simply aggravated the scenario for violence against women.

Rape and Domestic Violence

The task of reviewing the extent and magnitude of violence against women in the Philippines is a difficult one. Rape, sexual assault, battering and incest are traumatic experiences that often leave the victims numb and shamed for days, months and even years. As a consequence, these are the most underreported crimes. The shame and the stigmatization that rape victims are often subjected to in the media and in a prolonged court case are enough to deter women from promptly reporting their ordeal. As noted by the Women's Legal Bureau (1997) rape victims are regarded with disdain by male investigating officers who are insensitive and often suggest in their interrogation that the victim may have "asked for it" by flirting or wearing revealing clothes. Still another reason for the reluctance of victims to report cases is the atmosphere of a police station which does not provide for privacy for traumatized victims. Forensic medical examinations usually performed by male forensic physicians sometimes in the presence of curious onlookers aggravate the trauma of rape victims. Few women have had the courage to withstand the rigors and public scrutiny that goes with the disclosure of a sexual abuse. One such remarkable Filipina who dared to bring her tormentors to trial was Maggie de la Riva, an actress who was gang raped twenty-two years ago by five men who came from prominent families. She alone had the determination to have the rapists prosecuted and penalized with the death penalty where 21 other victims chose to remain silent. She remains today an active advocate for the humane treatment of rape victims and for the retention of the death penalty (Interview, Inquirer, January 10, 1999)

Rape is perhaps the most publicized crime in the Philippines. According to the Philippine National Police (PNP) nationwide, at least one rape occurs every six hours and that only two out of ten such incidents are reported (National Commission on the Role of the Filipino Women, 1995:326). The trend nationwide and especially in Metro Manila shows that from 1980-1994 rape incidents were on the rise (Zarco, Candeliza-

Gutierrez and Duluan, 1995:51). Although the reported percentage is small per 100,00 population, this does not reflect the real magnitude of the crime as women and their families do not readily report to authorities.

Table 1 Volume and rates of rape incidents: Philippines and Metro Manila, 1980-1994

Nationwide Rape Statistics*			Metro Manila Rape Statistics*		
Year	Volume	Crime rate/ 100,000	Year	Volume	Crime rate/ 100,000
1980	1,190	2.5	1980	266	4.5
1981	1,184	2.4	1981	215	3.4
1982	1,283	2.5	1982	146	2.3
1983	1,222	2.4	1983	168	2.5
1984	1,303	2.4	1984	221	2.5
1985	1,322	2.4	1985	221	3.2
1986	1,342	2.4	1986	172	2.4
1987	1,470	2.6	1987	237	3.2
1988	1,738	3.0	1988	212	2.8
1989	1,479	2.5	1989	285	3.7
1990	1,970	3.3	1990	335	4.2
1991	2,026	3.2	1991	364	4.5
1992	2,149	3.3	1992	350	4.2
1993	2,285	3.5	1993	396	4.6
1994	2,475	3.7	1994	516	5.9

* Statistics were gathered from the National Police Commission and Philippine National Police. Crime rates were computed using crime volume and population statistics from the National Census and Statistics Office cited in Zarco, Candalizo-Gutierrez and Duluan, 1995:52.

Two years after the reintroduction of the death penalty in 1995, it was found that 53% of the hundred inmates on Death Row were convicted for rape and rape-related crimes (ibid). Several factors were cited by the authors that can possibly account for this phenomenon. The increased participation of women in the labour force which positions them as partial or total breadwinners in the family make them less tolerant of sexual violence and are therefore more inclined to report these crimes to the police. The other reason may have to do with the establishment of women's desks in the police force in most major cities like Manila and Quezon City which assures victims that they will be attended to by female police officers. The existence of NGOs and women's crisis centers all over the country may have also encouraged victims to come forward.

The most frequent type of rape occurs within the family — very often one

perpetrated by the father on the daughter. Due to the critical position of the father in maintaining the family, disclosure of the crime is often suppressed within the family itself. Majority of the cases (90%) are committed by men known to or identifiable by the victim and only 10% are stranger or gang rapes. The 1993 study conducted by the Women's Crisis Center of 79 respondents likewise showed that 91% of the cases involved rapists known to the victim. This makes rape a premeditated crime directed at the most vulnerable usually girls below 15 years of age (National Commission on the Role of Filipino Women, 1995:327). Although few and far between, rape murders have likewise been noted as occurring at times in connection with drug and alcohol use of perpetrators.

Official police documentation of crime statistics are rarely gender disaggregated and the categorization of crimes rarely reflect concepts and categories that illuminate the distinctive types of violence inflicted on women across classes and across regions. For instance, the Philippine National Police records classifies crimes simply:

- a) crime against persons which includes murder, homicide and physical injuries
- b) crime against property including robbery and theft
- c) rape

According to the Philippine National Police Crime Statistics (1995-First Quarter of 1997), the total recorded cases of physical injuries across the country were 14,682 in 1995; 13,600 in 1996 and 6294 in the first quarter of 1997. Reported rape cases accounted for a total of 2,346 in 1995, 2505 in 1996 and 1456 in the first quarter of 1997. Of the three types of crime, only rape is acknowledged as a crime against women because it is defined in our legal statutes as a crime. The term *crime against persons* which includes physical injuries, among others is not disaggregated by sex and therefore is not able to capture the specific forms of violence that women suffer such as battering and abuse in the context of the family and intimate relationships. This has far-reaching implications in the way in which police officers themselves regard issues of violence against women as a private rather than a public area of concern.

Over the years, many women's groups, non-government organizations and women's studies centers undertook their own research on violence against women in an effort to more faithfully document the experiences of women as part of their advocacy for legal reforms as well as changes in government policies. A study conducted by the group Arugaan ng Kalakasan, a feminist NGO which runs a Women's Action Helpline and public service column in a daily newspaper, has been documenting violence against women in a systematic way. 670 cases culled from the Arugaan's 1993-1995 records were analyzed. 600 of the cases were received via telephone hotline and 70 cases from letters sent to the newspaper column *Ate Divi*. The study shows that domestic violence affects mostly women regardless of age, educational attainment, employment status or occupation. Of the 670 cases documented, the youngest is 16 years old and the oldest is 74 years old. More than one third of the survivors (247) belong to the 30-39 age range while 30% (197) are aged 20-29 years old. Those in the 16 age range as well as

in the 50 years and above comprise a smaller percentage (3% each). The study notes that the majority of cases are in the middle-age range because this reflects the point at which women reach out for help after about ten years of enduring battering (Table 2).

Table 2 Age of survivors

	Women's Action Helpline		Ate Divi		TOTAL	
	N	%	N	%	N	%
19 years old and below	13	2.17	3	4.28	16	2.39
20-29 years old	188	31.33	9	12.86	197	29.40
30-39 years old	239	39.83	8	11.43	247	36.86
40-49 years old	105	17.50	1	1.43	106	15.82
50 years old and above	20	3.33	1	1.43	21	3.13
No Answer	35	5.83	48	68.57	83	12.39

Source: Action Against VAW: The Arugaan ng Kalakasan Experience, 1995.

Domestic violence is the highest among married women (57%) followed by women in live-in relationships (23%). It is interesting that 16% are separated but are still experiencing continued abuse from their partners (Table 3).

Table 3 Marital status of survivors

	Women's Action Helpline		Ate Divi		TOTAL	
	N	%	N	%	N	%
Single	139	23.17	18	25.71	157	23.43
Married	353	58.83	31	44.28	384	57.31
Separated	88	14.67	16	22.86	104	15.52
Widowed	3	0.5	2	2.86	5	0.75
No Answer	17	2.83	3	4.28	20	2.98

Source: Action Against VAW: The Arugaan ng Kalakasan Experience, 1995.

In terms of occupation an employment status, 50% of women survivors are employed full time while 29% are full-time housewives. Twenty-two percent (22%) hold office jobs either in business, management or administration while the rest are either in the service sector (11%), sales (6%) or are industry workers (6%) (Kalakasan, 1995:67). Domestic violence also affects women regardless of educational attainment as shown in the study. About one third of the survivors or 206 went to college with 22% of them with full college degrees. Twenty-two percent (22%) reached secondary level with 18% graduating in high school (Table 4).

Table 4 Occupation of survivors

	Women's Action Helpline		Ate Divi		TOTAL	
	N	%	N	%	N	%
Professional/Technical	14	2.33	1	1.43	15	2.24
Managerial/Administrative	145	24.17	2	2.86	147	21.94
Industry-Worker	35	5.83	2	2.86	37	5.52
Sales	44	7.33	4	5.71	48	7.16
Service Worker	74	12.33	2	2.86	76	11.34
Others	30	5.00	17	24.28	47	7.01
Unemployed	191	31.83	1	1.43	192	28.66
No Answer	67	11.17	41	58.87	108	16.12

Source, Action Against VAW: The Arugaan ng Kalakasan Experience 1995.

Data on the occupation of batterers reveals that most batterers are generally ordinary people working in the different professions. Surprisingly, the highest number (14.33%) come from managerial/administrative positions followed by unemployed men (13.58%).

Table 5 Occupation of batterers

	Women's Action Helpline		Ate Divi		TOTAL	
	N	%	N	%	N	%
Professional/Technical	13	2.17	1	1.43	14	2.09
Managerial/Administrative	96	16.00	0	0	96	14.33
Industry-Worker	15	2.50	1	1.43	16	2.39
Sales	39	6.50	1	1.43	39	5.82
Clerical	46	7.67	1	1.43	47	7.01
Transport	13	2.17	1	1.43	14	2.09
Laborers	63	10.50	3	4.28	66	9.85
Service Worker	48	8.00	1	1.43	49	7.31
Private Household Help	27	4.50	0	0	27	4.02
Military	10	1.67	6	8.57	16	2.39
Entertainer	12	2.00	0	0	12	1.79
Others	60	10.00	5	7.14	65	9.70
Unemployed	91	15.17	0	0	91	13.58
No Answer	67	11.17	51	72.86	118	17.61

Source: Action Against VAW: The Arugaan ng Kalakasan Experience, 1995.

Domestic violence often involves not just physical violence but includes emotional violence such as threats of withdrawal of children, verbal abuse, emotional abuse using

children, economic abuse and sexual abuse. Of the 670 abused women who sought the assistance of Arugaan, 66.57% said they were physically assaulted by their partners and such attacks were often accompanied by verbal and emotional violence. Other forms of abuse involved using children as pawns or threats of withdrawal of affection and outright flaunting of other women in the presence of the wife. Economic abuse involved the withdrawal or the threat of withdrawal of economic support (71.54%) especially if the woman is entirely dependent economically on the husband.

Table 6 Forms of abuse

	Women's Action Helpline		Ate Divi		TOTAL	
	N	%	N	%	N	%
Physical Assault	427	71.17	19	27.14	446	66.57
Emotional Violence Directed to the Survivor	424	70.67	58	52.86	482	71.94
Indirect Emotional Violence	403	67.17	28	4.00	431	64.33
Emotional Abuse Using the Children	124	20.67	42	60.00	166	24.78
Economic Abuse	425	70.83	53	75.71	478	71.34
Verbal Abuse	147	24.5	8	11.43	155	23.13
Sexual Abuse	30	5.00	2	2.86	32	4.78

A study on family violence conducted jointly by the UP Center for Women's Studies and the UNICEF reviewed and analyzed 1,000 reported and documented cases mostly of child abuse from selected government agencies, shelters and hospitals from 1994 to 1996. In the UPCWS-UNICEF Study, almost all of the victims were women (98%). The average age of the victims is 23 years while three out of ten are young adult females (18-24 years old). Most of the victims are educated with half of the number reaching high school while 13% have even reached college. More than half however are not gainfully employed and many are engaged in low-paying jobs such as domestic work. More than half of the cases of domestic violence against children involved some forms of sexual abuse. 33% of these are incest cases while others (17%) are physical abuse (UPCWS, 1996:5).

The most common perpetrators of assaults on adult women are their male spouses or partners who are older (average is 35) than the victims and are far better educated and are gainfully employed (80%). This may be a factor in the wielding of authority and power within the home. On the other hand, the child abusers and molesters are often their fathers (29%), followed by their uncles (16%). Most child abuse cases happen

at home when parents are out of work. Physical assault of wives often occurs in the presence of children.

The study highlights extreme poverty (22.1%), strained relationships (26.3), and history of abuse (28.4%) as contributory to the violence in the family. In one out of four cases, the influence of alcohol and drugs was cited as an aggravating factor. Drinking is normally a part of male bonding everywhere especially in the urban poor communities but has threatening consequences for wives and partners who are often at the receiving end of the husbands' frustrations or anger. However, feminist's groups point out that majority of batterers and rapists are usually sober and regarded as normal and decent looking.

A fairly unexplored area of study has been the sexual violence experienced by women in the prostitution industry or what has been euphemistically referred to as the "entertainment sector". In a 1990 study of the women entertainers near the US Military Bases facility, Women Education Department and Productivity Organization found out that generally, women in prostitution view violence against them as an occupational hazard with the result that they rarely articulate such experiences. Battering, rape and sodomy are some of the experiences that were reported by the women and these are often aggravated by the fact that there is widespread alcohol and drug use which desensitizes them to abuse (WEDPRO, 1990: 55). The Coalition Against Trafficking in Women Asia Pacific (CATW), an international network asserts that prostitution is, in and of itself, a site of violence against women. The context of monetary transaction shields the essential fact that women are bought and sold to be used and abused by men. (CATW, 1995). The violent and traumatic experiences of women in prostitution often result in physical and psychological harm. The constant exposure to sexually transmitted diseases and the life threatening AIDS virus are rarely appreciated by society. As a socially stigmatized group, prostitutes are often not seen as victims who can claim legal protections because by "choosing" to be in prostitution, they forfeit all privileges and rights ordinary women would normally have. This "othering" process can be seen in the way the law has treated women in prostitution as the "criminals" while at the same leaving the men, the clients and the business essentially untouched.

Migration-Related Violence

One of the most significant developments in the last two decades has been the migration of women for overseas work. As of 1995, the total number of Filipinos migrating reached 719,602 of which 55% are women. Women in overseas work reflects the significant role of women in contributing to the survival of their families. However, concern had been raised by migrant and women's groups that female overseas workers are mostly absorbed in two distinct and gender specific roles – as domestic helpers and entertainers. Entertainers are viewed as serving the sexual needs of male clients, an

occupation that often leads to outright prostitution while domestic helpers are expected to do menial tasks at the beck and call of their superiors. In some Middle Eastern countries where strict moral codes are observed, domestic servants who are treated as social inferiors are sometimes the object of male sexual aggression (Mangahas, 1997).

In a foreign setting, women's vulnerabilities for abuse are compounded by the fact that overseas women workers are temporary or guest workers who are considered socially and economically inferior to the nationals whom they are serving. In the private context where domestic work occurs, it is not uncommon for women to be subjected to physical, sexual and psychological abuse. Reports and testimonies from the women themselves reveal horrifying experiences of sexual abuse, sexual harassment, physical and verbal abuse, torture and slavery. Kanlungan, a service center for migrant workers, revealed that in 1996 alone at least 150 deaths occurred under mysterious circumstances, a number of whom were women. Another NGO, Kakampipi, a community based organization of families of migrant workers, documented 30 deaths of women migrants. Thousands of Filipinos are languishing in jails abroad for various offences. Media reports at least 2,173 workers are detained in such countries as Saudi Arabia, Singapore, United Arab Emirates, Malaysia. Of these number, about 108 Filipinos are awaiting execution for various crimes and offence. According to the Overseas Workers Welfare Administration (OWWA), a government agency tasked to provide relief, emergency and social assistance to overseas workers, an average of 12,276 complaints were processed by the agency in 1996 of which 67.8% involved women. Of the complaints filed by women, 13.8% involved maltreatment, 11.8% concerned delayed or non-payment of salaries and 10.7% were contract violations. There were 330 (5.2 cases %) cases of sexual harassment while 15 (0.23%) were of rape/sexual abuse. Acts of violence against migrant women workers are particularly vicious and tinged with racist and class bias. Verbal abuse heaped on domestic workers for instance consists of being shouted at, or being called derogatory names such as *pig*, *dog* and *barbarian*. Domestic helpers reported having been slapped, kicked, pushed, hit by blunt objects, burned and strangled. An ever present risk for women domestic helpers is rape and sexual assault perpetrated by male employers or in the case entertainers by pimps and managers, police, jail or detention center authorities. The case of Sarah Balabagan, a young Filipino Muslim teenager who went to work in Saudi Arabia as a domestic helper exemplifies the risks involved in being a domestic helper in the context of Arab culture where women domestic helpers are viewed and treated as slaves. In this celebrated case, Sarah, a 16-year old domestic servant from the Philippines, fought back her elder assailant who was trying to rape her and stabbed him to death. She was sentenced to die by beheading according to Muslim laws because of the crime that she committed. However, strong international pressure to stay the execution persuaded the family to allow her release upon the payment of blood money (Beltran and Rodriguez, 1998:59).

For contemplation, another Filipina working as a domestic helper in Singapore was not so lucky. She was accused of killing another Filipina maid whom she denied having killed. Despite several high level appeals and public pressure, the Singaporean government continued with her execution.

The situation of undocumented migrant workers poses even more difficulties. Absence of or lack of legal papers completely inhibits them from exercising their basic rights and seeking redress when abused. They fear exposure and deportation and will endure all kinds of abuses. The Coalition Against Trafficking in Women Asia Pacific and migrant organizations documented 25 cases of mysterious deaths which were preceded by severe maltreatment and abuse. Post-mortem investigations revealed extensive marks of physical abuse and maltreatment (CATW, 1995).

It can be assumed that of the 200 mental patients who were overseas women workers said to be confined in the National Mental Institute, a good number may have undergone traumatic and violent experiences (Sentro, 1998). A consequence of migration and migration-related movements of women had been the increase in the trafficking of women for prostitution and for sexual exploitation. Syndicated and criminal groups that operate sex industries in the capitals of advanced western countries and high growth economies in Asia have utilized this global migration movements of women for trafficking purposes. Filipinas who travel with false papers and illegal documents that are provided them by illegal recruiters are at risk at every stage of the migration process. Although official data is patchy because of the reluctance of victims to disclose their victimization, NGOs in the Philippines and abroad have been able to document an increasing number of trafficking cases. As violence against migrant women is usually perpetrated abroad, there are practically no international mechanisms to immediately respond to situations of trafficking of women and girls unless there is an extradition between the countries concerned. The recent case of seven Filipinas who were trafficked to Nigeria under the guise of a promised employment illustrates the risks faced by migrant women and the violence that they experience once they are entrapped in prostitution syndicates. Fresh from high school, the seven teenagers (aged 16-23 years old) were eager to migrate to fulfill their dreams of a better life. A German-Filipina couple from their neighbourhood offered them jobs as waitresses in Germany. They were given false papers and passports which they did not mind until they realized too late in the airport that they were headed to a place called Lagos, Nigeria and not Germany. The seven women were sold to a bar which compelled them to do prostitution. Three who were able to come back and who were willing to disclose their stories revealed the horrifying ordeal they were made to undergo by clients and their pimps. All of them were forced to have sex with customers who sometimes brutalized them. One of the women, Maricar, was sold and resold in different bars from Nigeria, to Ghana and Cyprus before she managed to find her way back to the Philippines. Only

three of the seven are now pursuing their cases against the illegal recruiter (WEDPRO,1998:63).

He wasn't really one that bloodies your body. But he was already rough when we were starting. He made me lie on my stomach while my hands were tied at the back. He had this cabinet with a metal hanger that he took and tied me up and used me, standing. Then he tied me to a chair. After the chair, he wanted a blowjob, with him sitting down and me lying on my back. That was what I hated the most. I begged him to stop it, "just get back your barfine and I will give you back the money you paid me!" It took the whole night.

Maricar's Ordeal (WEDPRO,1998:62)

Sexual Harassment

In a culture where endearment and humor are seen as natural attributes by both men and women, charges of sexual harassment are often trivialized and ridiculed. Jokes with sexual innuendoes which are often put-downs of women are seen as harmless by men and even by women. Sexual harassment may occur anywhere — in the workplace, in the streets, in court chambers, in the hospitals and even in schools. Until it was given a name, virtually no one complained officially about the harassment that they experienced though they have described it in various ways to peers and close friends. Ashamed to risk public approval, many simply endure a continuing harassment as part of hazards in the workplace. In a study conducted in the Visayas and Mindanao region involving five prominent schools and a sampling of 752 schools, sexual harassment was found to be very much a prevalent reality on campus (Women's Studies Association of the Philippines, 1995). Although a significant number are of the "milder" type of sexual harassment, cases of sexual coercion (from offensive flirtation to outright molestation) cases are reported with "disturbing regularity" by the respondents. Rarely do such cases get immediately reported as rules and regulations as well as policies and mechanisms are often inadequate to address the problem.

Initiatives in Responding to Violence Against Women

Women's activism on the issue of violence against women found critical support from sectors of government who collaborated in preparing the Philippine Development Plan for Women (PDPW, 1989-1992), the first government policy blueprint for the development of women. The PDPW raised violence against women as an official public policy concern calling for immediate and coordinated action on the part of government. The successor plan, Philippine Plan for Gender Responsive Development (1995), calls for even stronger and more systematic policy and action responses from government involving all departments in collaboration with concerned NGOs. It sets the policy framework and guidelines for government to implement policies, strategies and programmes addressing issues on violence against women focussing on three broad

goals such as: prevention and elimination of violence against women, provision of services to victims and punishment and rehabilitation of offenders (National Commission on the Role of Filipino Women, 1995).

The 90s saw an increase in both government and NGO activities and programmes aimed at addressing violence against women — at the community, policy making and legislative levels. Utilizing a variety of approaches, strategies and methods in their advocacy, these initiatives invariably raised public consciousness on the issue. Among the more significant trends initiatives have in the following areas:

- 1) Direct Services offered by NGOs include the pioneering work of the Women's Crisis center in feminist counselling to battered women along with the provision of shelters. Arugaan sa Kalakasan on the other has been utilizing hotline services.
- 2) Institution-building and mainstreaming violence cases in the health services — these include the East Avenue Hospital-based Crisis Center run by the Women's Crisis Center in cooperation with the National Commission on the Role of Filipino Women; the Women and Child Protection Unit of the Philippine General Hospital which is administered by the University of the Philippines; and the Violet Ribbon Campaign led by the Department of Health and 25 cooperating hospital partners nationwide. A complex of shelters and services called The Haven was established by the Congressional Spouses Foundation in partnership with the Department of Social Work and Development to provide assistance to women and child survivors of family violence from all over the country. These projects aim to sensitize hospital administrators and practitioners into acknowledging and acting on violence against women as a public health issue.
- 3) Capability Building — efforts in this direction are aimed at sensitizing police and other law enforcers such as justices and prosecutors. The National Commission on the Role of Filipino Women in partnership with the Philippine National Police and various NGOs such as Kalakasan and Women's Crisis Center has conducted Police Women's Trainings on Violence Against Women towards the Establishment of Policewomen's Desks nationwide.
- 4) Community-based programmes — Lihok-Pilipina, an NGO in Cebu City through their groundbreaking community-based programme "Bantay Bana" (literally House watch) has demonstrated the power of community action in preventing and minimizing incidents of battering. By banging kettles loudly, neighbours show their disapproval of a male neighbour who batters his wife. A similar example is the COMBAT-VAW project of HASIK and the Women's Legal Bureau which combined community organizing and legal literacy and education campaigns in enabling the community to respond to emergency cases of violence against women.
- 5) Legislative and Policy Initiatives — Sympathetic legislators from the House

of Representatives and the Senate in partnership with NGOs and concerned government agencies shepherded critical pieces of legislation such as the Sexual Harassment Law and the Anti-Rape Law. In the absence of an anti-domestic violence law, a presidential Memorandum “Call to Action Against Domestic Violence” was issued by President Fidel Ramos on 5th February 1997 directing all concerned officials of national and local government agencies and government-owned or controlled corporations to launch comprehensive campaigns against domestic violence (Feliciano, 1997:20). Although the memorandum did not have the force of law, the memorandum had the power of moral suasion from the Office of the President on the basis of which government officials were expected to respond urgently.

SIBOL, an alliance of women’s groups and NGOs played a critical role in pushing for pro-women legislation such as the anti-rape bill. SIBOL’s noteworthy contribution is not just in legislative lobbying but developing a distinctly feminist analysis of the law and in unifying women NGOs on key and priority issues for legislative advocacy (De Dios, 1998:7).

- 6) Research and Documentation — the academe notably the UP Center for Women’s Studies and the Women’s Studies Association of the Philippines (WSAP) have conducted research studies on Family Violence and Sexual Harassment on campus. The Coalition Against Trafficking in Women Asia Pacific, an international feminist network working on the issues of prostitution and trafficking is implementing a project to document incidents of violence against women utilizing a standardized format called HURIDOCs-EVSYS which will be used by partner NGOs to more systematically document violence against women cases for advocacy and litigation purposes (ibid).
- 7) International Networking and Advocacy — the Philippine government through the National Commission on the Role of Filipino Women in partnership with the Department of Foreign Affairs has consistently highlighted the issue of violence against women through its two UN resolutions on Traffic in Women and Girls and Violence Against Migrant Women Workers. A UN Expert Group Meeting on Violence Against Migrant Women Workers was convened in Manila in 1996 to study ways in which the United Nations can respond more strategically to the issue of migration related violence.

NGOs such as Women’s Rights Action Watch and Women’s Human Rights and the Asian Center for Women’s Human Rights were active proponents on the issue of violence against women under armed conflict situations particularly on the issue of the “comfort women” during World War II and the advocacy for the establishment of an International Criminal Court. On the other hand, the Coalition Against Trafficking in Women Asia Pacific based in Manila has been active in exposing prostitution and sex industry as part of the continuum of violence against women.

- 8) Consortia GO-NGO Networks/Multidisciplinary Approaches and Initiatives — an innovative two-year project (1996-1998) is the Philippine-Belgian Anti-Trafficking Project which is a collaborative effort of the Belgian government, the Philippine government through the National Commission on the Role of Filipino Women and seven NGOs and one academic institution. The project includes a cross-cultural legal research component, a preventive education component and a social assistance and health component (WEDPRO, 1998). Another significant initiative is the Network Opposed to Violence Against Migrant Women (NOVA), a consortium of several migrant and women’s groups that are documenting cases of migrant women who have died under questionable circumstances as well as women migrants who have been penalized for resisting violence against their persons abroad.

Key Challenges in the Advocacy for Violence Against Women

While many things have in fact been achieved, many other key areas of intervention still need to be addressed.

- 1) Data, information and research gaps — we need to study the way in which we can generate reliable, gender disaggregated data on violence against women from police and government institutions that are at the front-line of intervention services for women.
- 2) Gender sensitization and training of police investigators, social workers, police and health officials involved in assisting survivors must be strengthened and constantly upgraded.
- 3) A more comprehensive, coordinated and multi-agency approach to violence against women needs to be operationalized to ensure timely, responsive environment for women who report such violence.
- 4) A more women-friendly judicial framework that safeguards the safety and welfare of victims throughout the proceedings and processes of the criminal justice system.
- 5) A more comprehensive legislative and legal framework within which issues on violence against women can be fully analyzed and appreciated.
- 6) Sustained public education campaigns that shall critical awareness and action on the part of the citizenry. A more focused education campaign directed at men and especially adolescent male to foster violence-free values and respect for women.
- 7) Survivor Assistance Programmes must be strengthened to include realistic re-integration schemes as part of the healing process.
- 8) Perpetrator Rehabilitation Programmes — the issue of rehabilitating violent men remains a problematic issue for most women’s groups as the immediate need is to put resources to survivors to hasten their recovery.

The Possibilities and Limits of the Law

A great deal of attention and lobbying work has been devoted by many women's groups in trying to change or influence the content of the laws as well as their implementation. This requires working with institutions of government that are often not fully appreciative of the complexities and dimensions of gender violence. But as the Women's Legal Bureau asserts: "In any legal system, law and its institutions play a crucial role in achieving goals of societal and human development. Law defines rights, accords privileges and imposes obligations, but it can also be a powerful resource that can be used by women to advance their rights and interests" (Women's Legal Bureau, 1997: 17). Philippine law is replete with male biases especially in the area of the public sphere such as family and marriage as well as notions of women's sexuality continue to oppress women through the legal processes and as such ought to be addressed collectively by women's groups. A women's network called Sama-samang Inisyatiba ng Kababaihan sa Pagbabago ng Batas at Lipunan (SIBOL-United Women's Initiative for Social and Legal Reform) was formed in 1992 to initiate and engage the state and its agencies in the task of legislative advocacy in order that women's issues become part of the political agenda. Working with progressive lawmakers as well as the media and other progressive groups, the SIBOL was successful in helping to craft and pass several bills on women such as the Anti Rape-Law (RA 8353) and the Anti-Sexual Harassment Law (RA 7877). Despite these dramatic legislative initiatives, women's groups have continually bewailed the limitations of these laws. The Anti-Sexual Harassment Law, for instance, which is purported to be the first in Asia is defined not as a form of gender based violence but as a class-based issue (Women's Legal Bureau, 1997). Only when the offender has the authority, influence or moral ascendancy over another person can it be considered as sexual harassment. The law further limits its application to the work place training or academic settings (ibid).

Perhaps one of the most controversial and long running legislative campaigns ever mounted by women's groups has been the Anti Rape Law which took all of five years to pass with innumerable and acrimonious debates, postponements and a great deal of frustrations along the way. As Senator Leticia Ramos Shahani, the original author of the bill recalled that "the process of law making under conditions of competition of issues and interests, of bargaining and even weariness, are compounded by the difficulties posed by male biases and cultural blocks that accounted for the compromise positions on contentious issues of the final version of the law" (National Commission on the Role of Filipino Women Round Table Discussion on Violence Against Women, January 15-16, 1998). Although considered a landmark law because of its reclassification as a "crime against persons" and no longer a "crime against chastity" and rape itself is not just narrowly defined as penile penetration, the law is vague on the issue of marital rape which the legislators opposed vigorously. In addition, the law does not provide for a "rape shield" which would have made it inadmissible for prosecutors to use the victim's sexual history against her (Feliciano, 1997). In prosecuting rape victims, lawyers

especially the pro-women lawyers are confronted with the biases of the justice system. Insensitive police, justices and investigation officers compound what are already traumatic situations for women and child victims of rape and sexual abuse. Corruption and bribery plague the justice system particularly if the offenders are influential and moneyed.

The absence of a law dealing with domestic violence is a big hindrance in the prosecution of an ever increasing number of battering cases. A Presidential Directive on Domestic Violence issued by President Ramos has been issued as a guideline for government agencies in the meantime that a law has not yet been passed. The "Call to Action Against Violence Against Women" directs government officials to assume "personal advocacy against violence, exhibiting exemplary behaviour as a government official sworn to uphold the Constitutional provision which includes the protection of the family as the foundation of the nation; ensuring that gender sensitive mechanisms to address domestic violence are in place in respective areas of responsibility and conducting activities to help educate the public on the matter." (NCRFW, 1998)

Violence against women as a gender issue and a public policy concern has reached a level of importance in the Philippines through the decisive efforts of the women's movement and a more gender sensitized government. There is something to be said about the standard setting impact of international conventions (Philippines ratified 20 human rights instruments) and conferences such as the Beijing Conference on Women. Public pronouncements and official commitments however will remain ineffective if no efforts are undertaken to concretely implement them at the ground level especially among law enforcement agencies and the whole justice system. Unless and until governments show a strong level of political will in sustaining interest and action on these issues, women will forever be at risk at every stage in her life in both the private and public spheres of their lives.

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Violence Against Women in Taiwan: A Review

Roda Chen

Introduction

In recent years, the problem of marital violence in Taiwan has been a widely-discussed social issue that draws considerable attention from seminars, conferences and the media, culminating in the controversial case of Ru-Wun Deng's murder of her husband in 1994, which exposed the dark and tragically ridiculous side of relationships as they are in Taiwan. At the age of 16, Deng was raped by a neighbour 22 years older, but instead of offering help to put the rapist in jail, the people around her betrothed her to the man. In the following six years of her marriage, she was threatened, battered, raped, and even her two children and members of her own family — father, mother, sister — suffered physical abuse by the husband. Nobody in the neighbourhood or in the community came forth to stop the villain. And when Deng killed her husband, she was sentenced to more than 5 years in prison.

From this tragedy, the question of how many more women in Taiwan live in the same misery comes to mind. Why after years of heated discussion the same thing still keeps happening? More than three years have passed since Deng's case made an impact on the society, and not much has changed in the government's approach to such problems that is going amiss? As a review, this paper intends to examine the scope of the problem as well as what has been done by official and civil organizations to deal with it. What are the facts revealed by research, and what may be the direction in the future?

Prevalence Rate of Marital Violence in Taiwan and Its Severity

What is the extent to which Taiwanese women have suffered from marital violence? To our knowledge, previous research has not estimated the prevalence rate of marital violence in Taiwan. Only fragmented information can provide insight into the severity of this problem, and these sources include national surveys, information from family court, and the number of battered women seeking assistance.

National surveys during the 1990s

Taiwan Provincial Department of Social Affairs conducted the "Survey on the

Life Condition of Taiwan Women" in 1991 and 1994, in order to understand the general perception of their lives by women in Taiwan. The 1991 study accumulated a representative sample of 2,000 women with ages ranging from 20 to 60. According to that study, 81.9% of the respondents were married, among whom 89.1% were satisfied with their marriage, and 5.3% were dissatisfied. Among the married women, 11.5% were "occasionally" abused and 1% "frequently". However, in the 1994 study, a sample of 1,800 females indicated that the abuse rate for married or cohabiting women had increased to 17.8%. Moreover, 1.3% of the interviewees declared that the violence they experienced was unbearable. In addition, Feng's (1992) survey drawing 1,316 women from Northern, Central, Southern, and Eastern Taiwan revealed that 460 women (35%) had experienced marital violence, and 130 women (10%) indicated that they were severely abused.

Information from family court

In analyzing nationwide divorce information from family court, Feng (1990) found that abuse by the other partner has been the second highest reason for divorce in the past decade. On the average in these ten years, 11.5% of the applicants for divorce cited this reason, and its percentage is still rising.

Number of battered women seeking assistance

The Social Bureau of Taipei Municipal Government, which in Taiwan deals with various kinds of social welfare issues in which marital violence is included, handled 3,413 cases during 1990 to 1991, among which 2,537 cases (74%) involved marital violence. During that same period, in Chang Hua Social Bureau, 76 (38%) out of more than 200 cases were related to family abuse; whereas, in Kaohsiung Social Bureau, approximately 261 (19.03%) out of 1,300 phone calls sought assistance for marital violence. Wuan-Chin Women Association also received 229 cases related to marital violence within six months in 1993. While the number of cases may differ from area to area, they strongly suggest that abuse of women has become a significant social issue.

The above figures might still be underestimated and thus fail to pinpoint the seriousness of marital violence in Taiwan, since they are not obtained through research designed for probing the prevalence rate of marital violence. Most scholars in Taiwan (Wang, 1995; Chow, 1995; Chen, 1995) also concur that the number of battered women reported by official surveys and related organizations is likely to be underestimated. This may be due to the shortage of organizations to take care of this problem, as well as to the fact that many women do not know of the existence of such organizations and consequently have no idea where to go for help. Experience of social welfare organizations dealing with individual cases also shows that most women are reluctant to come forth and file a complaint unless they are in a situation where their life may be in danger. Wang (1995) indicated that at least 6,000 to 7,000 battered women seek assistance from police and related organizations annually. However, Wang still believed

that the actual number of battered women is much higher than estimated. She also postulated that the actual number of battered women in Taiwan is around 30,000 to 70,000 annually (Wang, 1995).

Development of Prevention Programmes for Marital Violence in Taiwan

In China, the earliest written laws regarding marital feuds can be dated back to the Tang Dynasty. The laws from the Tang Dynasty to the Ching Dynasty clearly prescribe that wives who beat their husbands should be punished more heavily. By contrast, the laws indicate that the punishment husbands received for beating their wives ought to be reduced. Until the Ming and the Ching Dynasty, husbands could beat their wives at will (Huo, 1984). As long as the wife did not receive any fractures, the husband would not be held legally responsible. Thus, in his book, *Chinese Law and Chinese Society*, Huo (1984) stated with a sigh:

“The occurrence of beating wives in society should, rather than blaming that the law as conniving, be attributed to the fact that such a law is so written due to the popularity of this phenomenon in the society. Under the doctrine of male ascendance, it is generally believed that it is inevitable for a husband to beat his wife in disciplining the family, which is as reasonable as parents punishing their children. On the contrary, a wife beating her husband is as astonishing and unbearable as children beating their parents.” (p. 136)

This traditional thought had created a permissive attitude towards marital violence in modern Taiwan society.

The first known Taiwanese literary work on marital violence was Lee's *Killing her husband* (Lee, 1983), a fictional work describing how a battered and tortured woman finally kills her husband. The novel not only vividly describes the physical abuse but also attacks the patriarchal ideology regarding marriage that subsequently led to the husband-killing incident. The reality depicted in the novel calls wide attention to and sympathy on the terrible situation in which many Taiwanese women find themselves. Moreover, the novel's implication of the tenets of Chinese culture as being an accomplice of wife battering also gives rise to much discussion.

Taiwan's academia first addressed the topic in 1987 with Lieu's *Problems of Wife Battering* (Lieu, 1987). The article analyzed 134 cases of wife-battering reports in leading newspapers during 1984 and 1985, and subcategorized the pattern of wife battering. In the same year, Chen and Lee led the first therapeutic group in Taipei Women's Career Development Center. This group assisted women by using psychological rehabilitation and career planning in order to cultivate their independence, communication skills, and problem solving abilities; the group also provided legal consultation. The process of the group was summarized in the *Journal of Women and Gender Studies* in the following year (Chen & Lee, 1988), formally giving status to information about battered women as an academic study. Because of the sharing of working experiences about battered women, this once-ignored issue has aroused active responses and stimulating discussion. A positive and concrete response from the

government initiated the establishment of the Women's Welfare Center by the Taipei Municipal Social Bureau in 1988 to handle issues in Taipei City related to women's welfare such as child care. Within this center sprang the Carnation Hot-Line designed specifically for people suffering from marital violence; Suen (1995) estimated that 755 of the 2,537 calls received in 1989 involved battered women.

After 1988, a number of related female organizations in the country significantly contributed such assistance to battered women in the form of shelter, legal consultancy, and escort to court to file for divorce. These organizations include Catholic Nun Association and Chinese women organizations in local areas, and other regional governmental institutions.

In contrast, the academic community has been slow and passive towards these issues. Some male scholars have even rejected the relevance of such an issue. In 1989, after the presentation of Roda Chen's report “The Study of Marital Violence in Taiwan” at the non-governmental National Construction Conference, Chi-Nan Chen — a male professor — refused to comment because he thought the issue to be a trivial matter. This example suggests how marital violence is trivialized in the eyes of male scholars.

With several years having passed, education on marital violence remains a blank page in fields like psychiatry, psychology, and counselling. While law, medicine, and sociology occasionally refer to the subject, the most proactive field is social work. For instance, Professor Chow gave a one-semester course on marital violence at the Chinese Cultural University in 1992. From 1987 to the present, only eight empirical studies have been published. Also, two textbook publications are Chow's *Marital Violence* (1995) and Wang's (1995) chapter “The Safety of Women”, in her book *Women and Policy*. Except for the above-mentioned studies, most of the works are either translated from abroad or are introductory articles.

In 1994, Ru-Wun Deng's murder of her husband gained public attention. This killing, which resulted from a woman's inability to bear her husband's abuse, once again exposes the severity of marital violence in Taiwan. However, although the case stimulated much discussion, it did little to alter the current state of things. In May 1997, in response to the public opinion that the government gives little importance to women's rights, the Executive Yuan established a Women's Rights Enhancement Committee which aims to substantiate women's rights in terms of physical safety, political participation, legislation against sexual assaults, etc. Yet at the present stage it is still too early to see the effects and comment on the performance of the Committee.

Review of The Current System to Handle Marital Violence in Taiwan

Since 1988, governmental and civil organizations have been established to cope with the rising problem of battered women. In concentrating on the past seven years, the following review attempts not only to examine the service network's current situation, but also to propose a blueprint for the future.

The service channels are still insufficient

At least 3,000 to 7,000 people annually request assistance for marital violence. However, as Wang (1995) pointed out, only 6 (26.1%) of 23 counties and cities in Taiwan have established woman protection centers to deal with marital violence. These centers belong to the Social Affairs Department within the local government which would be responsible for handling such complaints. Furthermore, only 11 counties and cities have established a special hotline for marital violence. As a result, in more than half of the cities and counties of Taiwan, battered women are unable to seek help near where they live.

The governmental sector is expected to provide more help for battered women; yet what has been done so far is inadequate

Wang (1995) conducted a survey among the staff of 40 agencies which claim to offer services for marital violence; these agencies included both governmental and civil ones. The survey aimed to learn about their opinions on the role that the government played and should play in helping the victims. The staff from nearly half of the agencies responded that governmental agencies should take more responsibility in providing relevant services to protect battered women in Taiwan. However, most of them also commented that the government, which is supposed to be the main provider of such services, is actually doing far from enough, and the non-governmental organizations are therefore gaining more importance.

Chow (1993) interviewed 52 social workers who had been in direct contact with battered women. From their firsthand experience, the interviewees found that, after the first occurrences of violence, 75% of the battered women asked friends, colleagues, parents, and relatives for assistance; only 25% went to official supporting systems such as medical, legal, and social service institutions. Also, this study indicated that private social welfare institutions are the most helpful, while the governmental ones are only secondary. Lawyers and medical staff are of minimal help, and police officers and judges are the least helpful.

Service organizations lack a comprehensive support network

The support needed by battered women includes the protection of themselves and their children, sheltering, child-care, medical supplies, emergency economic aid, police interference, placement service, law consultation, psychological counselling, and medical services, etc. In addition, if battered women decide to maintain their marriages, marriage counselling will be immediately necessary to prevent marital violence from recurring. Hence the needs of battered women are multiple. However, the current service organizations tend to be uncoordinated and lack a comprehensive support network.

Both Wang's (1995) and Chow's (1993) studies found that the types of services provided by the current service network are primarily legal consultation, counselling, and shelter, while generally lacking in other aspects. Furthermore, the services are

chiefly for battered women; only a few institutions provide services for abused men, and children who witnessed the violence.

Lack of manpower and specialists, high turnover of personnel, limited budget, and shortage in financial support trouble these service institutions

Caseworkers handling marital violence in Taiwan are not trained professionally; most of them work with accumulated experiences and do not pass such experiences down to the new caseworkers before they left. In addition, the exceptional work burden — where each worker must handle on average 20 to 30 cases monthly — and a high turnover of personnel altogether make it much more difficult for workers to complete the training and amass such experiences (Chen, 1995). Wang (1995) suggested that for every 10,000 married women, at least one social worker should be assigned to provide sufficient help, which in relation to the number of married women in Taiwan would mean at least 908 social workers are needed on the prevention programme for marital violence. In reality and in sharp contrast, however, there are only no more than 120 professionals, trained in different backgrounds, currently at work to offer direct services for marital violence.

Most organizations desperately need to expand shelter capacity, marital counselling, and long-term programmes for psychological treatment particularly programmes to treat the abuser

Chen (1995) suggested that the two most needed services are sheltering and marriage counselling. Actually, the current sheltering system can merely offer temporary protection and lacks a long-term programme for psychological treatment. Therefore the women who stay in the shelter usually come to feel helpless and resigned again, not to mention they miss and worry about their children. The result, then, is that the women will return home only two or three days later to re-enter the life they just escaped — or think they have no means of escaping.

Moreover, the services provided in most organizations focus only on the battered women. Not a single institution is designed to deal with the abuser. However, if the problem of the abuser is unsolved, the cycle of marital violence will continue to affect the marriages of the next generation (Chen, 1992a).

Shortcomings of the medical sector

In the past, medical staff in Taiwan were hesitant to issue an injury diagnosis and to testify in court because they feared revenge from the husbands. Huang (1995) attributed the fact to the doctors' unfamiliarity with and lack of knowledge on treating battered women.

Weakness of police administration and attitudes towards marital violence

Police administration normally adopts a distant attitude, and regards marital violence

as a family matter. Huang (1995) noted that police departments do not adequately understand the nature of marital violence. They also lack the power to intervene. Moreover, they lack professional training, a sound professional procedure, and a standard work manual for dealing with marital violence.

No independent legislation is available to protect battered women. Civil Laws are outdated and need to be revised

There is a lack of appropriate laws to keep the abuser away from the battered woman by arresting or putting a restraint order on him. The Civil Law is so far the only law that deals with marriage. It is practically difficult to accumulate the evidence to sue for divorce. The divorce laws are also disadvantageous to women in alimony and children's custody. There is no requirement by law to provide alimony; it is up to the man to decide whether to grant alimony in the settlement but the enforcement of the agreement is not protected by law. Prior to 1995, child custody was legally awarded to the father. After the legislative amendment in 1995, custody is determined in the interest of the child.

A lack of support from national policies

Enacting prevention programmes for marital violence requires the support of a comprehensive plan from national policies. Therefore, prevention programmes for marital violence must be included in the social welfare system to ensure women's basic security.

Empirical Research on Battered Women in Taiwan

Review on the empirical research in Taiwan

Up to the present, there are eight empirical studies of marital violence in Taiwan: Chen (1989, 1992a, 1992b); Chow (1993); Feng (1990); Lieu (1987); Tung (1993); and Wang (1995). Among these eight papers, there are six studies related to the characteristics of the abusers and victims (Chen, 1989, 1992a, 1992b; Chow, 1993; Feng, 1990; Tung, 1993). These six papers also refer to the risk factors and family structure of marital violence. Four papers are related to the process of violence and the ways of abusing (Chen, 1992a, 1992b; Feng, 1990; Lieu, 1987). Three papers (Chen, 1992b; Tung, 1993; Wang, 1995) discuss the impact, coping and consequences of the abused women, as well as the ways they seeking assistance. Regarding the services for battered women, Chow (1993) and Wang (1995) evaluated the quality of the supporting system and intervention programmes. In addition, there is only one paper (Chen, 1989) related to the therapeutic strategies and group psychotherapy for the battered women.

In general, these empirical studies on marital violence reflect the following characteristics:

(1) There is a lack of representative research on the prevalence of marital violence in Taiwan.

- (2) The definitions used in Taiwan are primarily translated from Western society and only emphasize on the physical abuse of marital violence, instead of mentioning psychological, emotional, verbal and sexual abuse. In addition, a consensus in defining the severity of violence has not yet been reached.
- (3) The sources of samples used in these studies are extremely homogeneous. Most samples came from the battered women seeking assistance from governmental organizations. Therefore, results obtained from these studies have a limitation in generalization.
- (4) These studies have a limited understanding of marital violence because the research mostly focuses on battered women. Discussion on the abusers, children witnesses, and relatives or other family members are scarce.
- (5) We have accumulated more information on the characteristics of violence in the family, including the causes that trigger violence, and the nature of the violence. The characteristics of battered women seeking assistance are very similar in several related investigations, and these characteristics include age (mostly during 30 to 40), education (mostly high school and college graduates), family structure (mostly nuclear family), number of children (mostly two), family income (around NT\$30,000-NT\$50,000), and occupation of the battered women (various). The causes that trigger violence include (in order of frequency): the usage of money, the way of disciplining children, the abusers being involved in substance abuse, communication problems, and in-laws problems (Chen, 1989; Chow, 1995; Feng, 1990).

Both Chen's (1992b) and Feng's (1990) studies showed that the manner of violence is mostly volatile rather than lethal. Feng believes that marital violence doesn't start and end with a smashing fist; instead, it escalates once the fist hits its object. Chen's research indicates that the pattern of marital violence in Taiwan begins with long-term pressure, which is gradually intensified with mutual insistence on the matter and finally bursts out with fist fighting. The responses from the battered are usually identical, too. For instance, the battered woman starts questioning her husband, which makes him angry. Then the woman says something provoking her husband; suddenly, the husband begins to hit her. The woman shouts back until the husband stops beating; however, even if the husband stops beating, he continues his threats for a while. Finally, the fight ends with the woman weeping (Chen, 1992b).

- (6) Part of the research results in Taiwan support Western theories. Chen's (1992a) research mentions that the phenomenon of "intergenerational transmission" also occurs in Taiwan. That is, a man who witnessed his father hitting his mother tends to become an abuser himself.
- (7) There are only two studies that evaluate the quality of service provided by the service network, where the subjects of investigation are primarily social welfare institutions. Empirical research on social systems is scarce.
- (8) Research on therapeutic and treatment strategies are obviously weak.

Direction for future studies on marital violence in Taiwan

- (1) A national survey on a clearly defined and highly representative prevalence rate is desperately needed. Results from such a survey could help us realize the severity and the characteristics of violence more accurately, which will be beneficial in helping the government to both carry out reform bills and implement prevention programmes.
- (2) Violence should be re-defined, research methodology should be diversified, and the samples should be broadened to include abusers and witnessing children. Research on the abusers and the witnessing children will help stop the transmission and circulation of violence.
- (3) Studies on risk features of violence should be continued, since these studies contribute to the formulation of both theory and projects for therapeutic strategies. At present, data on the reasons for violence originate merely from the descriptions of the battered women, and this information is believed to be distorted to a certain degree. Hence, future studies should emphasize interviewing different members of the family in order to record the process of violence.
- (4) Studies on therapeutic strategies are desperately needed. Such studies will help curtail and prevent marital violence.

Future Directions for Policy Revision

Establish a national institution specified for marital violence

Marital violence is not a problem to be handled by psychological counselling alone. It also involves concerted efforts by the police, the judiciary, the medical professions and even educational institutions. Therefore, a national body must be established, having the following duties:

- (1) To establish a national prevention policy on family violence.
- (2) To foster interdepartmental liaison and coordination.
- (3) To conduct national surveys on the prevalence rate of marital or family violence.
- (4) To provide counselling and supervision for regional service units.
- (5) To revise the civil laws and legislation related to marital violence.
- (6) To promote communication between central and local governmental organizations.

Make mandatory the penalty on, intervention and treatment of the abusers

Several suggestions related to the penalty and prevention of further abuse are given below:

- (1) As soon as marital violence is recognized, social workers or police should be contacted within 24 hours to investigate.
- (2) If the investigation reveals that a violent act has taken place, the police should issue a "restraining order" against the abuser in order to protect the battered woman.
- (3) The government should also establish criteria to require the abuser to undergo mandatory treatment.

Establish professional service organizations and broaden the channels for intervention

Marital violence not only requires short-term crisis intervention, such as calling in the police and sheltering the battered women, but also long-term assistance, such as psychological counselling and economic assistance. Premarital education programme should also be included in the overall design to decrease the occurrence of marital violence.

Shelters for battered women should be staffed with full-time professional counsellors to offer group counselling for the women. In addition, a comprehensive Day Treatment Programme offering courses in placement service, psychological counselling, and legal consultation should also be offered to provide battered women with multiple services and long-term assistance. The important task is to train professionals capable of treating marital violence by improving the understanding of this problem in the fields of psychiatry, psychology, and social work. In addition, the government should also amend the laws to allow relevant organizations to practically and properly function on a legal basis.

The police administration should be capable of effectively dealing with family violence and cast away the concept "never interfere people's family business"

Enforce the medical sector's responsibility in reporting abuse cases

Physicians in emergency room are usually the first to come into contact with the battered women. If these physicians could actively issue an injury diagnosis and testify in court, then they could help to stop further abuse.

Postscript

A law on family violence was enacted by the legislature on 24th June 1998, after extensive public consultation. The objective of the law as stated in its preamble was to promote family harmony, prevent domestic violence and protect the rights of victims.

The law defines domestic violence as a serious crime and not a private matter. It provides for the application of injunction orders against offenders to protect victims and young children, the review and conditions of custody and visiting rights of children, the establishment of special medical and counselling services for victims and offenders, and the establishment of government mechanisms to deal with family violence and sexual abuse.

However, the full operation of the law was postponed for one year and did not come into effect until 1st July 1999. The lack of coordination among different government and non-governmental bodies was blamed as one of the reasons for the delay. The legislation involves criminal offence, civil proceedings, family law and provision of intervention measures. Coordination and division of responsibilities are needed among key units which include the judiciary, the police, social and political

units of the central and local government, medical units, and educational bodies. A Committee on Family Violence is formed to coordinate the implementation of the law. Centres for Family Violence and Sexual Abuse are also set up to provide aftercare and follow-up services for victims and offenders. The effectiveness of the law depends on its implementation as well as the public attitudes towards family violence.

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Violence Against Women: A Thai Perspective

Dr. Juree Vichit-Vadakan

Just a decade ago, violence against women (VAW) was not an issue of public attention or interest in Thailand. Although women's groups and women activists had voiced their concern on this issue and had fought hard to establish emergency homes and special shelters for battered women, society as a whole seemed to perceive VAW as a secondary symptom of social problems that was restricted to only certain segments of Thai society. Just as the issue of prostitution was tolerated as a necessary social ill, VAW was taken as an inevitable aspect of the human existence and the human conditions.

However, certain dramatic incidents that occurred had jolted Thai society out of its complacency to examine the plight of women who had been forced in a most brutal and violent manner to do things against their will. As cases of escape or even suicidal attempts, sometimes fatal, by women from forced sex trade become known, the public began to understand the mission and effort of women's rights advocates. Perhaps the most notorious case which rallied public outcry and support for changes more than a decade ago (1984) when a fire broke out in a building in the South of Thailand and the charred bodies of women chained to poles were discovered which exposed the inhumanity and brutality of the prison-brothel. As mentioned, this incident provided the momentum for activities and campaigns by human rights and women's rights advocates which resulted in changes, including law reform. Before then, penalty for procurers and operators of prostitution was so light as to be negligible.

In more recent times, the public was again outraged by the tragedy in 1997 of a victim of the sex trade who escaped from her captors and sought help from the provincial authorities. When help was slow in coming, the victim was pursued by her captors who had the audacity to try to recapture her from a government building. In a fatal effort to free herself from them, the woman plunged to her death from that government building.

No one could dispute that VAW existed but because dramatic cases like the above are not everyday occurrences, many, if not most, Thai people are comfortable in believing that violence against women is not a central issue in Thai Society. Although sexual assaults, rapes, battery of women especially wife beating and even sexual

harassment are widely known to exist in Thai society, social attitudes in general tend not to put the different types of violence as a single category that requires special treatment or attention. Also, special attention or awareness about VAW's root causes which relate to gender issue and gender inequality are not recognized. Hence, wife beating is generally perceived as a domestic issue that occurs among the uneducated and lower socioeconomic strata of society. This notion brings shame and embarrassment to battered women who are educated but would tend to conceal their situations with great care. Marital rape and other sexual violence against wives would continue to be an issue of debate among the public as the traditional notion that forced sex against a spouse does not constitute a rape still rings true among Thai people. Battery and assaults against women are again differentiated between family members and non-family members. The over-whelming sentiments for family members to settle and resolve their differences are strong. Societal pressures are reflected by police officers' reluctance to officially register complaints of "domestic nature". Instead, police officers attempt to serve as mediators for domestic disputes settlement in order not to carry these disputes to the next level.

Sexual assault and rape against non-family members would be considered criminal acts. Fears of sexual assaults and rape are real and widespread. Emphasis is given to how girls and women should be sheltered and protected against such possibilities. Hence, the burden is placed on women such as not to dress provocatively, not to go places alone or unchaperoned, or not to act suggestively. The list of "what not to do" for girls and women runs long as protective and preventive measures against attempted sexual assault and rape. Conversely, almost nothing is emphasized to men on "what not to do" to aggravate sexual aggressiveness or possible violence against women.

Imbued in the above description, is a latent and implicit belief that rape victims may in some way, directly or indirectly, consciously or unconsciously, brought the awful fate upon themselves. By being not careful or not observing the preventive measures, they were tempting fate and misfortunes. Inherent in this, not only is blame meted out to the victims in some way but it is a system that reflects the innate inequalities that exist in the social system. The rich could afford to provide more protection for their women and daughters who would not have to walk lonely lanes at late hours. They travel in their own automobiles and do not ride public buses, thus avoiding possible confrontations at isolated bus stops or odd places with hooligans and drunken men. However, sexual assault and rape within the family and among acquaintances do occur among upper socioeconomic classes in Thailand as they also happen in other countries. But to preserve family honour and stature in society, such events tend not to be made public but are dealt with through internal mediation and negotiation.

VAW as in prostitution and trafficking in women is a serious social problem in Thai society. It requires special attention and concerted efforts to treat this type of violence. For too long, Thai society was indifferent to prostitution as a form of violence

against women. Because of the belief that men's sexual appetites and needs are strong, it is culturally accepted and even tacitly condoned that visits to prostitutes are sexual "outlets" for men who may otherwise displace their sexual frustrations and needs on "good" women. In other words, prostitutes serve a function in detracting sexual men from imposing themselves on "normal" women. Imbued in this belief is the assumption that women must serve and fulfill sexual needs of men and that the socially disadvantaged women who are prostitutes should bear this burden, although society neither praise nor thank prostitutes for their role. The status of prostitutes remains low. Prostitution and trafficking of women are very complex in the Thai context because its causes are complex. Prostitution is not a single factor issue that begs simple economic, moral, or sociological analysis (Vichit-Vadakan, 1993).

Sufficed it to say VAW is very much part of prostitution and trafficking in women. Forced prostitution entails physical violence and coercion or threats of violence, including physical confinement, which violates freedom and liberty of the women involved. Voluntary prostitution also has its fair share of violence where pimps, procurers, customers, protection racket (which may include persons who are in the justice system like policemen) often resort to violence in one form or another against women.

Again, VAW in prostitution and trafficking in women had not been seriously dealt with or taken a high priority on women's agenda because the first generation of women's rights advocates came from elitist background — like wives of the Prime Minister and prominent political and social leaders. As a result, empathy for and recognition of the severity of this problem were inadvertently low and incomplete. There was initially an unspoken understanding that prostitution was a taboo subject not to be raised and tackled by proper ladies. When Thai women became involved with prostitution abroad widely, problems related to violence, exploitations, disease, arrests and deportations of Thai prostitutes overseas became harsh realities that require attention. NGOs on women began to address these issues but the public at large, particularly women in the upper class still feel distant from this issue.

This paper intends to be a general paper on violence against women in Thailand. As an overview of the situation of violence against women, it also hopes to raise a number of issues about the root causes of violence for further discussion. The data used is primarily drawn from cases of violence, mostly from the documentations of NGOs on women and from cases collected by myself over the years. The methodology therefore relies most heavily on the analysis and interpretations drawn from these cases.

Although physical violence is readily recognizable as it leaves its marks on the victims, other forms of violence like emotional and psychological violence probably are far more widespread at a subtle level, almost invisible to the untrained eyes and uncritical minds. Emotional and psychological violence also impact on women from all social classes which effectively detract dignity, sense of self worth, self-esteem and

self confidence from women in more ways than one. The ultimate result is the inability of women to realize their full potentials and to fulfill their capacity and talents in a socially meaningful way.

Defining Violence in a broad sense

In general, violence is readily acknowledged in terms of physical violence where physical coercion is involved and where threats of coercion are translated into action. Violence against women in the above definition would include physical abuses of women as in cases of battery and assaults as well as in sexual assault and rape. In Thailand, the legal definition of rape specifies that an act of rape must involve penis penetration which effectively reduces acts of sexual assault which fall short of penis penetration and especially ejaculation as non-rape offence. This legal definition alone brought untold pains to victims of rape when they are subject to examinations and scrutiny in order to establish whether or not the completion of an act of rape was committed. The insensitivity of the legal definition to victims' psyche is evident. The psychological harm done to a rape victim is irrevocable whether or not ejaculation did occur or not. Before women police officers were assigned to rape cases, male police officers' insensitivity to rape victims' feelings and psyche was legendary.

Defining violence is difficult because

"violence could be a coercive mechanism to assert one's will over another, in order to prove a sense of powerBecause violence takes different forms, subtle forms of violence which do not result in physical evidence and which do not create dramatic effects tend to be overlooked and dismissed." (Atal & Kosambi, 1993)

Let us begin by discussing some of these subtle forms of violence, even superficially, in order to register them as issues for more studies and more thorough examinations in the future.

The neglected, the taken-for granted, the undervalued as forms of subtle victimization of girls and women in protracted violence over a life time

Everyday many girls and women in Thailand have undergone systematic, protracted neglect. They are taken for granted and made to feel valueless by those who are closest to them, usually family members and especially those that are perceived to be imbued with authority in the family and kin group.

From infancy, girls who suffer this form of violence will be provided with low priorities in attention and love. As they grow up, they will be given less and inferior food than boys in the family. They'll be required to do more chores and to be responsible for helping their mothers and elders. The socialization process inevitably conditions an internalization of values which require them to be filial to their parents, to be responsible to their families and to sacrifice themselves, if needed, for the family. It is

interesting that while as girls, victims in this category tend not to be given the warmth, support, love and nurturance as would their male siblings, they have exhibited low resentment for the differential treatment given them. Instead, they have been inculcated with a strong need to prove themselves worthy of the parents by continually providing and sacrificing for their parents.

We often find this syndrome among Thai poor rural women who migrate to work in the cities and among women who go into the sex trade with the hope of fulfilling their obligations to their families. It is not uncommon that their hard earned money, when given to parents, would only be transferred to wasteful and unproductive spending by the males in the family through gambling, drinking, womenizing, and purchasing of motorcycles for joy rides, etc.

The case of a sufferer of protracted, subtle form of psychological violence

As long as she could remember, Kai was not of any importance in the family. But then neither was her sister Koy. Their mother was responsible for the family while their father was frequently absent from home in his excesses (philandering, gambling and drinking.) She had to fend for herself. Her mother and her father (when he's around) demanded that she helped in every house chore. Carrying water was particularly difficult, especially on rainy days when the ground was wet and slippery and her small body had to muster all the strength not to spill too much water from the pails before she reached home. Her brothers never had to wash their own clothes. Her sister Koy and she had to do the laundry for the boys. If there were special food, the boys would be given first.

While she studied well and loved school, her mother would not allow her to study more than the required 4th grade. Her brothers who had no interest in schooling were expected to study longer or for as long as the family could afford to keep the boys in school.

When she was 12, her mother decided that she should follow her older brother's footsteps to work in the city. At least it meant a mouth less to feed and perhaps there would be cash for home from her earnings. Kai remembered how she begged not to go. The uncertainties of a new life terrified her. She was not curious about the city and she did not feel an urge to improve or change her life. However, her parents' will triumphed over hers and she grudgingly left with certain and strong instructions from her parents to send home her earnings.

Kai was a "cold" and "emotionless" teenager working in the city. She learned her duties and was conscientious with her work. As a person of few words and little display of emotions, she made a good maid. True to her parents' instructions, she sent most of her meager salaries home. The years rolled by, her income also increased from which a portion often went to her parents regularly. Of the seven siblings in the family, five eventually became permanent migrants to the city. But Kai alone was the consistent supporter of her parents. To Kai's sorrow, nothing that she did could elevate her place in the family nor accord her special considerations or love from her parents which she secretly yearned for.

When Kai was pregnant out of wedlock - the only transgression in her life - her

mother refused to let her go home for fear of embarrassment and shame. When she subsequently married, her mother asked Kai's husband to present her with a bride price as a symbolic social ritual. But after the ceremony, her mother refused to return the sum which in fact was Kai's own savings.

Over the years, Kai paid for her brothers' education, ordinations into monkhood, marriages, sister's house and of course her mother's health care and other needs.

Kai's mother consoled Kai that when the family land is divided, Kai and Kai's son will be entitled to more than the others as Kai had single handedly supported her mother and male siblings consistently. However, it was not to be. Kai's mother had turned against Koy, her other daughter who stayed with the parents in the village and chased Koy away while she gave more and better land to the sons without forewarning Kai.

When questioned why Kai had to provide for a mother who was unfair and unjust, Kai just said she could not change her mother's preferences. She felt somewhat betrayed and unjustly treated but her desires to please and do more for her mother have not been lessened by all the experiences mentioned above.

At a glance, this case presented above may seem like an ordinary case of sex discrimination. However, I would argue strongly that protracted discriminatory acts against a person from a young age, whether in the forms of neglect, denial of love, being taken for granted, or being undervalued could contribute most negatively to the psychological well-being of a person. In Kai's case, she was victimized from childhood by her parents, especially by her mother as less of a human being than she could be. Her needs were constantly denied. Her wishes and desires were not allowed to be articulated. She was told and reminded continually of her "place", her "insignificance" and her "unimportance" in the family, for reasons never clear to her beyond the fact that males are superior to females. Her subsequent behaviours in trying to please her mother and to gain love and esteem from her mother appear to be consistent. She sent money home and allowed her mother to bilk her of her savings only to pamper her brothers. This behaviour of Thai women who allow themselves to be taken advantage of by family members, particularly by their parents is a common problem in Thai society. It leads me to believe that the yearning for love and esteem from parents is so strong because neglect and denial of love in childhood probably create a need to compensate in adulthood for what was absent in childhood.

Sadly, compensations are difficult to achieve. No matter how Kai tried to please her parents like going to work in the city against her will, sending money each time the parents demanded, giving bride-price to her mother and etc, her mother would never give love, esteem, value or worth to her as a person that she so desperately wishes. Long years of conflict between the desire to attain love and esteem and the cruel realities of love, esteem and kindness denied must have caused Kai to be the cold, reserved and cautious person who guarded her feelings and emotions to the utmost.

In real life, Kai's "defenses" against "feelings" and "emotions" made her a seemingly "cold" and "uncaring" person. She is not well liked by her peers. She is not sociable and her only support system is her employers and their family. Her personal life is also a failure as she could not form meaningful relationship with men. Failing to choose trustworthy men, she has a hard time maintaining and nurturing relationship

with men on an equal footing. Often exploited by men, Kai harbours resentment for men and yet could not get out of the "situation" of forming liason with men.

The protracted injuries inflicted on her in her relationship with her parents and family may have lessened not only her self-confidence but it may have prevented her from exerting or trying her best to achieve. Her self-esteem is low. Whenever she was encouraged to achieve something or to attain some higher goals, she would withdraw and desert just as she was about to succeed. She dropped out from dressmaking course as she was about to finish the course. She refused to complete her driving lessons as she was afraid to take the test. Although a good cook, Kai had repeatedly refused to go to courses and lessons that would make her an accomplished cook.

There are endless Kais out there in Thai society whose lives are marked and scarred by protracted negligence and abuses against their worth and value. Being devalued and neglected from childhood, the chances for these women to fulfill their full potentials are slim. As the example of Kai reveals, victims of such "invisible" violence will bear the scars which will debilitate them throughout their lives.

Violence does not have to be a physical act. In its subtle and invisible form as in the example of Kai, I am trying to establish that repeated negligence, denial of love, esteem, a sense of value and worth in a person by those that one is closest to could have strong and irreparable damage to the psyche of a person for life. Many women in Asia have been inflicted with this heretofore unrecognized form of psychological violence. Because respect, love and filial piety are still aspects of Asian values that are propagated strongly in rural areas where traditional values change less than in the cities, we continue to see rural women being bound by this phenomenon with its irony: that as victims of subtle and protracted psychological violence, they try desperately to please and fulfill the needs of those who have victimized them who are often their own parents. Unfortunately this yearning for love and acceptance by the victims could be extended or transferred in later life to the men they have relationship with or even to their children and grand-children.

In the final analysis, victims of subtle psychological violence could be victimized and exploited throughout a lifetime in their desperate attempt to seek love and acceptance.

Emotional and psychological violence: abandonment, alienation of affections and threat of the perpetual "other" woman

In traditional Thai society, polygamy was socially condoned and practiced widely, especially among the elite and upper classes. Offering young women as wives and concubines to the powerful was a mechanism by which loyalty and allegiance were attested. Thai kings and upper level royalties and noblemen were recipients of such offerings. In fact a powerful man's status and influence in some ways were validated by the continual offering of women by his allies and subordinates.

While the major wife in those days wielded the power to manage household and to do the division of labour and disbursement of resources within the domestic “domain,” a major wife needed to fend off favouritism, undue affections or attachments that the husband would feel for any minor wife. Major wife as well as minor wives needed to guard zealously for their own and their children’s status and interests. The balancing act imposed on a major wife of having to appear impartial, just and accepting towards new additions and yet having to protect her and her children’s interest must have been difficult indeed.

As the system was open ended for male excesses, females learned from young age not to trust or rely on other females because even sisters could be sequentially offered to the same man only to become rivals. Even a woman’s trusted personal maid could one day share her husband, as was also practiced because a man could have whoever he took a fancy to in the household. Such conditions fostered women’s mistrust of each other which resulted in rivalry and competition and also in a general lack of camaraderie and solidarity among Thai women.

Although in an effort to portray “modernity” and “civil” nature of Thai society, monogamy was put into law in 1935, but because there was no corresponding changes in values and belief about the merits of monogamy, practices in society have continued to lag behind the stipulation of law. In fact, many Thai men over the years have taken to register marriages to a number of different women as a gesture of legitimizing each union. By registering at different district offices where records were maintained independently, the culprits probably felt free from being found out or judged.

Much more ironically, when such polygamous unions are found out, the male perpetrators would often maintain an aloof and detached position, leaving the women to compare their marriage registrations to determine which registration was dated first and would be considered the truly legitimate union.

What it all boils down to, from the ridiculousness of the above scenario, is the fact that social sanctions and legal sanctions against bigamy and polygamy are not strong in Thai Society. Where a legal act could be made to appear as a mockery of the marriage registration, we’ll need to look elsewhere for reasons which will help explain the plight of Thai women vis-a-vis marriage or liaison with men.

Under the heading of psychological and emotional violence, I would argue that Thai women in general, irrespective of social classes are subject to this “invisible” form of violence that had its antecedents from the polygamous nature of marriage in the past.

Although social change and trappings of “modernity” as well as the new family concept have made certain imprints on Thai society, but men still appear to be “secured” and confident in marital union. Economics is usually not a major factor as Thai women from all social classes tend to be economically self sufficient and relatively independent. Particularly among the lower classes, many women tend to be solid and reliable income earners who could and would fend for themselves and their children.

Women, however, have been socialized into believing that they might be abandoned by their men or that the affections that their husbands or partners have for them would and could easily erode or that the presence of the “other” woman in a husband’s life looms large. These feelings may or may not be justified in many instances. However, the mere fact that they exist in the minds of many Thai women probably propell many women to think and behave in certain ways.

For an example, the fear of abandonment imposes a lot of burden on the women to fortify, reinforce, and prepare themselves to bind their men to them. It also imposes a situation where the power relationship between a couple is lopsided in favour of the man. The powerful can choose to leave the weak who is powerless. It is incumbent on the weak and powerless to fortify, improve and better ourself to deter and prevent the powerful from abandoning the weak. Hence, women live with the fear of being less desirable which could trigger abandonment. The culturally determined reasons for undesirability include, among others, the following:

- 1) Loss of youthfulness through aging.
- 2) Loss of beauty through weight gain and aging.
- 3) Loss of amiability through complaints and naggings.
- 4) Loss of ability to please, to pamper, to amuse, to humor or to cajole a man.

This complaint from Thai men rings loud and clear as they complain that their wives are too involved with their children, housework, career and etc. which detract them from spending time and energy on pleasing them. (It is interesting that the reversed situation virtually presented little problem. After all a man’s career and priorities supersede being nice to their wives. Likewise, men are not generally expected to amuse, please or pamper their wives.)

To fortify themselves against the aforementioned fears of abandonment, alienation of affection and the fear of the “other” woman, many Thai woman went through great pain, physical discomfort, great expenditure both in time, energy and monetary commitment to try to restore their youth and to delay aging, to starve and to experiment with medicinal intakes and other regiments that promise weight loss, youthfulness, greater beauty and etc.

Putting it differently, women in Thai society are victimized by the “beauty” culture. We have more than a fair share of beauty establishments, beauty experts and beauty procedures. Women’s involvement and obsession with “beauty” is carried to the extreme and to the height of absurdity. So much so that in interviews with victims of forced prostitution, many mentioned that the only positive aspect of their “slavery” days was when they were given cosmetics and pretty clothes to wear.

A case study on Veena, a middle-aged lady will be put forth to illustrate the points made earlier about emotional and psychological violence.

Veena was an attractive teenager in a provincial town. Her parents owned and operated a successful business in town. Veene’s physical beauty was much lauded by

everyone who came in contact with her. Her parents basked in joy and pride that their daughter was the toast of the town. Not unlike many parents in Thai society, Veena's parents were talked into allowing Veena to compete in a local beauty pageant. This exposure as a beauty contestant brought many men to her doors. Being young, Veena was not ready to accept suitors. However, one of the suitors was a man of influence and power in town. He was also at least 15 years older than her. Veena's parents did not believe that Veena would be happy with this much older man. However, the man relentlessly pursued her and sent some elders to formally put forth a married proposal. Veena's parents felt pressured and forced into a position where they had to say 'yes', albeit reluctantly and with a lot of worry and concern. Veena herself was not quite eighteen and felt no love for the man. To oblige herself to her parents' decision, she married the man whose job took him to other parts of the country when he was given a new assignment.

The first few years of living with this man were relatively peaceful with the exception that Veena soon found out that this man already had a series of wives and women before her. Some of whom he had also gone through marriage rituals with. Because Veena was young and attractive, her husband took great pride in parading her to people to show off his young and beautiful wife. As soon as the second child was born to Veena, she felt her husband's estrangement. As if the attraction she had held for him had waned, Veena was desperate to reclaim his devotion and attention. But it was not to be. Conflicts and more conflicts ensued as Veena frantically went after her husband to stop him from seeing other women. As a young woman in her early twenties, Veena began to have anxieties about her looks, her body weight and her general physical appearance. For Veena believed strongly that her husband's philandering was due in part to the erosion of her physical appearance. Veena sought different beauty treatments and procedures. Her life with her husband became more and more unbearable because while he would not commit his time and attention to her alone, he required that she be loyal and faithful to him always. When Veena protested about his behaviours, he inflicted physical violence on her by slapping her, pushed and shoved her about, kicked her and hit her with objects that came in handy. The two children were not spared the sight of this physical violence against their mother. But Veena recounted the verbal abuse, the neglect and abandonment by her husband as more painful and debilitating than the physical abuse. She mentioned how she would never know if a dinner set for him each night would be eaten at all. Or that she was full of anxiety, hostility and anger when he decided to come home on certain nights at the wee hours of morning half drunk and abusive which frightened the children and herself. She did not know what to anticipate from her husband who eventually failed to provide for the family financially.

Veena became a business woman and supported herself and her children. She lived with the permanent scars of an abandoned woman. Although Veena was successful in business and in raising two children almost single-handedly by herself, she could not bring herself to terms with her own sense of self-worth and accomplishments. Having moved to Bangkok and moved into the circles of ladies in the upper strata of society, Veena had to seek patrons of high stature and served ladies of higher social status diligently. To most outside observers, Veena is a success story because with little

education, she had fought her way into some wealth and social acceptance without her husband's assistance. However, Veena herself felt a sense of inferiority and failure because she said she was "not desirable" to her husband and that she was abandoned by him. Over the years, Veena had gone through endless "treatments" and "procedures" to make her youthful, good looking and thin. Some of the treatments gave her blood poisoning, allergic reactions, infections, just to name a few. Like a tormented soul, Veena was in constant search for something to restore herself in the eyes of a man whom she claimed not to love anymore.

I don't think that Veena is a unique case or an isolated situation. Women like her represent a large segment of Thai women of her generation and earlier generations whose purpose in life was to be a good wife and a good mother. The existence of a husband serves as a sense of identity, a protective shield or a fence. As the adage goes, "Even a broken fence is better than not to have a fence at all"

When a husband leaves a woman, society point its finger at the women for failing to keep him. The burden of unfaithfulness and disloyalty to one's wife is somehow ironically shifted on to the woman. The fear of being abandoned looms large. It is not surprising therefore that many women opt to keep up the pretenses of conjugal bliss by tolerating husband's extramarital flings or even pretending not to know that minor wives are in the picture.

The rigorous, painful, costly and unsafe as well as unsound treatments that women subject themselves to in order to make them "desirable" are plentiful and sought after by women in Thai society irrespective of social classes. The poor may spend a few baht for chemicals to bleach their skin or whiten their faces. The rich may spend tens of thousand and even hundreds of thousands of baht to bring about younger look or a leaner body. But in the final analysis, both rich and poor women strive to beautify themselves with the hope of retaining their men.

The high tolls that women would pay for a sense of not being abandoned are astounding. The regiments of beauty treatments and procedures which women undergo yearly in Thailand are so numerous and costly. The pain and possible harm and injuries done to women's bodies are so great that it defies normal reason and logic to understand and explain why women would subject themselves to such indignity and suffering. However, when put in the framework of fortification against abandonment and psychological security, one begins to understand the situation.

Sexual violence against women-rape

As mentioned earlier, sexual violence against women occurs frequently within the family and goes without reporting. I am using about 26 cases of violence against women in the following sections for the purpose of this paper. (These 26 cases have been collected by myself and from the cases in three documents from one NGO) (Foundation for Women, 1998). Although sexual assault or rape was the major violence reported

but upon close examination, almost each case of rape was accompanied by other forms of physical violence as well.

For instance, in one case, a powerful, local influential person who was trusted to keep an eye on three youngsters by their parents decided to rape the eldest girl. When she resisted, he beat her till she was unconscious then raped her under the eyes of her younger siblings and his followers-subordinates. When the victim brought charges and refused to drop charges, the rapist was enraged and threatened the victim further. Already suffered from physical handicap from the first beating, the victim and her family could not protect themselves from the threats and intimidations from the rapist who was a local hooligan. Finally, the victim had to flee from her home to seek shelter elsewhere and to suffer physical handicap and psychological impairment in bitterness and pain away from her home and family. This case typifies the double jeopardy that many Thai women face. Physically vulnerable to assaults and rape, the poor and powerless also face a social system that provides little recourse or assurances that justice will be served. In this case, the victim's initial spirit to fight and to seek justice was quickly dampened and suppressed by the harsh realities that certain powerful local hooligans or local "influentials" were larger than life and impossible to go against. She would have no means to protect herself or her family from possible threats at all times. Women's advocacy group could provide her with legal and other assistance, but not physical protection for women in the remote rural areas.

The second case in this category was a victim of rape by a taxi driver. Shame, fear and confusion after the rape kept the victim quiet, even in the early stages of her pregnancy from the rape. This case illustrates how shame and fear (of parents', neighbours and society's judgments and accusations of not being careful and not protecting herself well and etc.) have become the oppressive burden that rape victims often feel. Instead of having the confidence of comfort and solace from loved ones, anger, blames, disappointments and disgust are common reactions and feelings of rape victims' family and relations.

Other cases of sexual assaults show that rape often occurs within the family either by blood relatives or by affinal kins, especially in situations of blended family where remarriages often bring unrelated persons to live under the same roof. One victim was raped by her paternal grandfather and uncle since 9 years old. When her mother found out, her husband or the victim's father, prevented his wife from seeking legal actions against his own father and brother.

Her mother was distraught and fearful of repeat offences against the victim. Finally her mother ran away from home with the victim. Life was hard but tolerable with her mother until her mother fell in love with a new man and left her daughter to fend for herself. This victim of rape married a man and bore a child but soon found herself constantly beaten and molested by a drunken husband who also squandered away her hard earned money and savings on drinking and gambling. She decided to run away

from home again but this time with her child, to get away as far as possible from her husband.

In another case, a step-son raped the 14 year-old retarded daughter of his step-mother. The mother was persuaded by her husband and other relatives to withdraw charges against the step-son. I suspect that the mental retardation of the victim in this case might have something to do with the outcome of the case. There is a general tendency to devalue the status and rights of a handicapped persons in Thai society as if the physical impairments constitute the lack of wholeness which implies the lack of total entitlements of the person to full social and legal rights. Particularly in cases of mental retardation, general social norms are to tolerate and treat them well physically but certainly not to bother about their full rights and status. Hence, it is not surprising that family members of this case would advise and counsel the victim's mother not to punish a "whole" person and jeopardize his future for the sake of an "unwhole" person. The expression "not full" is used to describe mentally retarded persons which connotes accompanying denial of the person's full status and rights as a human being.

In other cases of sexual assaults, one finds attempts at intermediations, negotiations and bargainings by family members, relatives and community members to settle the case without resorting to legal recourse.

In one instance, when a step-father was to be prosecuted for raping his step-daughter, his son offered amends to his step-mother who the mother of the victim. After lengthy negotiations, a piece of land was given to the victim's mother to compensate for the misdeed done to the daughter. Needless to say, the victim's rights and feelings are subsumed under the mother's right over her daughter's body and well-being.

In another case, the parents, and community members initially assumed that the young woman's boyfriend was responsible when she was raped. Even after they found out that a stranger was the culprit, they continued to persuade and convince her boyfriend to marry her. The rationale being to get her married to her boyfriend was a best solution because he loved her and may be they already had sexual relations which would not leave her a problem for her family or community.

There's only one rape case here which shows how a young girl under the age of 15 stood her ground with the support of her family to press charges and pursued the case to its conclusion, without bending to calls for mediation and out-of-court settlements. Judgment was served and the rapist was sentenced to six years in jail.

Reflections

Rape and other sexual assaults are violence against women that often go without punishment as discussed earlier in this paper. Ironically, rejected suitors sometimes resorted to raping the objects of their desire with the hope that the victims and their parents will have to give in to them. Like animals that mark their territories, there's a parallel to how Thai men were allowed to claim rights over women by raping them. This behaviour was certainly practiced and accepted in the past, particularly among

rural areas. Even among urban and educated people, this theme is constantly played out in soap operas and novels when a protagonist or hero rapes the heroine, when he is in a drunken state, only to show regret and to try to make amends. Invariably, the heroines while as the victims of rape would feel anger and shame and would act out their hostility and animosity against their predators. But at the conclusion of the drama, the victims would end up always as willing life partners of the rapists because they have discovered that they have fallen gradually in love with the rapists. This theme seems to absolve the wrong-doing of rape, almost as if drunkenness is an excuse for sexual misconduct and that rape motivated by love is excusable. It also seems to imply that rape victims could and would learn to love their assailants. Although many people argue that this theme reflects social realities but to play and replay this theme only serves to reinforce values and behaviours that should not be condoned and propagated.

Physical assaults and battery against women

This category of violence happens almost virtually within the family. Wife-beating is most common. Beating of children is also common. However, wife-beating takes on a multitude of meaning and reasons that require special considerations. In the cases we have, although the outcomes appear to be the same, e.g. wives being assaulted and beaten, the motivations for wife-beating may differ. A common thread runs through most cases. That under the influence of alcohol, men excuse themselves for engaging in violence, usually against their wives. We have wealthy, educated professional men who beat up their wives as if to vent their own inadequacies and insecurities in their careers, lives, manhood, relationships with others, etc. In one case, a wealthy heir to an enormous fortune married an extremely accomplished woman whom his family and he himself professed to adore. The man's wealth and social position could not lessen his inner sense of insecurity and inadequacy. He was an heir to a fortune which he had no part in building. In fact his trusts with business often ended in failures. His wife was so much more sophisticated and accomplished in her career and intellect than him. He felt pressured and dictated all his life by his parents and especially by his domineering mother whom he adored and resented at the same time. When drunk, he verbally abused his wife and gradually moved into physically assaulting her. After each violent episode, he apologized with expensive jewellery to make atonement for his misbehaviour. When the woman threatened to leave him, his parents intervened to placate her with worldly possessions. As time went on, the woman decided to accumulate wealth and suffered the physical injuries. To leave him would make her a divorcee and an abandoned woman whose social status will be less than being married to him. To stay on and endure the violence will make her a very wealthy woman. She opted for the latter.

Thai men's complex relationship with their mothers and subsequently their wives who are mother-surrogates was discussed in another paper (Vichit-Vadakan, 1997). In this case, this man's violence was directed against his wife who symbolizes success that he could not achieve, a mother figure-revolt superconscience, and an epitome of

reasons which he resented against. Alcohol gave him the courage and disinhibition to resort to force and violence. Although boastful and loud, he was such a coward in real life. Alcohol made him strong momentarily to release his anger and aggression in a violent manner.

In other cases, women were beaten routinely and sometimes so severely that they needed special medical attention. Refuge in emergency shelters was sought as a temporary relief from husbands' brutality. In Thailand, as is common elsewhere in the world, battered wives went through anger and fear but also confusion and self-doubt. The victims of marital violence sometimes wonder if it was their fault to bring the violence on themselves. At times, they wonder if they had done things differently, maybe they will be spared the violence. Too often, when the husbands or relatives of the husbands urge or beg them to return to the husband, they readily and willingly comply only to discover that violence continues to occur and that promises are easily broken.

It is interesting that provocations for violence ranged from jealousy and anger over any visible sign of wife's intelligence to the need for absolute control and power over their wives. We have a case where a noodle vendor suffered battery from her husband for twenty years. Her endurance came to an end when her husband started to physically and psychologically abuse their children as well. When her oldest daughter attempted a second suicide from pressure exerted on her by her father, this lady finally killed her husband. The long history of violence against her was ground for the court's sympathy. She was acquitted on the ground of self-defense.

Other cases are less fortunate. Justice is not only slow in coming, often justice is not served at all. We have a case where a woman was beaten, cheated and abandoned by the husband. When she came to the city to find him, he was with a new wife. The husband and his new wife gave her and her child drink laced with rat poison that almost killed both mother and child. No recourse was sought..... probably because she was poor, uneducated and a stranger in the city. Her state of health was weak after being poisoned and her fear of the new environment -the city- must have made her run away from the city. She in fact fled with her son as soon as she could.

In another case, a woman endured beating for 20 years and could not endure any longer when a big open wound was inflicted upon her by her husband. In pain and bleeding, she boarded a bus away from her home town aimlessly, just to get away from him.

We also have cases where husbands who abandoned their battered wives for new women would come back once in a while to haunt these battered women. They did do to monitor if the forsaken wives had taken up with new men, or to extort money, to inflict more physical violence, or to just display their ownership and exclusive rights over the women.

Prostitution and trafficking in girls and women

As mentioned, prostitution and trafficking in women are not only illegal in Thai

society but they have their full share of violence, exploitation and oppression of women, dehumanization of women, as well as violation of human rights and freedom.

In the cases of forced prostitution that we have gathered, some are lured into it without the knowledge of the women or their parents. Many instances, application for jobs abroad that promised good pay ended up as trafficking of women for the sex trade. In other instances, parents sold their daughters to brothels directly or to agents who went around the countryside to look for good looking girls to supply them to the sex industry.

In one case, the daughter was coaxed by her parents to sacrifice herself for the survival of her family with seven other siblings to feed. In another case, a young woman was lured to Japan and sold to sex operators. Her life in Japan was filled with violence and mistreatments. She lost her freedom, dignity and pride. Like a merchandise, she was sold many times by one “owner” to another “owner”. When she resisted or showed signs of non-compliance to her “owner’s” wishes, she was beaten and brutalized each time.

Even in cases of voluntary prostitution, violence often ensued as well. Prostitutes are perceived to be less than “whole”. Terms referring to them are derogatory, even by their customers who seek their service. Their marginal status and low social position make them especially vulnerable to violence inflicted by sadistic customers, pimps, and others in the business.

Reasons for voluntary prostitution are numerous. As daughters are socialized to be responsible and filial, they are easy preys to activities and jobs that promise fast return and big money for the uneducated women. Scholars like Yos Santasombat (1992) and more recently Niwat Suwanpatana (1997) would argue that prostitution should be viewed and analyzed in terms of a larger social problem and issue. The development path adopted by the Thai government in the past three decades have effectively brought about bankruptcy of the rural areas. It had also eroded the rural areas through the spread of consumerism and materialism. Daughters/women have been further marginalized by the changes in mechanized agriculture. In order to gain their status in the eye of the family, daughters opted for money-making venture to raise their own status in their families and in the community.

My own study on the subject indicated that prostitution was a result of a configuration of different factors which combine to worsen the situation of women vis-a-vis the lure of the sex industry. Some of the causes are:

- 1) Traditional value structure that devalues women’s role and status as already discussed. Being of secondary status, women would resort to strengthen their position and status in the family, even at the expense of selling their bodies to strangers. This is confirmed and reconfirmed endlessly by sad accounts given by prostitutes of their miserable plight. However, these same women would often express their pride and satisfaction for having pleased their parents. Even more revealing would be when they bragged about how their parents treated

them better than before and that their status in the family is higher than before because they could provide for the family.

- 2) The beauty culture which propelled women to believe that prostitution, unlike working in the fields, allows for them to have light complexion and fair skin. Since beauty has a premium in this business, prostitutes pride themselves as being in the forefront of the beauty culture.
- 3) Concept of “virginity” as a virtue which is of utmost value to a woman in fact has helped propelled women into this trade. Non-virgins feel that they have little to lose in becoming prostitutes. The value of a woman is narrowly restricted to a virginal state. I have found that many women who became disillusioned with their relationship with men, turned their backs on social conventions and went into prostitutions to make money because in their words and belief: “since I am no longer a virgin, I might as well make use of my body to maximize my income.”
- 4) Social values depict manual work as having low status and being unworthy. As a result, poorly educated women could not escape the types of work that evolve around manual labour and agricultural activities. Only prostitution allows women who are poorly educated and from lower social economic status to have an alternative type of work which also pays well. The social inequality and lack of opportunities and access to jobs and life chances in the society are reflected in the increase in the number of prostitutes.
- 5) As the tide of consumerism and materialism sweeps across Thailand and repeatedly rushes on to impact the Thai way of living, more and more poor villagers wish to possess material belongings and to engage in material consumption. Social distance and social differentiations are marked by differential possession of wealth and material items. Hence, daughters are openly or subtly, overtly or covertly and directly or indirectly influenced and motivated to raise the status of the family. Many prostitutes mentioned how their families were not invited to social events before, how the monks and teachers did not bother to greet them before and etc. With income from prostitution, they proudly explained that “*my family is invited by everyone*”; “*my mother can now sit in the front rows of our village gathering*”; “*the monks welcome our contribution and were polite and kind to my family*”; or that “*the school principal thanked us publicly and especially for our generous contributions to the school.*”
- 6) Prostitution is perceived as an avenue for upward social mobility. A rich customer may end up marrying a prostitute. Failing that, to be the minor wife or even mistress of a wealthy man would be desirable because it will provide comfort and wealth and an opportunity to show off one’s wealth and status to fellow villagers.
- 7) There is a myth about foreign “farang” land and men. In the case of prostitutes

who serve foreign men, a myth that foreign lands are permissive and open to all ex-prostitutes is continually being kept alive and perpetuated. Hence, the desire to marry foreign men is overwhelming. So is the desire of prostitutes to live in foreign land, and failing that to become temporary wives or hired wives to foreign men appears to be a favoured alternative. In reality, however, hired wives may be subject to violence and constant humiliation. I have seen cases of hired wives who had to provide the services of maids-cleaning, cooking, shopping to men who also require sexual services, loyalty and faithfulness. Some “farang” men would take in the children of the hired wives only to fulfill their need for having an instant family. But the power and authority that some of these men imposed over the women and their children are so great and dehumanizing. In one case, a woman was constantly whipped by a belt. In another case, the fits of jealousy and suspicion of the farang man was so great that he would imprison her in the house with the exception that she could go out only if accompanied by him. To ensure that she could not escape, the man confiscated all her clothes and left her naked whenever he left the house.

There are many other cases that will illustrate my arguments. But I believe that I have conveyed my points and analysis adequately about the different types of VAW in Thailand. However, the subject is a difficult and complex one. Although the National Commission on Women Affairs, NGO's and the press have taken an interest on this issue and they have convened meetings and discussions from time to time, but a holistic approach in dealing with the issue is still needed. More studies, discussions and exchanges on this topic in an integrated manner will help pave way for policy suggestions and policy advocacy in a holistic manner. In other words, to reduce VAW in the short term and to eliminate it in the longer term will need policy measures that are interrelated (from value changes and new socialization methods that will not devalue the status and psychological well being of a girl child to media policy that will not reinforce the stereotypic male dominance roles and behaviours in the media to a legal and regulatory framework that is gender sensitive and friendly where support and recourse could be readily given to women who are victims of VAW.)

As practiced today VAW is segmented into different types of issues that are usually not seen as symptoms of the same problem. For instance, violence against prostitutes receives less sympathy from the public than violence against the girl child. We tend to take a short cut in dealing with social problems by not going into their root causes. As a starter, the topic of VAW should be made a topic of social concern to be discussed and followed continually so that it will be accepted as a topic of importance at the national level.

Good studies on the topic will help substantiate the need to prioritize this issue for social policy formulation. In this context, it will become clear that legal changes alone will not solve the problem of VAW. Other measures such as value and attitudinal changes,

behavioural change through the media, new way of socializing children both in terms of substantive and methodological changes are much needed to help instill gender sensitivity and awareness among members of the different generations in society.

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