

Spousal Abuse in Bangladesh: An Overview

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Abstract

This article is designed to determine the pervasiveness, and regularity of wife battering in Bangladesh. The effects of socio-economic status, education and legal status were also investigated. The surveys were conducted on two districts of Bangladesh. Questionnaire survey of 400 randomly chosen Bangladeshi women was undertaken in these districts. Wife abuse was found to be prevalent in Bangladesh, and education and occupation were found to influence the prevalence. As wife battering has been found to be ubiquitous in Bangladesh, more research is required to recognize the causes and the psychological effects on these women. This information will be very useful for designing appropriate legal framework to provide proper remedy for the victims of spouse battering.

Keywords: Wife Abuse, Conjugal violence, Violence against woman, Battering of Wife, Misuse of Marital Relationship, dominance over woman.

Introduction

From the early age, women have been perceived as inferior to men and subject to physical punishment. Examination of the history of civilizations reveals the existence of laws approving the use of violence against women to chastise and control them. During Roman times, a husband was permitted to use reasonable physical force to discipline his wife, including blackening her eyes or breaking her nose (White, 1979). In Greek society, women's status was very low and they often subject to physical punishment. A woman's main function was the reproduction of children, especially of sons (Pomeroy, 1975). Greek philosopher Plato's attitude to women was ambivalent as in some of his writings he advocated a fairer deal for women, on the other hand, he ascribed the inferior status of women clearly to a kind of degeneration from perfect human nature (Winkler, 1990). It is only males who are created directly by the gods and are given soul (Dickason, 1976). The Athenian comic poet suggested in one of his works that, "If you are always punishing your wife, she's the best of all possessions; if you relax too much, she's a heuristic thing and uncontrolled" (Edmonds, 1961). Aristotle craved about explaining the nature of things from what they are seen in real life. He arrived at a conclusion that women are inferior by nature due to the subject and low status they are born with (Maloney, 1976). According to Aristotle, man rightly takes charge over woman, because he commands superior intelligence. This will also profit the women who depend on him. He compares this to the relationship between human beings and tame animals (Aristotle, 1932). Let us now peep through the time, and observe the development of English Law. In the context of property rights, the English 'Principle of Coverture'¹ established

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¹ Coverture (sometimes spelled *couverture*) was a legal doctrine whereby, upon marriage, a woman's legal rights and obligations were subsumed by those of her husband, in accordance with the wife's legal status of

that a married woman could not own property free from her husband's claim or control (Black's Law Dictionary, 1990). In fact, women themselves were seen as property. Even worse, English rape laws viewed rape as a crime against the husband, father or fiancé of the victim. Rape cases were considered properly disposed of if the male 'owner' of the victim was compensated for the damage to his property (Hoffman, Demo & Edwards: 1994, pp 131-136). Marital rape was inconceivable, as wives could not legally refuse their husbands' conjugal rights. A sixteenth century Russian code wisely cautioned husbands not to strike their wives on the face or ear since they would be sorely disadvantaged should the wife become blind, deaf or otherwise incapacitated (Maloney, 1976). In many parts of Europe, a man could kill his wife without penalty well into the 1600s. By comparison, if a wife killed her husband, she was punished as if she committed treason because her act of homicide was considered equivalent to murdering the king (Blackstone, 1897). English common law authorised wife-beating under the infamous 'rule of thumb'², which decreed that a man might use a 'rod not thicker than his thumb' with which to chastise his wife (Mather, 1988). In the early nineteenth century American states adopted this rule as a formal acknowledgement that a husband is allowed to beat his wife (Maloney, 1976). By 1910, only thirty-five out of forty-six states had passed a reformed legislation classifying wife-beating as assault (Siegler, 1989). For a long time rape, residential manhandle, and different types of viciousness against women were thought to be private issues, best kept noiseless and in the family. In any case, in late decades domestic violence such as battering against women has emerged as one of the most widespread and frightening problems in the world. Although this violence varies widely in form and prevalence, it is virtually universal and usually results in severe physical injury to the victims who are women, at times resulting in death. Consequently, it is increasingly being recognized as a major political, social, legal, economic and developmental problem (Adepoju & Oppong, 1994). Even if domestic violence is defined as direct physical violence, threat, or intimidation, it perpetuates and promotes hierarchical gender relations. It can be defined as different forms, but all serve to preserve male control over resources and power (Copelon, 1994).

feme covert. An unmarried woman, a feme sole, had the right to own property and make contracts in her own name. Coverture was enshrined in the common law of England for several centuries and throughout most of the 19th century, influencing some other common-law jurisdictions.

² *It is often claimed that the term's etymological origin lies in a law that limited the maximum thickness of a stick with which it was permissible for a man to beat his wife. English common law before the reign of Charles II permitted a man to give his wife 'moderate correction', but no 'rule of thumb' (whether called by this name or not) has ever been the law in England. Such 'moderate correction' specifically excluded beatings, allowing the husband only to confine a wife to the household.*



Source: UN Woman (www.unwomen.com)

Violence against women around the world

A more recent analysis of WHO, in light of existing information from more than 80 nations, found that internationally 35% of women have encountered either physical as well as sexual intimate partner violence or non-partner sexual violence (Rattan, 2017). The vast majority of this violence is intimate partner violence. Around the world, very nearly 30% of all women who have been in a relationship encountered physical and additionally sexual violence by their intimate partner; in a few regions this is significantly higher (VAW, 2016). However, some national studies show that up to 70 per cent of women have experienced physical or sexual violence from an intimate partner in their lifetime (World Health Organization, 2013). Recent studies discover that wife beating is the most common form of interfamilial violence, occurring in 85% of the communities studied around the world (Rattan, 2017). A study of modern American families conservatively suggested that 1 in every 8 men had committed an act of violence against his wife in the preceding 12 months (Hoffman, Demo & Edwards: 1994, pp 131-146). A woman is being assaulted by her intimate partner in every 15 seconds in America (UN Study on the Status of Women, 2000). Studies show that in the area around 2 million women in the United States are abused by husbands or male partners. The male partners use violence to control their women (Johnson & Ferraro, 2000). The costs of intimate partner violence against women exceed an estimated \$6.8 billion. These costs include nearly \$5.1 billion in the direct costs of medical care and mental health care and nearly \$1.8 billion in the indirect costs of lost productivity and present value of lifetime earnings (*Costs of Intimate Partner Violence against Women in the United States*, 2015). Studies of modern Japanese and Ethiopian families conservatively suggested that among women aged 15-49 between 15% of women in Japan and 71% of women in Ethiopia reported physical and/or sexual violence by an intimate partner in their lifetime (WHO, 2005). In England and Wales in 1997 there were 835,000 reported incidents of domestic violence, with a resulting statistic of 12.1% of women having suffered chronic levels of abuse and 10.6% having experienced intermittent levels of assault (Warrington, 2001). The All China Women Federation reports that nearly 25% of married women in China have experienced domestic violence (Lee,

2014). But the abuse is far more prevalent than those numbers show as large number of cases where wives were battered remained unreported. The pervasiveness of violence against women in contemporary societies is a cultural norm; east or west, rich or poor, liberated or conservative, families worldwide suffer the traumas of domestic abuse. Laws against domestic violence have been passed in not less than 119 countries, 125 countries have laws on sexual harassment and 52 have laws on marital rape. However, even if laws exist, that does not mean that these laws are compliant with international standards or practiced entirely (United Nations Economic and Social Affairs, 2015).

Spouse Battering in Bangladesh

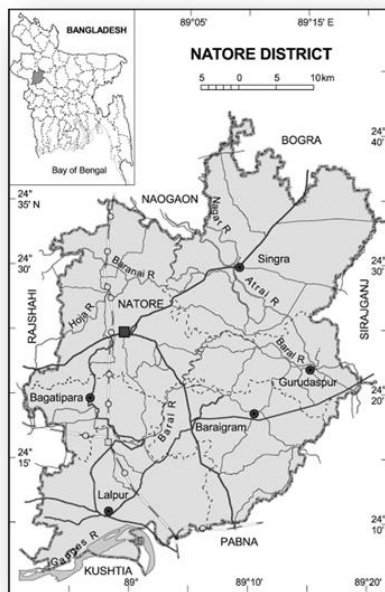
Bangladesh is one of the poorest countries in the world and the assessed rate of violence against women is extremely high. This hinders the “achievement of equality, development and peace” (Johnson, Ollus & Nevala: 2008). Battering of housewives is a pervasive problem in Bangladesh and presents a huge threat to the security of women. In a 2007 research study, more than half of ever-married women aged 15-49 reported that they had experienced some form of physical and/or sexual violence from their husbands, and one quarter had experienced it in the past year (NIPORT, 2009). Furthermore, more than one-third of both men and women believe that men are justified in beating their wives in specific circumstances, such as arguing (NIPORT, 2009). A survey conducted on 2016 (January – July) in different parts of Bangladesh found that 6 out of ten men justified in beating their wives in specific circumstances (Rattan, 2017). The practice of dowry, a lower age at marriage, and poverty are all associated with women’s higher likelihood of experiencing and condoning violence from the part of their husband (MDG, 2008). In our country, an abused wife’s primary encounter with the legal system is normally with the police. Police authorities, are notoriously unsympathetic to battered women by failing to show up at the scene of the incident, by irrationally delaying their arrival, or by discouraging women from taking any further legal action if they do arrive. A survey conducted in 2003 upon 190 rural women found that, women faced violence for the following reasons: wife questioned husband in day-to-day matters (29%), failure of wife to perform household work (11.5%) or take proper care of children (10%), not conforming to veil or other expected behaviour (3%), refusal to bring money from natal family (3%), and husbands day-to-day frustrations (2%) (Bhuiya, Sharmin & Hanafi, 2003). With the times, violence against women remains a pervasive, yet under-acknowledged Human Rights violation in all countries of the world, being especially prevalent in Bangladesh (Wiegand, 2012). “Violence against women is a deeply entrenched problem in most societies because attitudes and practices that support violence are institutionalized in custom and law at all levels of society – marriage and the family, home, community and state” (Johnson, Ollus & Nevala : 2008). As said in the foregoing violence against women in Bangladesh is widespread and political influence, administrative failure and lack of social resistance and implementation of laws are the main reasons that lead to the perpetrators going free. Many scholars consider that the root of violence against women in Bangladesh is mainly patriarchy. However women’s rights are not preserved due to the weaknesses in the police and Judicial systems. Unfortunately, police still consider domestic violence as a social issue; and corruption and greed ensure that the testimonies and complaints of victims are stalled. Furthermore, intervention from local influential peoples, often in the form of financial and political gain, gives protection to the perpetrators. As a result,

new criminals are created, more and more women become the victim of violence and there is still no justice for them (Odhikari, 2016).

In January 2016 – August 2017, several studies were conducted in two districts of Bangladesh to know the percentages of woman subjected to violence by their partners. In each district, participants were divided into two groups. Group A consisted of rural people with no education; especially the working class people and Group B consisted of urban people with education at least those completed secondary education or equivalent. Each group consisted of 60 participants. Total number of participants who participated in the study was 400. To reduce reluctance of the respondents in answering questions on domestic violence, the revised version of the Conflict Tactics Scales (CTS) was used in the study. In administering the Scales, the participants were first asked questions on positive conflict tactics involving reasoning before being provoked for more aggressive and violent acts. This helped warm up the interview. This strategy could help the participants to co-operate more in the survey. The following questions were asked in the survey-

- a. Did your husband use force against you for trivial reasons frequently?
- b. Did your husband use force against you for serious reasons more than once but less than three occasions?
- c. Did your husband use force as a result of contributory reasons which make the abuse justified?
- d. Did your husband batter you for religious reasons?
- e. Did your husband batter you for not having sex?
- f. Did you seek legal help? If not, then why?

The household survey method involving face-to-face interview was adopted in the study. By collecting information from the household survey, it was possible to cover both reported and unreported incidents of domestic violence.



11% participants of Group A responded to question no.a and stated that they are subjected to frequent physical abuse by their inmate partner. 29% participants of Group A responded to question no.b and stated that they were battered more than once but less than three times for serious reasons. 10% participants of Group A responded to question no.c and stated that they were battered for contributory reasons. 6.5% participants of Group A responded to question no.e and stated that they were battered for not consenting for sex. 1.5% participants of Group A responded to question no.d and stated they were subject to physical abuse due to religious reason. Only 2% participants of Group A responded to question no.f and stated that they took legal help and others said that they did not take any help because of financial reasons, unavailability of lawyers, and social reasons.

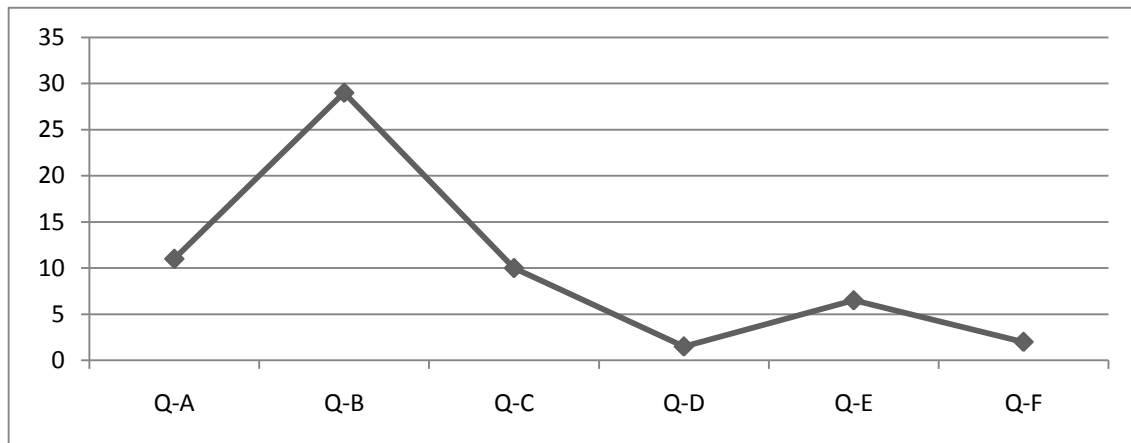


Chart One: the prevalence of battering of inmate partner within relationships (Based on findings of Group A) in Natore District

Group B was comprised of rural woman with education, about 47.7% had secondary education or above, and a further 53.3.% of them had primary education. Over half (52.9%) of respondents were employed, and a further 41.9% were economically inactive (including home-makers, students and retirees). 9% participants of Group B responded to question no.a and stated that they were subjected to frequent physical abuse by their inmate partner. 15% participants of Group B responded to question no.b and stated that they were battered more than once but less than three times for serious reasons. 6% participants of Group B responded to question no.c and stated that they were battered for contributory reasons. 5% participants of Group B responded to question no.e and stated that they were battered for not consenting for sex. 1% participants of Group B responded to question no.d and stated they were subjected to physical abuse due to religious reason. Only 10% participants of Group B responded to question no.f and stated that they took legal help and others said that they did not take any help because of pecuniary reasons, unavailability of lawyers, and social grounds.

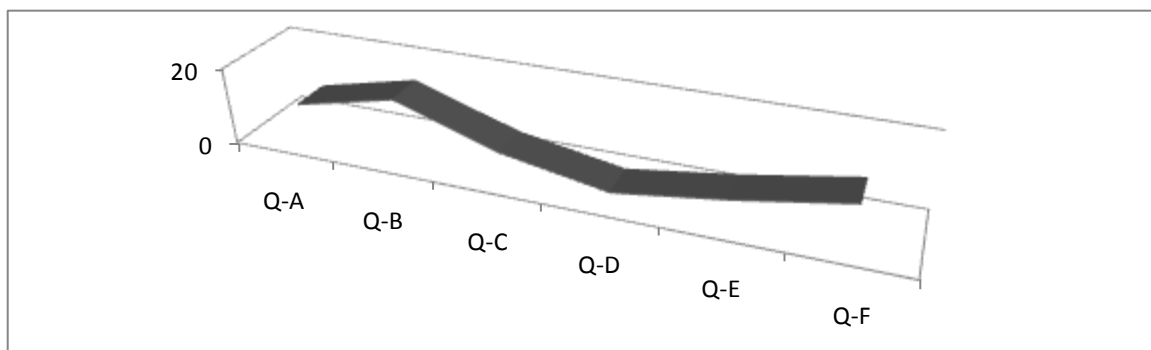


Chart Two: the prevalence of battering of inmate partner within relationships (Based on findings of Group B) Natore District

18% participants of Group A responded to question no.a and stated that they were subjected to frequent physical abuse by their inmate partner. 22% participants of Group A responded to question no.b and stated that they were battered more than once but less than three times for serious reasons. 11% participants of Group A responded to question no.c and stated that they were battered for contributory reasons. 5.5% participants of Group A responded to question no.e and stated that they were battered for not consenting for sex. 1% participants of Group A responded to question no.d and stated they were subjected to physical abuse due to religious reason. Only 2.5% participants of Group A responded to question no.f and stated that they took legal help and others said that they did not take any help because of monetary reasons, unavailability of lawyers, and social reasons.

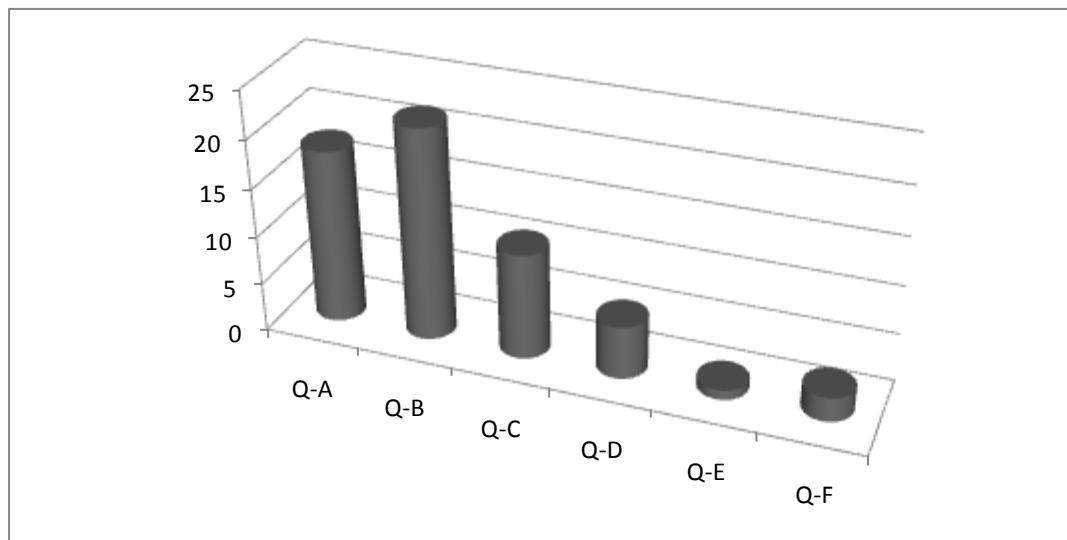
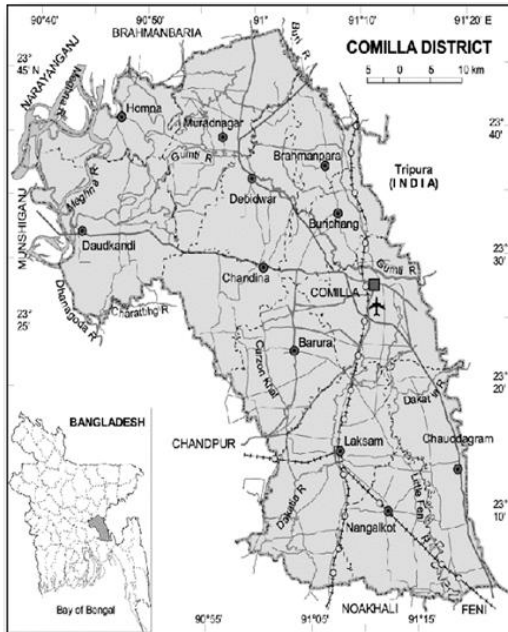


Chart Three: the prevalence of battering of inmate partner within relationships (Based on findings of Group A) in Comilla District

Group B was comprised of rural woman with education; about 57.7% had secondary education or above, and a further 43.3.% of them had primary education. Over half (52.9%) of respondents were employed, and a further 41.9% were economically inactive (including home-makers,

students and retirees). 11% participants of Group B responded to question no.a and stated that they are subjected to frequent physical abuse by their inmate partner. 13% participants of Group B responded to question no.b and stated that they were battered more than once but less than three times for serious reasons. 5.5% participants of Group B responded to question no.c and stated that they were battered for contributory reasons. 4. 5% participant of Group B responded to question no.e and stated that they were battered for not consenting for sex. 3% participants of Group B responded to question no.d and stated they were subject to physical abuse due to religious reason. Only 8% participants of Group B responded to question no.f and stated that they took legal help and others said that they did not take any help because of economic reasons, unavailability of lawyers, and social reasons.

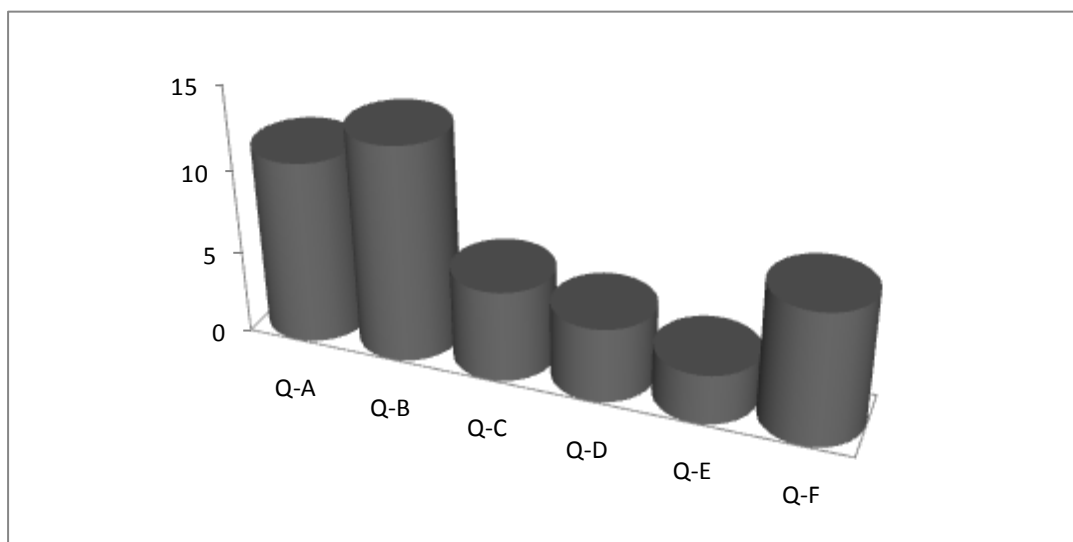


Chart Four: the prevalence of battering of inmate partner within relationships (Based on findings of Group B) in Comilla District

Conclusion

Based on the foregoing data, wife abuse was found to be prevalent in Bangladesh and violence against women particularly wife beating is not a new concept. It might be seen either in the family or outside of it. In our country, or in the family, women are subjected to different sorts of violence due to social framework, destitution, dependency on men. In numerous Asian countries including Bangladesh, women's subordination is reflected in the sexual division of work, women's constrained basic leadership control, confinements on opportunity of development, and discrepancy relating to the access to assets inside the family. Individuals everywhere keep on believing that abusive behaviour at home is a private issue between a couple, instead of a criminal offense that requests a solid, quick and incorporated reaction to determine. A coordinated system of the administration, grassroots associations and assistance of legal specialists, wellbeing experts, advancement activists and the media are needed to accomplish the violence free society for women. Doubtlessly there are different laws to reduce wife abuse and women oppression. In

section 11 of the women and Children Repression Prevention Act, 2000, life imprisonment is imposed for offences causing grievous hurt to a woman for dowry. Under section 366 of the Penal Code, 1860 punishment is provided for forced marriage, in sections, 340 and 342 of Penal Code there is provision for punishment for wrongful confinement, in section 319 of the Penal Code there is provision for punishment for spouse battering which gives that whoever appallingly hurt wife by beating might be rebuffed with imprisonment for a seven years with fine. Under section 5 of the Family Courts Ordinance, 1985 it is said a wife can record a suit in a family court for her own particular upkeep as well as for the support of her child. Regardless of these current laws in our country, violence against females occurs regularly. For curbing wife battering and other types of violence against women, Govt. needs to make legislative move to empower females and secure their rights. Furthermore, the prevailing laws need to guarantee the best possible execution. The current tendency of suicide by women, instigations to commit suicide, or murders passed off as suicides needs to be studied critically for determining the proportion of impact due to spouse battering.

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