
Domestic Violence, Past and Present

Sarah B. Pomeroy. *The Murder of Regilla: A Case of Domestic Violence in Antiquity*. Cambridge, MA: Harvard University Press, 2007. xii + 249. ISBN 978-0674-02583-7.

Sara M. Butler. *The Language of Abuse: Marital Violence in Later Medieval England*. Leiden, Netherlands: Brill, 2007. xii + 287. ISBN 978-90-04-15634-0.

Frances E. Dolan. *Marriage and Violence: The Early Modern Legacy*. Philadelphia: University of Pennsylvania Press, 2008. 235 pp. ISBN 978-0-81122-4075-7.

Kristin Bumiller. *In an Abusive State: How Neoliberalism Appropriated the Feminist Movement against Sexual Violence*. Durham: Duke University Press, 2008. xvi + 216. ISBN: 978-0-8223-4239-7.

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Before the 1970s, judges and police officers still saw wife beating as a trivial offense—policemen would tell husbands to calm down and wives to stop annoying them, and cases rarely came to court. Popular culture depicted wife beating as a joke, and psychiatrists saw it as a pathology of the underclass or of individual women. In general, the problem was denied or explained away.

In the 1970s, feminists documented the widespread incidence of wife beating and asserted that it was not just working-class husbands who assaulted their wives, but all classes of men. They defined wife beating as one extreme in a spectrum of male efforts to dominate women, and argued that rape was a crime of violence, not sex. Feminists founded shelters where women could take refuge, demanded that the police do more to protect women, and advocated for battered women in the courts.

The related analyses of male domination and female victimization have become more complex. Feminists started calling battered women “survivors” to emphasize that they were not just passive victims. However, social scientists also started to study domestic violence, and some researchers came up with the idea that women committed domestic assaults in the same numbers as men (although the severity of the assaults was not measured). Psychologists argued that battered women needed therapeutic treatment. At the same time, the diagnosis of “battered woman syndrome” could also

be used to defend women who had killed violent husbands. Today, wife beating is once again seen as a pathology or a tragedy. The feminist critique has been taken up by mainstream culture but also muted.

In the past, domestic violence was often seen as a way husbands could legitimately 'correct' their wives. At the same time, male violence posed problems for patriarchy, which I define as the power of husbands and fathers over wives and children (a specific form of male domination). Excessive force threatened the integrity of the family if the husband killed or seriously injured the wife. Wives' kin also had an interest in protecting them from injury. Furthermore, violence threatened the notion that marriage was based on love or at least partnership and companionship. The ideal patriarch was able to control his wife without losing his temper. Within the household, wives could be both subordinate to their husbands and dominant over servants and children. In some cultures and eras, they had power and property in their own right. Women's ability to get help for wife beating therefore varied by rank, class, and region. At the same time, the books under review make it clear that when historians assess women's status and power in different areas and eras, we must take into account their vulnerability to violent husbands as well as their control over property.

Wife beating was apparently quite common in the ancient world, as Sarah Pomeroy recounts. Saint Augustine remembered that wives often bore the marks of blows, and his mother, Monica, patiently tolerated her husband's violence. But it is very difficult to go beyond these anecdotal sources because wife beating was not subject to legal jurisdiction and, in any case, very few court records survive. Pomeroy is only able to address the issue because a case of wife murder survives, which involves two prominent families. The wife, Regilla, was from a very elite Roman family while her husband, Herodes, was Greek, wealthy, and well-connected. Roman women were usually married off by their fathers or brothers; in this case, Regilla's family thought that Herodes would bring them the cachet of Greek civilization and philosophy while Herodes gained an alliance with a powerful Roman kin network. Despite these arranged marriages, Roman women socialized with men and sometimes owned their own real estate. Under Roman law, a wife could remain under her father's control, not her husband's, which could give her a certain amount of autonomy. Elite Roman women were literate and even wrote letters. When Regilla moved to Athens with her husband, Herodes' status meant that she was nominated to be a priestess of Demeter. She had independent landholdings and left her mark on Greece by commissioning an elaborate fountain at Olympia. In general, however, Greek women were more secluded and lacked control over property. And even the most privileged of Roman women, with property and status of her own, could become the victim of domestic violence.

Herodes was known as dissolute, violent, and passionate. Although the Stoic philosophers of the time, whom he knew, advocated apatheia, or control of the emotions, he celebrated the expression of passion. Pomeroy describes Herodes' desires as "homosexual", using an anachronistic term, but she subtly analyzes the way in which he seemed more passionately attached to his male companions and foster sons than to his own wife and children. When Regilla was pregnant with her sixth child, Herodes apparently ordered his servant to kick her in the stomach and she died as a result. Pomeroy cites Plutarch, who pointed out that exogamous marriage (more common in Rome) was better for brides because "if the husband abused his wife, her kinsmen would defend her." (33) However, in Greece, Regilla was far from the brothers who might have helped her. Unable to prevent her death, her brother brought a charge of murder against Herodes in a Roman court, for family pride outweighed the notion that men could do as they liked with their wives. Herodes escaped punishment, probably due to the emperor's influence, and spent much of his later life building elaborate monuments celebrating Regilla. Pomeroy speculates that this lavish display of grief might have been intended to rescue his reputation and to reaffirm his ties with this powerful Roman family. Pomeroy's book is full of fascinating detail and analysis of the statues and inscriptions which bear witness to Regilla's life and moreover illuminate the situation of elite Roman women. She demonstrates that intense vulnerability could accompany high status.

In the medieval period, married women had even fewer property rights than Roman women, as Sara Butler shows in *Language of Abuse*. This is a competent and comprehensive study which draws on many other works on medieval women's lives and on domestic violence. While she studies court records, the strength of this book is the close analysis of legal and religious discourses. Many secular and religious authorities justified the "correction" of wives, which could include physical chastisement. In popular medieval culture, the assumption that men beat their wives fueled many jokes. Authorities admonished women to be passive and pure wives, and reviled independent women as viragos. Butler might have explored a bit more the two sides of popular culture's depictions of aggressive wives. For instance, while Chaucer ridiculed his character the Wife of Bath as outspoken, lustful, and bold, those qualities also make her appealing and perhaps inspiring. Wives were not just seen as passive victims or evil viragos, but often respected for their hard work and companionship. Popular culture also contained sympathetic accounts of battered women and fantasies of revenge; for instance, Butler mentions that abused wives could pray to St. Wilgefort (or St. Uncumber), who was supposed to get rid of bad husbands. To be sure, Butler has found that in court cases husbands justified beating their wives by claiming the women were aggressive and mutinous, just

like the images in popular culture. One declared that his wife was “nearly a virago.” (143) Although she is usually attentive to verbal nuance, Butler unfortunately does not ask what would make a woman completely, not “nearly” a virago. As she points out, a husband was supposed to be able to control his wife with moderate chastisement; excessive violence, even if justified by claiming one’s wife was a virago, meant that a man had failed as a patriarch.

At the same time, church authorities, and occasionally the courts, intervened in cases of extremely severe violence—for instance, when one husband knocked out his wife’s eye. The church wanted to preserve marriage which, after all, had become a sacrament. Clerics told husbands to support their wives and occasionally interfered in cases of violence, but they admonished wives to submit to their husbands; if they had to accept abuse, they could think of themselves as martyrs and pride themselves on their piety. Clerics also advised women to manipulate their husbands to meet their wishes instead of provoking assault. Family members and neighbors also tried to protect women facing extreme violence, but minor blows seemed to be so everyday that they went unremarked.

Butler examines many of the surviving court and church court cases addressing assault and separation. She does not count the number of cases she examined but, given the small number in each archive, no valid statistical analysis could have been carried out. Butler is very good at parsing out the nuances of the language of legal sources. For instance, accusations that a husband knocked out his wife’s eye could evoke the sufferings of St. Lucy. Accusations also stressed the violation of the home by violence rather than the right of a wife to be free from abuse.

If a wife killed her husband, however, this was regarded as a violation of the natural order. In 1352, a statute defined the murder of husbands by wives as petty treason, to be punishable by burning. Butler finds that late-medieval society was increasingly preoccupied with aggressive women, part of a more general concern with order and morality following the plague. Like Pomeroy, Butler finds regional differences in women’s status: urban women seemed to assert their rights more often, perhaps because they traded in the market, and northern English women were also somewhat more independent. For instance, southern English towns punished women as scolds much more often than occurred in northern England. Overall, Butler emphasizes the fact that medieval authorities and popular culture accepted wife assault as long as it was not too extreme, but she might have made more of the dynamic of women’s power and vulnerability.

Frances Dolan’s *Marriage and Violence: The Early Modern Legacy* is a brilliant and challenging comparison of contemporary domestic violence and its early modern legacy. It is clearly written, albeit in an academic style, but

retains a lively flow, propelled by a strong argument. Dolan asserts that in the early modern period, and to some extent today, marriage was seen as an “economy of scarcity”—if one person became stronger, the other became weaker. If marriage made two into one, there is only room for one full person and that is rarely the wife. In the ideology of possessive individualism, the individual needs an “other” against which to define himself—he needs the selflessness of another. Of course such presentist arguments can be dangerous, as Dolan acknowledges. But she points out that the arguments against domestic partner benefits or gay marriage follow a similar economy of scarcity—if society gives gay people such benefits, the argument is that it would detract from the privileged status of married people.

Of course, early modern England was very different than present day America. Marriage was generally seen as a hierarchy, although marriage was a contract and husbands were also supposed to value their wives as partners. As in the medieval period, Dolan has discovered early modern ministers both advocated wifely submission and admonished husbands who assaulted their wives. The puritan divine William Whately told men that to beat one’s wife was like beating oneself, for a wife was flesh of the husband’s flesh. (85) Of course, this was also a model of marriage in which the wife’s individuality was subsumed. Dolan argues that prescriptive literature in the early modern period increasingly portrayed wife beating as a failure of masculine control and, similarly Butler’s work demonstrates that medieval culture espoused a similar model of masculinity. It would be interesting to assess the impact of the Protestant Reformation on domestic violence by comparing the Catholic Middle Ages and the Protestant Early Modern period. Protestantism strengthened the authority of husbands against the church, but it also stressed that marriage was a partnership. In the early modern period, the notion of spiritual equality existed in tension with the husband’s headship. Women were blamed for Eve’s fall, but, as Dolan points out, Protestantism also gave them the notion of the sovereign self.

Dolan uses the idea of the economy of scarcity to analyze common early modern depictions of the “struggle for the breeches.” Violence was seen as inherent in marriage—wives had to submit or dominate their husbands. Today, we generally see marriage as companionate and based on equality but, as Dolan points out, companionate marriage coexists uneasily with hierarchical marriage today. Early modern England and America may seem far distant from our own culture but, as Dolan argues, modern American culture has been shaped by its Protestant culture and assumptions. Twenty-first century evangelicals still tell wives that if they submit, their husbands will behave better.

Dolan’s most original contributions is perhaps her chapter on servants. In the early modern era, wives were supposed to be submissive to their

husbands, but they were simultaneously authority figures to their children and servants and they might chastise them as well. This might cause problems of jurisdiction between husbands and wives. At the same time, the husband and wife were able to function as partners because they shared dominion over the servants.¹ Even today, when professional couples often hire cleaning ladies, the harmony of the companionate marriage is made possible by their services.

Dolan is particularly good at analyzing images of domestic and sexual violence in contemporary popular culture. For instance, she points out that films portray murderous wives much more often than murderous husbands, even though the opposite is true of crime statistics. Could this be a fantasy depiction for wives of getting back at their husbands, like St. Wilgefort? Or does it express popular culture's anxiety about independent wives? Dolan also explores popular contemporary novels about the wives and daughters of Henry VIII. Like many popular culture fantasies, these novels, such as those by Philippa Gregory, express female longing for independence and hostility toward abusive men. But they tend to cloak these fantasies by concluding that women just wanted to be loving wives and mothers. Mary Boleyn, in Gregory's *The Other Boleyn Girl*, is depicted as marrying for love and becoming a happy mother in contrast to the unhappy fate of her sister. This book, with its bold and challenging analysis of power dynamics, would be a great assignment in literature, history, and gender and women's studies classes.

Finally, Kirsten Bumiller's *In an Abusive State* addresses domestic violence from a contemporary political theory perspective in a brilliant, but frustrating, book. Bumiller argues that the feminist antiviolence movement has been hijacked by the neoliberal state. The feminist movement against domestic violence was initially grass-roots, building a network of shelters for battered women, and defining themselves as antistate. However, Bumiller claims that the movement started to diagnose the problem of domestic violence as the state's failure to protect women. Activists demanded that the criminal justice system issue restraining orders against violent husbands, and that the police enforce them. When battered women failed to go through with prosecutions against their husbands, activists pushed through mandatory arrest policies. The movement gained government grants for shelters. Bumiller's work makes a strong and valid argument. However, it would have been strengthened by more examples and ethnographic descriptions of the early feminist movement and their shelters, and how activists themselves reacted to this transition. The book is short enough that this material could have been incorporated.

Furthermore, as the grass-roots movements started to receive grants, they faced pressure to become professionalized rather than justice-oriented.

Bumiller evenhandedly recounts the consequences of this professionalization as doctors became more aware of sexual and domestic violence, and educated medical personnel on how to detect it. On the one hand, they became much better at finding and treating often horrific cases of abuse. But, on the other, evidence of rape came to be defined in terms of genital injury, discovered by the physician and medical instruments, while in many cases of rape there is no visible genital injury. Domestic and sexual violence began to be defined in gender neutral terms. Statutory rape, for instance, was used to target sexually active male and female teenagers, especially young men of color. With mandatory arrests, women sometimes ended up getting arrested, given the claim that women were just as likely to commit domestic violence as men.

Bumiller does not discuss extensively, if at all, the major argument of the early feminist antiviolence movement—that the cause of domestic violence was male domination rather than the state's failure to protect vulnerable women. She suggests instead that the "theory of gender animus works to the detriment of understanding the deeper roots of sexual violence." (154) But what does she think these causes are? Bumiller rarely discusses perpetrators, except to argue that mandatory arrest policies enable the police to exert more control over poor and minority communities, and criminalize working-class men and women of color. She rightly analyses how popular culture stereotypes men of color and immigrant men as violent. As she demonstrates, anxiety about stranger rape draws on this stereotype but she does not mention the central argument of the earlier feminist Women against Violence against Women (hereafter WAVAW), that this fear was a way of policing women's access to public space.

Bumiller is quite good at the analysis of two spectacular rape cases, the 1984 rape in New Bedford of a young woman in a pool hall by Portuguese immigrants, and the Central Park jogger case (1989), in which several young black men spent years in prison for a crime they did not commit. However, when she first mentions the cases, she does not explain them in the text, only the notes, which might confuse students with no memories of these horrific events. Bumiller shows how such cases created a fear of sexual terrorism, not necessarily those inflicted by men on women, but a fear of the supposed social disorder stirred up by men of color and immigrants. She perceptively points out, drawing on studies of early modern art, that rape victims tend to be represented as icons of sacrifice in ways which are intended to "disturb complacency," but they can also "reinforce normative understandings about sexual violence." (29) Oddly enough, she analyzes Sue Coe's harrowing painting of the New Bedford rapes, "Romance in the Age of Reagan," which is dark, violent, bleak, and unsparing, in the same register as Arcady Kotler's sculptures "Jogger" and "Rapist," which eroticize

the Central Park rape. She acknowledges that his statue of the running white woman evokes a "potently sexually attractive Greek goddess," but actually the statue resembles pornographic depictions of slender, large-breasted women much more than Greek goddesses. The statue of the jogger, as she points out, is dark, but it celebrates phallic power in a forceful way. Even though Coe's painting evokes Christ-like images of sacrifice, it does not prettify or eroticize rape in the way that Kotler's icons do.

Bumiller's main target is the neoliberal state and its individualistic policies. In the 1990s, welfare reform tried to get women to become economically independent, but also subjected poor women to surveillance and regulation. As feminist activists and shelters became coopted by the state, policy focused on treating women and transforming their lives as individuals. Overall, this is a convincing argument, but it would have been improved by an even more nuanced approach to the question of the state and the individual. The philosopher Elizabeth Ben-Ishai has recently argued against the notion that the state is monolithic and always oppressive; instead, she suggests that the state is potentially fragmented and represents several different interests.² The historical examples from the books under review certainly indicate a less monolithic view of the state, for clerical and state authorities did not always have the same views.

Bumiller's chapter on human rights is quite insightful, but it would have been strengthened by differentiating between international organizations such as the UN, the federal United States, and local and state authorities. She criticizes the United Nations Convention of the Elimination of All Forms of Discrimination against Women (hereafter CEDAW) for potentially allowing states to inflict violence in the name of protecting human rights. However, as she points out, the United States, the chief offender in this regard, has not ratified CEDAW. Bumiller lauds the impact of WAVAW in helping women gain asylum for domestic violence, but rightly criticizes the paradigm of "trafficking in women" for defining migrant women only as sexual victims. To be sure, Bumiller astutely notes that the Violence against Women Act's insistence on federal jurisdiction has failed in the courts and, furthermore, that it defines the harm of domestic violence as preventing women from participating in the public sphere of work and citizenship. Indeed, she argues that "the risk to human dignity is linked to women's choices for privacy or autonomy." (142) Mandatory arrest policies, Bumiller argues, take away from women's control over privacy and autonomy. But Ben-Ishai usefully criticizes the idea of autonomy as the right to be private and free of state interference. If women are subject to domestic violence, they cannot be autonomous. Furthermore, it would be interesting if Bumiller had been able to take onboard Dolan's notion of the economy of scarcity in marriage, that the possessive individual must subsume another to be

whole. However, if she had done so, Bumiller would have had to confront head-on the tensions between the rights of women and the rights of poor and minority communities.

In general, neoliberalism is often critiqued for promulgating an ideal of individualism rather than community values. Bumiller draws on this critique, but it also poses problems for her analysis. While she rightly criticizes government programs, welfare reform, and social workers for treating women as individual victims who must learn personal responsibility, she also claims that the programs themselves do not encourage the kind of autonomy and personal freedom women exercise in ordinary life. She cites some interesting efforts in India where women's groups focus on helping women to stay in their homes and to eject abusive husbands. Control over property therefore helps give women autonomy. However, what if a violent husband comes back to the home? Regilla, the elite Roman woman in Pomeroy's analysis, owned her own property and that did not help her. To be sure, Bumiller also defines human rights as the ability to engage actively in the political community, citing the movement Incite! as an example. This movement both attacks domestic violence and the legal system which disproportionately incarcerates men of color. A more detailed description of their activism would have strengthened her point.

Presumably, from Bumiller's argument, battered women should avoid the court system because it victimizes poor people and communities of color. But what is the alternative? Some activists have suggested restorative, or community justice.³ Bumiller insightfully points out the pros and cons of this strategy. On one hand, this would provide an alternative to the criminal justice system and avoid criminalizing working-class men and men of color. The power of the community could be brought to bear on domestic violence. On the other hand, she acknowledges that community justice may simply buttress existing power structures. Neighbors might advise women to go back to abusive husbands. As we have seen from the discussions in Butler and Dolan, neighbors tended to intervene only when the violence was extremely excessive and the woman was seen as "innocent." Ben-Ishai suggests that community organizations targeting domestic violence can be useful for women if they work with, yet remained critical and relatively independent of state authorities. Feminists actually changed the state, even as the state coopted feminists.

Even before wife beating was definitively declared illegal, women were trying to manipulate the state for their own ends, as the books under review show. One of the best parts of Bumiller's book is her analysis of several interviews she did with battered women about their interactions with social service agencies. While her argument is that the state tries to control these women, she actually finds that these women were assertive in trying to get

what they needed from these agencies. Some women were actually quite thankful for the interventions, although others resisted them. However, she does not discuss the methodology behind her interviews. These critiques, however, should not obscure the power of Bumiller's central argument about the dangers of reliance on state control.

In contrasting this contemporary study with the historical perspectives of these other books, we can see that the best studies of domestic violence acknowledge the differences among various national, local, and clerical authorities in their response, depict domestic violence as an emanation of male dominance rather than individual pathology, but also demonstrate the ways in which women fought back (in fantasy or real life) and manipulated authorities in order to escape violence.

NOTES

¹For an interesting recent article on domestic violence inflicted by mistresses on servants, see Greg T. Smith, "Expanding the Compass of Domestic Violence in the Hanoverian Metropolis," *Journal of Social History* 41, no. 1 (2007): 31–54.

²Elizabeth Ben-Ishai, "The Autonomy-Fostering State: Coordinated Fragmentation and Domestic Violence Services," *Journal of Political Philosophy* 17, no. 3 (2009): 307–31.

³Katherine van Wormer, "Restorative Justice as Social Justice for Victims of Gendered Violence: A Standpoint Feminist Perspective," in *Social Work* (National Association of Social Workers, 2009), 107–16. For a useful critique, see Ruth Lewis, et al., "Law's Progressive Potential: The Value of Engagement with the Law for Domestic Violence," *Social & Legal Studies* 10 (2001): 105–30.

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