

QUINN, JOSEPH M., M.A. *Wife Beating or Chastisement?: An Approach to Generating New Theoretical Concepts for Understanding the Changing Frames and Discourses of Domestic Violence*. (2007)
Directed by Dr. Kenneth Allan. 146 pp.

In this paper, I address the issue of domestic violence by means of a culturally and historically specific analysis, utilizing a theoretically adaptive approach. The data for this study were collected from newspapers and periodicals published beginning with the case of *Fulgham v State* in 1871 and ending with the Domestic Violence Act of 1978.

Theoretically, the study draws upon discourse and frame analysis yet seeks to modify these ideas in light of their usefulness in analyzing the data. What this study uncovers are three foundational ideologies, Christianity, science, and Feminism which directly and significantly influences the way in which society has assigned gender roles to women and the ways in which the social problem, known today as domestic violence, has been understood by both individual citizens and American society at large.

WIFE BEATING OR CHASTISEMENT?: AN APPROACH TO GENERATING NEW
THEORETICAL CONCEPTS FOR UNDERSTANDING THE CHANGING
FRAMES AND DISCOURSES OF DOMESTIC VIOLENCE

by

Joseph M. Quinn

A Thesis Submitted to
the Faculty of The Graduate School at
The University of North Carolina at Greensboro
in Partial Fulfillment
of the Requirements for the Degree
Master of Arts

Greensboro
2007

Approved by

Committee Chair

© 2007 Joseph M. Quinn

In loving memory of my mother, Mary Jane Cantrell-Quinn, who passed away on December 9, 2006 and to my beautiful wife, Alma Dorothy Quinn, whose support, understanding, and encouragement has made all of my success possible.

APPROVAL PAGE

This thesis has been approved by the following committee of the Faculty of The Graduate School at The University of North Carolina at Greensboro.

Committee Chair _____

Committee Members _____

Date of Acceptance by Committee

Date of Final Oral Examination

TABLE OF CONTENTS

	Page
CHAPTER	
I. INTRODUCING WIFE-BEATING AS A SOCIAL PROBLEM	1
II. A BRIEF HISTORY OF DOMESTIC VIOLENCE IN THE UNITED STATES	7
Women as Possessions	7
Legal Reform without Enforcement	8
The Family Privacy Curtain	10
Chastisement Legislation, <i>Fulgham v. State</i> , and the Beginnings of Woman’s Suffrage	12
Early 20 th Century – Silence	15
Late 20 th Century – De jure Reform v. De facto Reform	16
III. A CULTURE OF DOMESTIC VIOLENCE: A LITERATURE REVIEW OF CULTURE, DISCOURSE, AND IDENTITY RELATED ISSUES IN DOMESTIC VIOLENCE RESEARCH	19
Cultural Perspectives	20
Discourse and Power	24
A Structural Perspective	26
Social Psychology Perspective	30
IV. A METHODOLOGICAL APPROACH TO THE CURRENT RESEARCH	35
Discourse Analysis	35
Frame Analysis: A Theoretical Methodology for Research	42
V. DATA AND ITS DISTRIBUTION OVER TIME	53
Phase One: Data Collection and Sample Construction	55
Phase Two: Analysis	62
VI. <i>FULGHAM V. STATE</i> TO THE BEGINNINGS OF WOMEN’S SUFFRAGE	67
Period 1 (1871 to 1881)	67
Theme: Natural and Social Differences Between Men and Women	68
Theme: Whipping Post “Barbarism” or “Just in Kind”	69

Theme: “Brutes” that Beat Women	72
Period 2 (1882 to 1892)	73
Theme: A Lack of Legal Protections for Women	73
Theme: Alcohol as the Culprit of Male Aggressive Behavior	74
Theme: “High-License”	75
Theme: The Whipping Post as Uncivilized	76
Period 3 (1893 to 1903)	77
Theme: Political Support for the Whipping Post	78
Theme: Divorce	80
Theme: Alcohol Use as a Disease	81
Period 4 (1904 to 1914)	82
Theme: President Roosevelt’s Support of the Whipping Post	83
Theme: The Temperance Movement	85
Period 5 (1915 to 1925)	86
Theme: The Pillory for Wife Beaters	87
Theme: Women and Juries	89
Chapter Summary	90
VII. WOMEN’S RIGHT’S TO RAPE LAWS: 1926-1969	95
Period 6 (1926 to 1936)	95
Theme: Prohibition Repealed	96
Theme: Work-Relief for Women	96
Theme: The Aesthetics of Women	97
Period 7 (1937 to 1947)	98
Theme: Women’s Employment and Participation in Politics	99
Theme: A Challenge to Women’s Newly Found Independence	101
Period 8 (1948 to 1958)	103
Theme: Equal Participation in Violence	103
Theme: A Proposal to Eradicate Physical Punishments	105
Period 9 (1959 to 1969)	106
Theme: The Police Perspective on Family Violence	106
Theme: Beating Therapeutic to Wives so Says Doctors	107
Theme: A Counter-Argument to the Psychological Explanation of Wife-Beating	109
Chapter Summary	110
VIII. THE DAWN OF A NEW ERA FOR THE PROTECTION OF BATTERED WOMEN	113
Period 10 (1970 to 1978)	113
Theme: “Battered Women’s Syndrome”	114
Theme: The Discrimination of Women by the Family Courts	115
Theme: The Discrimination of Women by the Police	118

	Theme: An Increase in Women’s Shelters	119
	Theme: A Class Action Suit against Police Departments for Failure to Make Arrests	120
	Chapter Summary	122
IX.	THEORETICAL IMPLICATIONS FOR DOMESTIC VIOLENCE RESEARCH	125
	A Comparison Between the History Provided by Academic Sources and the Print Media	125
	Adaptations Made to Original Theories and Methods Used in This Study	127
	The Implications for Theory Offered by This Study	128
	The Foundational Ideology of Christianity	129
	The Foundational Ideology of Science	132
	The Foundational Ideology of Feminism	135
	The Media’s Role in Influencing the Subjectivities of the Individual	137
	REFERENCES	141
	APPENDIX A. TOTAL DATA SAMPLE	145
	APPENDIX B. NEWSPAPERS	146

CHAPTER I
INTRODUCING WIFE-BEATING AS A SOCIAL PROBLEM

The intent of this research on domestic violence is to generate a more unified theoretical language to describe the ways in which the popular print media has over time represented American society's understanding of this issue. More specifically, this research describes how the institution of the popular print media has, in the past and in the present, used language to call upon various perceptual frames or ways of understanding domestic violence, how these perceptual frames represent meaning, and how both these perceptual frames and their corresponding meanings have changed over the course of time.

The initial language that I use in the analysis portion of this study to discuss the discourses and frames found in the popular print media have come from theoretical concepts found in prior theory relating to domestic violence. As such, the analysis to follow will be a variation on what Derek Layder (1998) calls "adaptive theory." This approach "attempts to combine an emphasis on prior theoretical ideas and models which feed into and guide research while at the same time attending to the generation of theory from the ongoing analysis of data" (Layder 1998:19). As mentioned above, this framework requires the sampling of prior "theoretical models of forms of social organization (markets, bureaucracies, for example) and resources (power, money, and

forms of ideology and signification) which are then incorporated within its terms of reference” (Layder 1998:19). By using these theoretical concepts as orienting devices the researcher is provided with a preliminary...

...means of ordering and giving shape to a mass of data, for instance if it becomes apparent that they have out-lived their usefulness as orienting devices. On the other hand, further data analysis may underlie the explanatory importance of the initial concepts and hence they will eventually form an important aspect of the developing theory. (Layder 1998:24)

The “adaptive” part of this theoretical method is that through this process theory is adapted to, or in other words, shaped by, incoming data while at the same time data are being filtered through (and adapted to) the prior theoretical concepts that are relevant and at hand. More specifically, “adaptive theory shapes emergent data at the very same time as it is itself shaped by this data” (Layder 1998:42).

The current research focuses specifically on the span of time between June of 1871, corresponding to the case of *Fulgham v. State*, and the Domestic Violence Act of 1978. How did the media’s representation of domestic violence change between June of 1871, in the case of *Fulgham v. State*, and the Domestic Violence Act of 1978? How do these representations, to be found in newspapers and periodicals, bring meaning to domestic violence and how have these representations and their corresponding meanings changed throughout this time period?

This study is intended to contribute to our understanding of domestic violence in two ways: by providing a genealogy of the representations given to domestic violence, by the print media for the time period stated; and, second, by advancing the theoretical language we use to talk about domestic violence. Furthermore, it is the intention of this

study to demonstrate how the representations of this social problem have changed over time and what these changes mean culturally. I further argue that with the changes in the print media's representation of domestic violence, comes changes to the cultural understandings of this phenomenon we call domestic violence.

Again, the first contribution that this study is intended to provide is a genealogy of domestic violence. This genealogy will, then, illuminate the sometimes graduated and sometimes sudden changes to the ways in which the popular print media has represented this issue to the American public. It should be noted, however, that every history is written from a particular point of view, and the history that this study provides should be treated no differently. In this way, it should be understood that alternative interpretations of domestic violence and, in fact, the histories of all things are written from particular perspectives; as such, these perspectives represent a subjective rather than an objective "truth."

Having positioned myself within this ideological space, the sociology of knowledge, I now present the primary assumption made prior to entering this study. This primary assumption is that the media does not provide an unbiased representation of cultural attitudes. In fact, I argue that the media directs us to pre-selected perceptual frames which serve to align us with the beliefs and values of the dominant group.

In using this term, dominant group, I am referring those who hold a dominant position in the social hierarchy and thereby the dominant discourse (men). Historically speaking, men held this dominant position in American society until very recently. In fact, some would argue that men still hold a social position dominant to that of women's.

Since men have, at least in the past, held this dominant position in society they have been able to exert their dominance by controlling government policy. This has been accomplished through the use of discourse as a means of practicing power over the subjective realities of individuals. This practice of power has become increasingly more common as American culture has progressively moved away from physical means of coercion. In this way,

Discourse is used instead of force and is thus characterized by a will to truth and a will to power. In other words, there is political intention behind truth and power. What passes as truth and how truth is validated are dependent upon the discourse. And discourse intrinsically contains a will to power. (Allan 2006:296)

The second contribution that this research is intended to provide is a fine tuning of the language used to talk about domestic violence. According to Allan (2006), discourse, or the way in which we talk about things, is guided by historically specific epistemes. “Episteme means the underlying order; Foucault uses it to refer to the way thought organizes itself in any historical period of time” (Allan 2006:307). By examining the discourse used by the media to represent domestic violence and how this discourse has changed, longitudinally over time, we can better understand how the meaning of domestic violence has changed as well. In the same way as the discourse used by the print media to represent this social problem has changed, so must the language it calls upon be fine tuned throughout the progression of this study. In so doing, the historically specific ways in which society has subjectively thought about domestic violence can be more clearly understood.

Before moving on to the prior research on domestic violence, the terms used in this study must be defined. First, the media is defined here as the institution of public information exchange. The term “public” points out that the print media considered, here, is that which is produced for local, state, and national audiences, not that literature found in academic journals written for a specific rather than general audience. In this way, the literature being collected for analysis for this study is limited to the sort found in newspapers and periodicals.

Another concept to define is “domestic violence.” Domestic violence in general can refer to any abuse, physical or mental, between members of the primary family group. This could include: 1) any abuse perpetrated by either parent toward a child or children; 2) any abuse perpetrated by a child against a parent; 3) any abuse perpetrated by the woman toward her male partner; 4) any abuse perpetrated by the male toward his female partner; or 5) any abuse between partners in a homosexual relationship.

For the purposes of this study, domestic violence refers only to that abuse perpetrated by the male toward his female partner. To be even more specific, this study only considers that abuse which can be described as domestic tyranny. Domestic tyranny is, then, defined here as; (1) acts of aggression perpetrated by a male partner in order to assert control over his female partner, and (2) those acts of aggression which result in the physical injury of the female partner. This excludes what other researchers have referred to as common couple aggression which (1) occurs as the result of frustration or other causes not related to an attempt to control one’s partner, and (2) does not result in significant injury (McHugh 2005).

The discussion to follow offers a history or record of our past as it pertains to domestic violence, developed by historians and other academics. Since the overall totality of this history is so widely accepted, as evidenced by the teaching of this history in our public schools, it will be used as the standard to which all findings from the current research will be compared.

CHAPTER II

A BRIEF HISTORY OF DOMESTIC VIOLENCE IN THE UNITED STATES

This “history” of domestic violence places a particular focus on wife abuse and is organized into eight general time periods. These time periods include Women as Possessions, Legal Reform without Enforcement, The Family Privacy Curtain, Chastisement Legislation, *Fulgham v. State*, and the Beginnings of Women’s Suffrage, Women’s Rights Through 1969, and The Dawn of a New Era for the Protection of Battered Women. As was mentioned in the previous chapter, this presentation stems from a collection of academic literature on domestic violence and more specifically on the ways in which the American legal system has reportedly addressed this social problem.

Women as Possessions

U.S. law regarding domestic violence can be traced back to 753 B.C.E, when Romulus, the founder of Rome, required that married women “as having no other refuge, to conform themselves entirely to the temper of their husbands and the husbands to rule their wives as necessary and inseparable possessions” (Browne 1987:164). This statement does not overtly state that men had the right to beat their wives, but it does imply such a right. Centuries later, in 1400, friar Cherubino of Siena introduced the “Rules of Marriage” which operationalized the process by which a husband was to rule over his wife.

When you see your wife commit an offense, don't rush at her with insults and violent blows... Scold her sharply, bully and terrify her. And if this doesn't work... take up a stick and beat her soundly, for it is better to punish the body and correct the soul than to damage the soul and spare the body... Then readily beat her, not in rage but out of charity and concern for her soul, so that the beating will redound to your merit and her good. (Browne 1987:165)

This form of abuse was legitimated through religious beliefs and continued for almost five hundred years under English common law (Browne 1987).

Legal Reform without Enforcement

Domestic Relations law, which stemmed from early English common law, was brought to America by settlers, such as the Puritans of the 1630's. Within the Puritan society of Massachusetts Bay, for example, common law was enforced by individual communities and any cases of wrong doing, which included cases of wife beating, were adjudicated by church courts. In fact, any disturbance within the family, ranging from verbal abuse to physical assault, was viewed by the community at large as "a failure to achieve domestic peace" (Pleck 1987:18). Protection for the victims of domestic violence came by way of an informal community watch network. Within this network, neighbors would watch over all who belonged to their particular community so that "the sins of the few would not jeopardize the standing of the entire community in God's eyes" (Pleck 1987:18). Maintaining this community network was important because its citizens believed that, "disorderly families defiled the institution of the family; a husband who beat his wife, for example, disgraced himself in the eyes of neighbors" (Pleck 1987:18).

In 1641, the Massachusetts Body of Liberties was written. This document provided that "every married woman shall be free from bodily correction or stripes by her husband, unless it is in his own defense upon her assault" (Pleck 1987:21). Even with this

protection of women in place; however, the man was still considered the authority figure in Puritan homes. In order to keep families together, though, laws concerning domestic abuse became less important over time and the violence continued behind closed doors.

As described by Erikson, the Puritanism in Massachusetts Bay

...eventually generated both a respect for individual freedom and a need for external discipline, a sense of personal privacy and a system of public accountability, a reliance on self-assertion and a belief in erratic fate. The main dilemma of Puritanism throughout the early years of settlement was to bring these discrepant sets of qualities together. (Erikson 1966:53)

By the 1670's, community watch regulation had begun to collapse with the influx of other immigrants (Irish and Scottish), and religious rule waned. These domestic violence laws were, therefore, rarely enforced. Furthermore, to prevent losing face with the community, domestic violence was rarely reported, dwindling to only one complaint per decade in Plymouth between 1683 and 1702. By the year 1690, most other forms of domestic violence (husband abuse and child abuse) also had disappeared from the courts (Pleck 1987).

The year 1692 officially marked the end of the Puritan experiment in Massachusetts. At this time, the original charter was revoked, and a Royal Governor was chosen by the King. Additionally, the original Puritan mission that had been launched, no longer existed in any recognizable form. With this system no longer in place, the people of Massachusetts Bay no longer had the stable points of reference which reminded them of who they were. Their sense of belonging as a group and their collective effervescence dissipated. They were no longer "the men who had pledged themselves to observe the

word of God and conform to the same set of standards and agree on all important matters of policy” (Erikson 1966:62).

The Family Privacy Curtain

In the 1700’s, “the church courts no longer took an active role in punishing moral offenses” (Pleck 1987:31). According to Pleck, this time period began a century of eroding morals. For instance, individuals could now live alone rather than being forced to live with a family. Another example of this “moral decay” could be found in the rate of infanticide. Between 1630 and 1780, “the infanticide rate increased three-fold yet the rate of prosecution was cut in half” (Pleck 1987:32). In fact, the concealment of a child’s death, born out of wedlock, was punishable only by a fine of not more than one-hundred dollars or imprisonment for up to one year. Where Puritan law once punished individuals who fornicated before marriage, by 1740, men were no longer prosecuted, although they could still be sued for the support of any child born from such an affair. As the eighteenth century went on, the prosecution rates for moral crimes declined whereas the prosecution rates for crimes of violence or property rose. What’s most important to point out here is that beating one’s wife was considered a moral crime.

In the late 1760’s, a group of policies called “Commentaries on the Laws of England” was published. This document, written by Sir William Blackstone, defined crime as “an act that produced mischief in civil society, whereas private vices lay outside the legitimate domain of law” (Pleck 1987:33). By the word of this document, the family became a private institution, clearly separate from public life. This, in effect, divided life into separate spheres, a private sphere and a public sphere. This dual existence would

come to have a tremendous impact on the way domestic violence was framed both ideologically and in practice. For example,

...all divorce petitioners in eighteenth-century Massachusetts who cited cruelty as one of the grounds for divorce were women and very few of them were successful. In fact, out of twenty-three such petitions brought to the Governor's Council from 1692-1789, only nine led to a divorce also called a bed and board which was a legal separation without the right to remarry. (Pleck 1987:23)

So, as a result, the trend of ignoring moral crimes was reinforced when the private sphere (that which took place inside of the home) was set apart from the public sphere (that which took place outside of the home), making men who beat their wives untouchable.

With the nineteenth century came a number of legal cases which brought the issue of wife abuse to the forefront of American judicial policy. For example, in 1824 the case of the *Mississippi Supreme Court v. Calvin Bradley*, established precedent that provided for a husband's right to chastise his wife. The Honorable Powhattan Ellis affirmed this right and made the following statement:

Family broils and dissensions cannot be investigated before the tribunals of the country, without casting a shade over the character of those who are unfortunately engaged in the controversy. To screen from public reproach those who may be thus unhappily situated, let the husband be permitted to exercise the right of moderate chastisement, in cases of great emergency, and use salutary restraints in every case of misbehavior, without being subjected to vexatious prosecutions, resulting in the mutual discredit and shame of all parties concerned. (Bradley v. State 1824)

This decision in favor of chastisement served to reinforce a cultural frame which insulated the family from public shame. However, by creating a private sphere juxtaposed to a public sphere, women were placed in harm's way. This issue of domestic violence remained beyond public approach for over a hundred years, at least in practice.

By the 1840's, the temperance crusade had attracted large numbers of women activists, who recognized that male drunkenness presented a grave danger to family life. However, women soon abandoned their temperance cause in favor of a campaign for what they called women's rights. In 1848, the *Declaration of Human Sentiments* was drafted. This document allowed for a renegotiation of the causes of divorce which actually made no changes to legal code in regard to the treatment of women but implied that new laws were welcome. This did have an impact on divorce law as by 1850 most states were willing to grant a divorce in cases of cruelty.

In 1864, a North Carolina Supreme Court case, *Black v. State*, which established that domestic affairs such as the chastisement of one's wife be kept out of view from the public eye. The judge presiding over this case made the following statement:

...the law permits [a man] to use toward his wife such a degree of force, as is necessary to control an unruly temper, and make her behave herself; and unless some permanent injury be inflicted, or there be an excess of violence, or such a degree of cruelty as shows that it is inflicted to gratify his own bad passions, the law will not invade the domestic forum, or go behind the curtain. It prefers to leave the parties to themselves, as the best mode of inducing them to make the matter up and live together as man and wife should. (Browne 1987:166)

This case firmly reinforced the belief in privacy within the home.

Chastisement Legislation, *Fulgham v. State*, and the Beginnings of Women's Suffrage

In 1871, a case came before the Supreme Court of Alabama which set a new precedent for women's freedom from physical abuse. The incident leading up to this case related to a Mrs. Fulgham, an emancipated slave, who was beaten by her husband with a board after trying to protect one of her children from being beaten by his father. When Mrs. Fulgham went to rescue her child, the father struck her twice on the back with the

board. She then returned blows to him using a switch. Reportedly, these blows to the wife created no permanent mark or injury.

In June of 1871, a jury heard the case of *Fulgham v. State of Alabama*. The finding in this case was that the ancient right of chastisement was barbaric and not appropriate for American society. The Honorable Charles Pelham who presided over the case concluded with the following remarks:

The husband is not justified or allowed by law to use such a weapon, or any other, for her moderate correction. The wife is not to be considered as the husband's slave. And the privilege, ancient though it be, to beat her with a stick, to pull her hair, choke her, spit in her face or kick her about the floor, or to inflict upon her like indignities, is not now acknowledged by our law...But in person, the wife is entitled to the same protection of the law that the husband can invoke for himself. She is a citizen of the state, and is entitled, in person and in property, to the fullest protection of its laws. (*Fulgham v. State* 1871)

This new precedent established, at least in the state of Alabama, that husbands no longer had the legal right to chastise their wives, protecting women from physical abuse.

Nearly three years after the *Fulgham* decision in 1874, a similar case came before the North Carolina Supreme Court. The incident involved Richard Oliver and his wife. Apparently, the defendant, Mr. Oliver, came home intoxicated one morning after breakfast was over. He reportedly found some raw bacon and told his wife that it had skippers on it, but she refused to clean it. Mr. Oliver then threw his coffee cup and the pot of coffee into a corner of the room and went outside. When he returned, he had two switches that he had cut in the yard. He told his wife that he was going to whip her because she and her mother had "aggravated him to death." Mr. Oliver then struck her five times with the two switches. One of these switches was about half as large as a man's little finger and the other was a little smaller. The size of these switches was

important because in 1866, in the case of *Rhodes v. State of North Carolina* another precedent had been established which stated that a man could beat his wife “with a stick as large as his finger but not larger than his thumb” (Browne 1987:167). This incident left bruises on Mrs. Oliver’s arm which remained for two weeks though it did not disable her from work. Based on these facts, the court found Mr. Oliver guilty and fined him ten dollars. Although the court had convicted Mr. Oliver, the presiding judge made a statement that seemed to conflict with his decision: “If no permanent injury has been inflicted, nor malice, cruelty nor dangerous violence shown by the husband, it is better to draw the curtain, shut out the public gaze, and leave the parties to forget and forgive” (*Oliver v. State* 1874). This case, like the *Black* case, reinforced the idea of separate private and public spheres and the idea of metaphorically pulling the curtain shut on domestic affairs.

What the Oliver case reflects isn’t a totally new direction for domestic law but instead an illustration of how the old ways of handling these domestic quarrels were beginning to come into conflict with the new ways of handling these same sorts of cases. That is, while Mr. Oliver was fined \$10, as a token punishment, the Judge clearly held fast to the ideals of common law.

In 1879, Blackwell and Stone of Massachusetts introduced a bill that would protect a wife whose husband had been convicted of criminally assaulting her. Had it passed legislation, this law would have given the wife the right to apply at neighborhood police courts for legal separation, an order which would have required the husband to provide support for both her and her children and would have awarded custody of the

children to the mother. This legislation was introduced in 1879, 1883 and 1891 but failed each time (Pleck 1987). Fueled by the first Society for the Protection of Women from Cruelty being formed in 1885, another proposed piece of legislation was voted on. This bill was proposed by Lucy Stone in 1885. This new law would have brought back the whipping post for men found guilty of cruelty to their wives. However, the bill was passed in only three states, Maryland in 1882, Delaware in 1901 and Oregon in 1905 (Pleck 1987:109).

Early 20th Century- Silence

By 1910, 35 of 46 states provided for absolute divorce on grounds of physical abuse, and many states joined Maryland in making wife-beating prosecutable as assault, but still no federal law had been passed in this regard. A federal law would not have been helpful anyway given the overall lack of enforcement in the states where laws were adopted. In this way, this lack of enforcement clearly demonstrated the difference between de jure and de facto reform, the latter of which would have resulted in far more arrests involving cases of assault in domestic encounters (Okun 1986).

When the women's suffrage movement began in 1920, physical abuse in the home seemed to fade from the political agenda in favor of other women's rights issues, such as equal opportunity in employment and the right to an abortion. This shift of attention further embedded domestic violence into the private sphere where it stayed without redress for decades to come. This point was emphasized by Pleck (1987), who pointed out that no newspapers reported on the abuse of women until 1969. Similarly, the first journal of family issues entitled "Journal of Marriage and Family" was founded in

1939; however, no article on family violence appeared until 1969. In effect, between 1920 and 1969, the entire United States experienced a media blackout regarding the issue of domestic violence, a period of nearly fifty years.

In 1966, the National Organization for Women (NOW) was founded. This organization was concerned, at least early on, with “public funding for child-care facilities, banning employment discrimination against women, legal access to abortion, and passage of the equal rights amendment” (Pleck 1987:183). The issues of rape and wife-beating were never mentioned by this group until the early 1970’s.

Late 20th Century- De jure Reform vs. De facto Reform

In 1969, a group called the Redstockings organized a speak-out for women to share their experiences with abortion. Two years later, another speak-out was held on rape. The dominant theme at these functions was that men had “created and perpetuated a definition of women as sexual objects and had pressured them into heterosexual intercourse” (Pleck 1987:184). Though rape became a woman’s issue before assault, the number of complaints to police regarding assault far exceeded the number of complaints to the police concerning rape. This anti-rape movement did, however, provide the ideology and public acceptance which set the stage for the emergence of battered women as a public issue (Pleck 1987).

In 1974, the first women’s shelters were founded in the United States. The first two of these shelters were Haven’s House and Women’s Advocates. Between 1975 and 1977, wife abuse became an issue of even greater public concern. In 1976, women lawyers from Oakland, California by the names of Fields and Woods along with other

legal advocates in New York City brought class action law suits against the police in a number of cities around the country, in order to force procedural changes in the way wife abuse calls were handled. Their claim was that the police in many American cities had refused to arrest husbands who were found to have assaulted their wives (Pleck 1987). As far as media attention surrounding wife abuse is concerned, the *New York Times* carried forty-four articles related to this topic in 1977. In addition, the first American book devoted to domestic violence was released in 1976. This book, written by Del Martin, was entitled Battered Wives (Pleck 1987). All of these events then culminated in the introduction of the Domestic Violence Act of 1976, providing for protection orders to keep abusive husbands away from their battered wives. The *Domestic Violence Act* of 1978 soon followed.

The *Domestic Violence Act* (DVA) of 1978 was put in place as a civil act to prevent domestic violence through public awareness programs and to help those who were already victims of abusive husbands. The most important role that this civil act performs is that it provides for government funded programs throughout the country. Some of the services that these funds provide include public awareness programs, prevention seminars, and the building of women's shelters. This was the first nationwide legislation aimed at truly helping women in abusive relationships and helping to inform the public about domestic violence in order to prevent it (Michigan Legislature Website 2006).

What this history demonstrates is the evolution of domestic violence in the United States from a collection of different perspectives. Specifically, these perspectives include

both historians and academics. The language used by these historians and academics, resulted largely from the particular culture and particular time within which each perspective was given. In this way, this collection of history is more appropriately viewed as a collage of various epistemological accounts. In other words, this is a story told by different individuals in different disciplines each having different rules that govern the way in which domestic violence was thought about and spoken about. For this reason, this study is intended to investigate the ways in which domestic violence was understood and represented rather than simply focusing on the events as they transpired throughout this time period. By examining the various discourses and how they have represented domestic violence over time, what is then created is a genealogy of this social problem. By genealogy what I am referring to is Michel Foucault's approach to understanding the ways in which "discourse and power are inscribed on the mind and the body" (Allan 2006:307). Before getting too deeply involved in this particular line of inquiry; however, what must now be provided are the various other approaches used to understand domestic violence through the epistemological lens of sociology.

CHAPTER III

A CULTURE OF DOMESTIC VIOLENCE: A LITERATURE REVIEW OF CULTURE, DISCOURSE, AND IDENTITY RELATED ISSUES IN DOMESTIC VIOLENCE RESEARCH

I have two goals within this section of the discussion. The first is to provide a review of the prior research relating to the cultural, discourse, and identity related issues associated with the phenomena of domestic violence. The second goal of this literature review, in using a variation on adaptive theory, was to conduct a theoretical sampling in order to establish, at least initially, a way of talking about the frames and discourses represented by newspapers and periodicals. Additionally, the languages which stem from these theories has served as orienting devices used in the data collection and analysis processes, to be described later.

The theoretical concepts used in this study, which are intended to describe the phenomenon of domestic violence, include theories of power, authority, coercion, and individuality. These theories were first applied to this topic by feminists in the mid 1970's. In this way, early feminist theorists provided the foundation for the first disciplinary language used to discuss both domestic violence, in general, and specifically wife beating. As such, many of the theories discussed in this study owe their genesis to early feminist thought.

Cultural Perspectives

In an article written by Marianne R. Yoshioka and Deborah Y. Choi (2005), culture is explored as the overarching factor related to domestic violence. By culture, Yoshioka and Choi are referring to what they call worldview, or “a deep-seated cultural value about the relative priority of one’s own goals and desires and those of the collective to which one belongs” (Yoshioka and Choi 2005:513). Culture is then explored as existing along a continuum where cultural generality exists on one end and cultural specificity on the other. In fairly abstract form, these two terms are defined as follows:

For women in loose individualist cultures, a range of work and lifestyle options is available to them. In contrast, tight collectivist cultures are characterized by specific norms that regulate social interaction and strong negative social consequences (i.e., shame, loss of face) for those who deviate from the prescribed role behavior (Yoshioka and Choi 2005:514).

For example, women socialized in tight collectivist societies do not have the same access to divorce, independent living, or single parenthood as those socialized in more individualist cultures because of the real costs incurred to them which are grounded in the meaning of the collective (Yoshioka and Choi 2005). The implication of this concept for the current study relates to the accepted representation of American history which suggests to us that the United States began as a tight collectivist society but, over time, became a nation focused much more heavily upon the individual. As such, the degrees to which individual members of American society have agreed upon particular sets of values and morals have changed as well.

As American society became more secularized - that is, concerned less with Christianity for its moral grounding - it became focused on economic competition and

consumerism which took the cultural focus off of the collective and placed increasingly more focus on the individual. When this occurred, fewer informal social controls existed to intervene in cases domestic violence. As a result, new forms of social control became necessary to maintain order and provide for social cohesion.

Increased focus on economic competition and consumerism also divided the worker from their lives at home since more hours were being spent in factories, especially during the industrial revolution. This division between life at work and life at home gradually became more distinct in American society creating a sense of two separate spheres of living, a public life and a private life.

This distinction between public and private spheres has its roots in the discourse of ancient Greece. According to Bevacqua and Baker (2004), Elshtain defined these terms borrowing from the original Greek usage. First, though, before we can define this distinction it is important to define who a citizen is bearing rights. According to the Greeks, “to be a citizen meant to participate meaningfully in the body politic, to have a voice, to have a say” (Bevacqua and Baker 2004:59). Since only men were to participate in politics, only men could qualify as a citizen. Therefore, men’s roles became affixed to the public sphere. Women, on the other hand, were confined to the private sphere to serve the man and oversee domestic duties. This, then, places the roles of women firmly within the context of the private sphere. Furthermore, these different spheres (public and private) were not viewed as separate but equal; rather, the man’s domain was considered superior to the woman’s.

This socio-structural arrangement divided women from the public domain in such a way as to block their participation in public affairs, such as voting, ownership of property and equal protection under the law. By excluding women from the public sphere, the legal system, controlled by men, was able to institute a form of structural discrimination against women. This was further accomplished by denying women legal remedies when they became victims of gendered violence and/or coercion. Specifically, according to Bevacqua and Baker (2004), prosecutors and judges were reluctant to pursue cases involving domestic violence or sexual assault.

Today, this form of discrimination still occurs either in the prosecution of these cases or in the initial enforcement of domestic violence laws by police. In the past and even to this day, legal institutions justify inaction by citing privacy as an excuse not to hold men accountable for violence against women. This excuse, privacy, has been offered by courts as well as by popular discourse, then and now. An example of this discourse is the concept of the prosecutrix. According to Bevacqua and Baker, this term was used most notably in the 1970's and 1980's to imply that she (the woman) was "bringing charges based on an alleged crime against her person" (Bevacqua and Baker 2004:64). By using a term such as this, the act of perpetrating a violent offense, such as wife-beating, is placed in context as a violent act against a person rather than a crime against the state. By definition, then, this act is not a crime at all but instead a private issue between two or more individuals. Restated, wife-beating was not considered to be a criminal act because the American legal system narrowly defines a criminal act as being an injurious offense against the community or the state, not an individual. This legal

definition, then, frames what appears to be a crime as something else completely; in this case, a private issue to be handled behind closed doors.

Bevacqua and Baker also illustrate how changes in the definition of violence against women have, in more recent times, re-defined rape as a public issue, paving the way for domestic violence laws. More specifically, in the late 1960's, feminists were able to define rape as a form of violence against women rather than an act of seduction. Framing rape in this way, rape as violence and abuse of power rather than a form of sexual passion, allowed this offense to be treated as criminal activity. By the 1970's, having acknowledged a woman's right to control over her own body, a right now protected by law, a husband who battered his wife was then prosecutable since this act was defined as a violent crime. Feminists of the 1970's brought to light an understanding that domestic violence was part of a larger pattern of wife abuse, "one piece in a system of male domination that worked to keep women subordinated in society" (Bevacqua and Baker 2004:68).

From these two studies that focus on cultural explanations for the perpetuation of domestic violence, several salient points emerge. First, culture is an important factor in understanding domestic violence because the morals, values, and beliefs found within a American culture also influences what group(s) of individuals can practice power in this country. Specifically, in American culture, men have been the ones placed in a more advantaged social position and have maintained this position, or social status, by exerting their dominance through the use of discourse which is geared toward maintaining the status quo. Second, the United States began as a tight collectivist society, and as such, a

strict system of norms which regulated social interactions among individuals was in place. Third, this system of norms divided life in the United States into two spheres, public and private. What resulted was a social form in which men were appointed to the public sphere where they had the right to participate in government, and work; whereas, women were relegated to the private sphere isolating them to the home and forcing them to take a role subordinate to the man's.

Based on public/private ideology and cultural specificity, the current study will ask:

- 1) How do the media represent the degree to which values and morals are shared among individuals in society? (Cultural generality v. cultural specificity)
- 2) How do the media represent the amount of say that a woman has in matters external to the home? (Public/private ideology)

Discourse and Power

One of the major issues women have historically faced was the lack of control over their bodies and the choices they had to make. Westlund (1999) draws on the theoretical perspective of power to illustrate how practices men have used to subordinate women in both the private and public spheres of life, specifically, pre-modern and modern power, as first described by Michel Foucault. Pre-modern power is a set of direct power relations between individuals. In other words, this power relation is that of "sovereign" and "subject." As applied to women in abusive relationships, pre-modern power is, then, a set of power relationships in which the man is placed in the position of head of household and the woman is then made to assume a role subordinate to the man's.

According to Westlund, for women in abusive relationships, pre-modern power is characterized by their mate placing them in forced isolation from friends and family and by being subject to other emotional, psychological and economic abuses, which, in sum, make it nearly impossible for the woman to assert independence. Furthermore, any attempt by the woman toward independence may be taken by the abusive partner as “a personal insult warranting an excessive display of corporal vengeance” (Westlund 1999:1047).

Modern power, on the other hand, refers to the set of power relations found within social institutions. When a woman makes the decision to seek the services of these institutions, her arbitrary will to seek assistance is soon replaced by the “impersonal, comprehensive, and highly regular rule of such institutions, and she is, in effect, subjected to a compulsory principle of visibility” (Westlund 1999:1049). In illustrating this point, Westlund uses the example of the battered women’s shelter. These shelters are environments with high levels of both surveillance and discipline. For example, women moving into one of these shelters must abstain from using drugs or alcohol, abide by timetables and curfews, complete assigned chores, observe strict rules of conduct, supervise their children at all times, attend house meetings, and follow up with an advocate to track their progress. Additionally, women are subjected to high levels of surveillance by shelter administrators, court representatives, and law enforcement. In these ways, it is modern power which women are subjected to when seeking outside assistance.

Given the social space that women occupy, it is clear that they must endure both pre-modern and modern power at some point in their abusive relationships. In the following quote, Westlund argues this point more broadly.

Women, I argue, experience pre-modern and modern forms of power side by side: not only do they have to deal with the instigation of terror by an all-powerful sovereign, but they are also often compelled to turn for help to modern institutions such as medicine and psychiatry, police, courts, and so on (Westlund 1999:1047).

These concepts of pre-modern and modern power are central to the reproduction of a social form that subordinates women. Our institutions assert modern power on women in such a way as to place them under surveillance and dictate the terms under which they receive assistance and protection. At home, given the traditional patriarchal environment which has been reinforced by government institutions, men place women in subordination through coercion and control.

In regard to the practice of pre-modern and modern power, this study will ask:

How do the media represent the way the husband, society, or both maintain coercive control over the women? (Power)

A Structural Perspective

Michalski (2004) uses the structural perspective of Donald Black to argue that domestic violence continues to thrive due to “the social structure of interpersonal relationships within societies” (Michalski 2004:653) which continue to provide ideal socio-environmental conditions to perpetuate the use of violence. According to Black’s approach, the “key factors include (a) the degree of social isolation, (b) interdependence

of support networks, (c) inequality, (d) relational distance, (e) centralization of authority, and (f) exposure to violent networks”(Michalski 2004:652).

According to Michalski (2004), a wife is much more vulnerable to ill-treatment if she is subject to social isolation from her family by rules of patrilocal residence which compels her to move to her husband’s distant community once married. Furthermore, the more violence in the home that can be hidden from the public eye the less outside support is generally available. In general, the higher the degree of privacy a society assigns to the domestic sphere, the greater danger wives in abusive relationships are in.

In regard to social networks, the more cross-cutting ties exist and the more functionally interdependent social networks are, the less likely violence will occur during disputes between intimate partners. When these conditions are not met or are met to a lesser degree, partners incur less social pressure to maintain civility when these conflicts occur. So, cross-cutting ties and functionally interdependent social networks vary by degree, and the interpersonal violence associated with these conditions varies accordingly.

The social standing of women (degree of inequality) in any given society also determines their susceptibility to interpersonal violence. Women who have equal access to economic and political resources are least likely to be abused by their partners. Conversely, those women who are cut off from these resources stand the greatest chance of being abused.

Michalski (2004) uses Black’s definition of relational distance as a factor in domestic violence. This term was taken to mean “the degree to which [people] participate

in one another's lives" (Michalski 2004:676). Violence is used more often when those involved have lesser degrees of relational distance or greater intimacy. To clarify intimacy, marriage does not necessarily mean that a high degree of intimacy exists between two people. Intimacy exists along a continuum, and as such, so does relational distance. Along the relational distance continuum, as relational distance increases, the chances of domestic violence occurring decreases; conversely, when partners in a domestic relationship have less relational distance between them, the chances that they will participate in domestic violence increases.

The fifth factor involved, according to this perspective, is the centralization of authority. This term refers to "the concentration of political resources in the hands of one party, such as a patriarchal family situation in which a male authority figure monopolizes decision making" (Michalski 2004:667). When this condition exists, violent social control, such as physical aggression, is more likely to occur.

Finally, if the partners involved in a domestic dispute had experienced violent social networks as a child, they are more likely to commit violent acts within their own relationships as an adult. Specifically, as the level of violence in the family of origin for each partner increases, so does the likelihood that the couple will choose a maladaptive or violent form of dispute resolution within their own relationship.

The results of the study completed by Michalski (2004) indicate that these factors were the most important structural factors in predicting both the perpetration and victimization of domestic violence. The main critique of this approach, however, was that

more specific measures were needed for each of these factors. However, these factors did provide limited explanatory power as applied to domestic violence.

The way in which the media represents these conditions, such as the degree of social isolation, the interdependence of support networks, inequality, relational distance, centralization of authority, and exposure to violent networks, may have an effect on the degree to which a husband can assert control over his female partner because of the meanings associated with these concepts. That is, if the media represents these social conditions as just and as a male right, the social form in which women are subordinated by men may continue. If on the other hand, the media represents these social conditions as unjust and disgraceful, public sentiment may be affected in such a way that gender equality becomes more valued. In this way, the current study will consider the way the media represents the male role in domestic relations as well as the social characteristics of a home's micro-environment, as represented by discourse, and how these two elements play a role in the sets of perceptual frames or meanings associated with marriage and male-female relations in general.

Questions stemming from Michalski's approach include:

- 1) How do the media represent a woman's contact with others outside of the home? (Relational distance and social isolation)
- 2) How do the media represent the woman as participating in social activities? (Interdependence of social networks)
- 3) Do the individuals involved, in a particular documented event, occupy the same social space in society or is one higher in the social hierarchy than the other? (Inequality)

Social Psychology Perspective

Stets and Burke (2005) report results from research on interpersonal violence drawing from identity control theory. Initially, they hypothesized that a lack of verification in spousal identity would lead to two outcomes. First, this lack of verification would threaten the stable self-meanings and interaction patterns between domestic partners. Second, this lack of verification also would challenge a spouse's perception of control over his or her environment. Before moving forward into this discussion any further, however, it is important to keep a few definitions and theoretical concepts in mind.

Individuals become aware of themselves through others. Stets and Burke make this point clear referring to Cooley's "looking-glass self" or the reflected appraisal. As this process continues, individuals gain a self-concept which consists of all of their identities which define them. These identities then guide their behaviors across every situation encountered. When, however, their identity is not verified by their partner, they may feel negative emotions such as depression or distress. In the end, this process that Stets and Burke call identity verification may lead to the violent behavior we call domestic violence. Before this point is reached, however, a chain of events must first unfold.

The first component of this process is the identity standard. This standard is defined as the "set of meanings defining who one is in the situation" (Stets and Burke 2005:162). The next element is that of the perceptual input. The perceptual input is

...how one sees oneself in the situation with respect to the same set of meanings as held in the identity standard. The perceptual input is based in part on direct observation of oneself in the situation and in part on the reflected appraisals-that is, how one thinks others see him or her in the situation. (Stets and Burke 2005:162)

Third, a comparison is made between the perceptual input and the identity standard from which the individual then registers the degree of discrepancy between the two. This discrepancy is then translated into output behavior to the environment.

This identity system can be seen as “aiming to act so as to match situational inputs to the internal standard and reduce the discrepancy to zero, thus verifying the identity” (Stets and Burke 2005:162). Furthermore, according to Stets and Burke, identity verification deals in meanings; as such, when the meanings are different, the output behavior is different. This resulting output behavior can at times manifest itself as aggression or physical violence.

So, according to this perspective, the lack of identity verification can be both a threat to the maintenance of identity and to one’s ability to control the situation. This inability to counteract disturbances and control perceptions so as to maintain a match to one’s identity standard also will, over time, reduce one’s sense of self-efficacy. Stets and Burke (2005) define this self-efficacy as “the belief that one is capable of executing actions necessary to manage situations” (p. 163). Increasing one’s control over another, then, is a mechanism used to make the other partner act in a self-verifying manner. The effect of this is the realigning of the self-in-situation meanings and identity standard meanings. Therefore, asserting “control over another ultimately serves the self, either to restore the feeling of efficacy or to reaffirm who one is” (Stets and Burke 2005:163).

To use control is to use power, power that Foucault described as pre-modern. This power is in getting others to do something or act in some way they would not have done or acted otherwise. Control is then the behavioral dimension of influence whereas power is the structural dimension. In this way, whoever is structurally advantaged (men) has the leverage to control those who are structurally disadvantaged (women). According to Stets and Burke (2005), since control is a fundamental process in interaction, it is to be expected that a certain amount of control exists among individuals.

In marriage, when an actor's spouse fails or even refuses to verify his identity, the actor may increase control over his spouse in order to regain a sense of efficacy and coerce his spouse into verifying his identity. If an actor is not successful in either gaining verification or control, he may then resort to using aggression or violence to achieve them. So, the use of control is an effort to (re)gain verification and the use of aggression is an effort to (re)gain control. For this reason, the current study will consider only that violence perpetrated for the purpose of (re)gaining control over one's spouse.

The current study will consider some additional points from the above perspective as well. These include the concepts of perceptual input, the identity standard, and verification. All of these concepts can be represented through discourse. Perceptual input, or the way we see ourselves in a particular situation, is influenced by how we believe others see us. Women who are in a highly restrictive environment as a result of social control from outside the home as well as inside of it will more than likely see themselves as inferior to men. Similarly, the identity standard is how others do see us. If society says, by means of various discourses, that women are inferior to men; this is how others may

well treat them. In contrast, men, as a result of the dominant cultural beliefs and norms, can internalize the belief that they as a man are superior to women. For men, this can become part of their identity as a person.

What the above perspective suggests is that one's identity must be verified in order to achieve a sense of control and efficacy. Without identity verification, men can feel depressed and/or distressed. Like all meanings, identity is contained within sets of cognitive or perceptual frames. In this way, verifying an identity is, then, the same as calling upon specific cognitive or perceptual frames. It is the tenet of this study that calling upon these perceptual frames is accomplished through various discourses. The implications of these discourses can then be discovered by identifying the frames involved and how they are keyed or fabricated.

Based on this study on identity verification, the current study will ask:

- 1) How do the media represent aggression exerted by the husband to control the wife? (Control and aggression)
- 2) How do the media represent the woman's role in supporting her husband emotionally? (Identity standard / identity verification)
- 3) How do the media represent the way husbands and/or wives see themselves as compared to how they think their partners see them? (Internal standards v. situated inputs)

As was pointed out in the beginning of this chapter, the theoretical concepts discussed here provide a starting point for my analysis, that is, these concepts provide a way of talking about the discourses and frames found in the print media. Once the analysis begins, however, some alteration to these concepts might be required to better fit

the data. In fact, it may even be necessary to exclude some of the above terms and add others. In this way, this language used to talk about domestic violence can be advanced.

Before the language used to talk about domestic violence can be addressed, the methods used to produce this analysis must first be discussed. Specifically, this analysis has been produced using two theoretical methods referred to as discourse analysis and frame analysis. These are discussed in detail in the chapter to follow.

CHAPTER IV

A METHODOLOGICAL APPROACH TO THE CURRENT RESEARCH

Discourse Analysis

As was stated in the literature review section of this study, the initial theoretical methods, to be presented in this chapter, also will be held tentative and used only for orienting or positioning myself within the data. Furthermore, the operational definitions of the following concepts will initially remain the same as those provided by their original authors. However, as data collection and analysis proceed, it will likely become necessary to elaborate upon these prior theoretical concepts, abandon some concepts altogether, and add new concepts which emerge from the analysis process.

The following theoretical methods will be considered in their entirety; therefore, no highlighting has been made in this section to distinguish any of these concepts as being more important than any other. In addition, the following discussion includes sensitizing questions at the end of each set of concepts which will be used, initially, in both the data collection and analysis portions of this study. A complete listing of these questions as well as those questions posed in chapter three, are included in the data collection and analysis section following the present discussion on method.

According to Richardson and St. Pierre (2005), post-structuralism lies at the intersection of language, subjectivity, social organization, and power. The main tenet of post-structuralism is that language does not mirror or reflect any particular social reality.

Instead, through language, meaning emerges, thus creating a subjective social reality for the individual and society. As such, the multitude of languages and discourses present in the world cordon off the world giving it meaning in ways that are not reducible to one another. Language defines social organization and power as well as placing the individual within a particular ideological space where their sense of self (subjectivity) is constructed. Furthermore, language constructs the individual's subjectivity "in ways that are historically and locally specific" (Richardson and St. Pierre 2005:961). This is because meaning is dependent upon the discourses available to the individual(s) in question. For example:

...being hit by one's spouse is experienced differently depending on whether it is thought of as being within the discourse of normal marriage, husband's rights, or wife battering. If a woman sees male violence as normal or a husband's right, she is unlikely to see it as wife battering; which is an illegitimate use of power that should not be tolerated (Richardson and St. Pierre 2005:961).

Discourse consists of two main mechanisms in the social construction of reality: language, which was discussed previously, and discursive practices. This second form of discourse, discursive practices, consists of all of the other stuff we as individuals use to define who and what we are as well as defining the situations in which we find ourselves. Specifically, discursive practices include the way we act, how we think, and the way we present ourselves in social interaction in order to support the particular language we are using. Bruce Lincoln (1989) specifically identifies three discursive practices which he calls "taxonomizers," "myth," and "ritual." Since the goal of the current research is to identify how particular discourses are used and represented by the media and how these discourses might key particular frames thereby structuring the creation of subjective

meaning, this second form of discourse (discursive practices) will be considered in addition to the use of language.

The first type of discursive practice identified by Lincoln (1989) is what he calls taxonomic classification. There are two types of taxonomic classifications, natural and social; the most important of these is the natural taxonomizer. Natural taxonomizers are those classifications which are purely physical identifiers such as gender and age. Within this taxonomic system, natural characteristics of individuals function to establish a basis for acts of discrimination through which all members of society are assigned to one or two classes: those who possess a particular trait or property and those who do not. In the case of sex, there are those who possess a penis (males) and those who do not (females). In the United States, this biological characteristic of the individual, sex, determines their place in the social hierarchy. Specifically, being male means having a privileged status in society whereas being female means being inferior, and at least historically, subordinate to men. In this way, sex is the natural taxonomizer which serves as the basis for what is known as biological determinism. This is the ideology wherein the sexually dimorphic characteristics of men and women determine their social status. As a result, women in our society have historically been targeted for discrimination whereas men were not subject to such treatment. Social taxonomizers, on the other hand, represent those categories which are socially constructed and not connected to any physical characteristic. An example of such a social taxonomizer is religion.

As mentioned before, the kinds of differences located in the body represent the most important aspect of his three types of discursive practices. For instance, the idea of

protecting the purity of women seems to be a common value in American culture. The reason for this difference in the treatment of women seems to be connected to a belief, be it religious, political, or simple tradition, that women are somehow inferior to men and in need of protection through their subordination.

Several of these taxonomizers can be applied at once in what Lincoln (1989) refers to as multi-modular classification. Combining taxonomic modules has several significant effects. First of all, this makes for a far more complex system, encompassing a broader range of phenomena. Most importantly, this complex system has more power to persuade, “for insofar as any individual module carries conviction, it supports the others, all modules being mutually implicative and mutually reinforcing” (Lincoln 1989:136). For instance, discrimination against women is clear, just as clear as the discrimination against African-Americans and other minorities. What this multi-modular classification is doing is describing a group of characteristics rather than just a single property. For example, a 70 year old, lower-class, African-American female is a multi-modular taxonomic classification because her identity intersects age, social-class, race and gender. In fact, when applying this concept, it would be predicted that this particular individual would be discriminated against more than, for instance, a 20 year old, upper-class, white woman because of what society would consider the difference to be between their positive and negative, natural and social taxonomies.

The origin of particular views or beliefs regarding certain taxonomic classifications, according to Lincoln, at least in part, is a result of myth. He defines myth as “a story that members of some other social group (or past era) regard(ed) as true and

authoritative, but that the speaker and members of her or his group regard as false” (Lincoln, 1989:24). This myth is then legitimated through what Lincoln calls the narrative authority. By this term, Lincoln is referring to how a story may carry authority as though it were a charter, model, template, or blueprint for the rightful social form that a particular culture should maintain. However, myth is not just a coding device, “it is also a discursive act through which actors evoke the sentiments out of which society is actively constructed” (Lincoln 1989:24-25). There are, however, a number of ways a group or social movement organization (SMO), like the women’s suffrage movement, can agitate socio-political change. These techniques include:

- 1) They can contest the authority or credibility of a given myth, reducing it to the status of history or legend and thereby deprive it of the capacity to continually reconstruct accustomed social forms.
- 2) They can attempt to invest a history, legend or even a fable with authority and credibility, thus elevating it to the status of myth and thereby make it an instrument with which to construct novel social forms.
- 3) They can advance novel lines of interpretation for an established myth or modify details in its narration and thereby change the nature of the sentiments (and the society) it evokes. (Lincoln, 1989:25)

The last type of discursive practice that Lincoln offers research is that of ritual. Like myth, ritual is “an authoritative mode of symbolic discourse and a powerful instrument for the evocation of those sentiments (affinity and estrangement) out of which society is created” (Lincoln 1989:53). The difference between the two is “a matter of genre, ritual discourse being primarily gestural and dramatic; mythic discourse, verbal and narrative” (Lincoln, 1989:53). Put another way, ritual is a guided doing which carries

a symbolic meaning. This relates exactly to what Erving Goffman (1974) means by a “Guided Doing” in his discussion about frames. This power of ritual, in the maintenance of society, has remained an accepted truism among functionalists, structural-functionalists and Marxists for many generations. Lincoln reminds us that ritual has been another tool or mechanism through which groups attempt to achieve domination over others. This term, domination, Lincoln defines as

...the attempt (never entirely successful) of a given group (A) to absorb other groups (B,C,etc.) within a higher level of social integration (I) in which the members of A occupy a position of hierarchic, material, and sociopolitical supremacy. Domination is thus the imposition of an unwanted and exploitative fusion on groups that are converted into subordinate segments of the new social aggregate. (Lincoln 1989:73)

As such, the domination of women represents an “unwanted fusion of groups that are converted into subordinate segments of the new social aggregate” (Lincoln 1989:73). With this attempted domination also comes resistance. This resistance, in the context of the women’s movement, is the sustained (but never fully successful) refusal of women “to be absorbed into a higher level of integration, the politico-economic realities and dominant ideology of which are imposed by an initially alien group (men) that seeks to establish itself as the ruling stratum of the new aggregate”(Lincoln 1989:73). This stance of resistance, then, depends on a continued mobilization of powerful sentiments of affinity and group solidarity with a lesser degree of integration than would be supported by men, toward whom sentiments of estrangement and hostility are maintained. Furthermore, anything that women can use to perpetuate or evoke these strong sentiments can be used as effective instruments of resistance. Among these instruments employed include “tradition,” “myth,” and “ritual.”

In this way, discourse is the mechanism through which one group asserts power over another. Specifically, by holding the dominant discourse(s) men have the ability to key particular frames of experience so as to maintain control of the social institutions, thereby also determining the social form that our culture takes. Specifically, this research will use theories of power, discourse, and Erving Goffman's (1974) theoretical method of frame analysis to examine how the institution of the media asserts its power by using discourse as the mechanism by which particular frames are keyed or fabricated in regard to the issue of domestic violence. In so doing, the media's use of discourse can be located in ideological space, in regard to domestic violence. This keying of frames via discourse might then show how meaning emerges from the way this social problem has been framed and how these frames and their associated meanings have changed over time.

Based on these theoretical concepts, the current study will ask:

- 1) What type of characteristics seem to be the most important to the documented event, natural differences (of the body) or social categories? (Discourse of taxonomies)
- 2) What is the nature of the taxonomic classifications or combination of taxonomic classifications being dealt with in a given story? (Discourse of taxonomies)
- 3) How is discourse, related to taxonomic classification, used to key or fabricate a particular frame within a particular documented event? (Discourse of taxonomies)
- 4) How has myth been used to legitimate subordinating women, in a particular documented event, and how have women countered these myths to construct a new social form? (Discourse of myth)

Frame Analysis: A Theoretical Methodology for Research

Frame analysis “is about the structure of experience individuals have at moments in their social lives” (Goffman 1974: xvi). What frame analysis does can be described as showing us a model for linking micro-sociology to macro-sociology; furthermore, this theoretical method allows us to “speak of provinces of meaning and not sub-universes because it is the meaning of our experience and not the ontological structure of the objects which constitute reality” (Goffman 1974:5). The definition of the situation also is established by these principles of organization which govern all social events and our subjective involvement in them.

Frames are those most basic elements of social events which can be identified. The largest of these elements is the primary frame. A primary frame is further defined as that which “is seen as rendering what would otherwise be a meaningful aspect of the scene into something that is meaningful” (Goffman 1974:21). These frameworks vary according to their degree of organization. Some of these frameworks are well articulated into a system of “entities, postulates, and rules; others- indeed, most others- appear to have no apparent shape, providing only lore of understanding, an approach, a perspective” (Goffman 1974:21).

Two basic classes of primary frameworks, according to Goffman (1974), include natural and social frameworks. Natural frameworks are purely physical, meaning that they refer to frameworks that are unguided and exist independent of humans in the natural world. This is much like the natural and social taxonomic classification tools as described by Lincoln (1989). Examples of these would include all frameworks related to

the physical and biological sciences. As applied to this study, natural frameworks are those which relate to the actual biological differences between men and women but more importantly to the meaning applied to these differences. For example, men are generally stronger (physically) than women. Women are the ones who can give birth. These sorts of differences have historically been used to justify men's place at work and women's place in the home.

Social primary frameworks "provide background understanding for events that incorporate the will, aim, and controlling effort of an intelligence, a live agency, the chief one being the human being" (Goffman 1974:23). This agency "...can be coaxed, flattered, affronted, and threatened. What it does can be described as guided doings" (Goffman 1974:22). These "guided doings" allow for two types of understandings. The first of these understandings refers to the manipulation of the natural world in accordance with the constraints that the natural world imposes. The second of these "guided doings" pertains to the "special worlds in which the actor can become involved, which, of course, vary considerably" (Goffman 1974:27). For example, two different acts are involved in playing the game of chess, (1) the physical manipulation involved in moving pieces about the game board and (2) the strategic act of making that move. In this example, the first act is completely natural since it only involves a physical movement. The second act, however, is social because it involves utilizing a set of rules which limit what can be deemed a legal movement of the game pieces. In this way, primary frameworks of specific social groups:

...constitute a central element of its culture, especially insofar as understandings emerge concerning principal classes of schemata, the relations of these classes to one another, and the sum total forces and agents that these interpretive designs acknowledge to be loose in the world.”(Goffman 1974:27)

Having defined frames and the method of frame analysis, the means by which frames are called upon or changed will now be explored. Goffman (1974) refers to this frame transformation process as keying. Keying is then defined as the process by which activities, events and biographies which already are meaningful are redefined in terms of another framework, such that they are now “seen by the participants to be something quite else”(Goffman 1974:45).

Goffman expands upon this definition by defining five separate elements to this process. First, keying involves a “systematic alteration...across materials already meaningful in accordance with a schema of interpretation, and without which keying would be meaningless” (Goffman 1974:45). Second, participants in the activity are aware of and openly acknowledge that a systematic alteration is taking place, one which reconstitutes what it is that is going on. Next, cues establish when it is that the transformation of a frame is to begin and when it is to end within which and to which a transformation is restricted (Goffman 1974). The fourth element indicates that keying is not confined to events which are perceived to be within any particular category of perspectives. For example, it is possible to play at instrumentally oriented activities such as gardening or at such rituals as marriage ceremonies. The final element to keying, establishes that the systematic transformation that a particular keying introduces may change only slightly the activity it has transformed, but the effect of this transformation significantly changes what it is a participant would say was occurring (Goffman 1974).

This fifth element of keying refers to such activities as play fighting. While play fighting appears to be a more serious act, for the participants involved it is really just play. “When the key in question is that of play, we tend to refer to the less transformed counterpart as serious activity... however, not all serious activity is unkeyed, and not all untransformed activity can be called serious”(Goffman 1974:46).

To generalize a bit about keys, I would like to explore three of Goffman’s five classes of keys: the ceremonial key, documentation key and the regrounding key. The ceremonial key pertains to social rituals such as marriage ceremonies and funerals whereby these acts reference specific symbolic meanings. The function of these ceremonials is to then constrict and allow one deed, one doing, “to be stripped from the usual texture of events and choreographed to fill out a whole occasion. In brief, a play keys life, a ceremony keys an event” (Goffman 1974:58). Furthermore, in ceremonies, a form of ritual, the actor must take on the task of representing and epitomizing his or her self in a central social role such as that of a parent, spouse, etc. In the context of domestic violence, an example might be the ritualistic character of a trial where individuals assume the roles of defendant, juror and judge.

Goffman (1974) also presents us with what he calls the documentary key. This key is defined as follows:

Documentation employs the actual remains of something that once appeared in the actual (in the sense of less transformed activity)...Written and photographic records are standard examples, as are artifacts from an actual strip of activity, now tagged as “exhibits.” (Goffman 1974:69)

A more specific example of this could be written court records which can be used as legal precedent in future trials. There are, however, as Goffman points out, weaknesses to the

documentary key. The first of these weaknesses addresses the normative question of whether or not recordings of any kind should be allowed as evidence against a person whose unwitting action provided the source of the material in the first place. This then becomes a question of entrapment. In other words, would the individual(s) actions have been different if they knew they were being somehow recorded? Secondly, it would seem that limits would exist on the dissociation between actions documented and the document itself, the concern being whether or not a horrible or improper action has been represented. Whether this is an unkeyed action or itself a keying, “how free can the documentation be of the original sin?” (Goffman 1974:70)

The next key to explore here is the regrounding key. This key makes the assumption that “some motives for a deed are ones that leave the performer within the normal range of participation, and other motives, especially when stabilized and institutionalized, leave the performer outside the ordinary domain of the activity” (Goffman 1974:73). For example, with legal cases, it is commonly possible to differentiate ordinary cases, those instigated solely by the plaintiff, from test cases, or those chosen because they engage a certain legal principle, a legal principle which the lawyers and judges involved want to see resolved even if it means carrying opponents into something beyond their resources or realm of concern.

Another way in which a strip of activity can be transformed from having one particular meaning to an all together different meaning is through a fabrication. While keying changes the meaning of situations, events or things, it tends to do so as an unintentional consequence of social interaction. Fabrication, on the other hand, is “the

intentional effort of one or more individuals to manage activity so that a party of one or more others will be induced to have a false belief about what it is that is going on”

(Goffman 1974:83). This task, as Goffman indicates, involves a

nefarious design, a plot or treacherous plan leading- when realized- to a falsification of some part of the world. So it would appear that a strip of activity can litter the world in two ways, can serve as a model from whose design two types of reworking, can be produced: a keying or a fabrication (Goffman 1974:83).

Another similarity between fabrications and keying is that they both require a model that already is meaningful in terms of a primary framework. But whereas a keying is intended to lead all participants to the same view of an event, a fabrication requires differences. In other words, for a keying, satire and takeoffs would seem nonsensical without this common understanding of what is going on. Fabrications, on the other hand, are dependent upon the use of deceit. Money launderers, for example, are committed to keeping their operations in secrecy. It follows, then, that fabrications, unlike keyings, are subject to a special form of discrediting. In this way, when a party contained within a fabrication discovers the deception, what appeared real for them prior to their discovery is now viewed as a deception and the entire construction is destroyed.

In contrast, upon the termination of a keying, being either a natural termination or an unanticipated one, there is nothing to prevent a restaging of the disrupted show by the same actors at another time. Fabrications, however, introduce at least the possibility of a different kind of disruption, one in which discovery can destroy any chance for the actors involved to recreate or restage that particular kind of activity again.

The type of fabrication discussed here is that of the exploitive fabrication. An exploitive fabrication occurs when one party is containing others in a construction that is detrimental to the private interests of a particular community. As such, exploitive fabrications, unlike benign fabrications, “can evoke suppressive legal action, criminal or civil, of the kind brought against certain forms of confidence game, false advertising, mislabeling, and cheating at cards” (Goffman 1974:104). For women, however, many activities such as sexual harassment may not be not actively prosecuted. For example, certain accusations, such as that of rape, can become routinely problematic; in this event both the accuser and the accused may be doubted.

The genesis of these primary frameworks occurs through a process which Goffman refers to as frame alignment. In an article by Snow, Rochford, Worden, and Benford (1986), Goffman’s four frame alignment processes are described, which include; (a) frame bridging, (b) frame amplification, (c) frame extension, and (d) frame transformations. These frame alignment processes attempt to bring the focus of some particular social group to certain ideas or beliefs while deeming other, opposing ideas or beliefs less important.

The first of these frame transformations, frame amplification, is the process by which a specific interpretive frame is clarified and invigorated in its relationship to a particular set of events, issues or social problems. There are two categories of frame amplification, value amplification and belief amplification. First, value amplification refers to the elevation of one or more values which are presumed basic to certain subsets of a social group but have not brought about collective action or codification for any

number of reasons. Snow has given a wonderful example of value amplification in sighting the peace movement. Here, the ideals of “justice, cooperation, perseverance, and the sanctity of human life were repeatedly embellished” (Snow et al. 1986:469).

The second category of frame amplification is belief amplification. This framing process involves the application of broadly conceived beliefs about some thing and some characteristic of that thing or things. Some examples include beliefs such as Jesus will come again, communists are evil, and immigrants cannot be trusted. “Whereas values refer to the goals or end-states that movements seek to attain or promote, beliefs can be construed as ideational elements that cognitively support or impede action in pursuit of desired values”(Snow et al. 1986:469-470).

The second frame alignment process is that of “frame extension.” Occasionally, social movement organizations (SMO) find that their ideology may not reflect that which actually exists in the pool of possible supporters. When this occurs, the SMO may elect to broaden, or make more general, its group ideology in order to encompass a greater number of possible constituents. In other words, if there are specific needs among those in the pool of possible supporters which are not particularly important to the SMO itself but are of salience to the larger number of individuals in the social group, the SMO may extend its ideological claims to gain more supporters. For an SMO, then, “the micro-mobilization task in such cases is the identification of individual or aggregate level values and interests and the alignment of them with participation in movement activities” (Snow et al. 1986:472).

Frame transformation is the third of these frame alignment processes. Frame transformation occurs when the values and/or programs of a particular SMO have been identified as conflicting with the lifestyles or rituals contained within the interpretive frames of its potential constituents. When this occurs, new values must be adopted by the SMO and old meanings, understandings and erroneous beliefs rejected. In other words, the prior mis-framings of the SMO must be reframed to align itself with its pool of possible constituents in order to gain their support and participation in the group's cause. The activities, events and biographies which already were meaningful from the standpoint of some primary framework are redefined in terms of another framework, such that they are now "seen by the participants to be something quite else" (Goffman 1974:45). In other words, this was a systematic alteration of meaning which radically reconstituted what it was for a participant that was going on.

The last of these frame transformations is the injustice frame. This frame transformation, in fact, seems to be most applicable to the change in how domestic violence has historically been framed. We refer to an injustice frame as a change in the "perceived seriousness of the condition such that what was previously seen as an unfortunate but tolerable situation is now defined as inexcusable, unjust, or immoral, thus connotating the adoption of an injustice frame or variation thereof" (Snow et al. 1986:474). Furthermore, this injustice frame can be viewed as "Domain-Specific" (Snow et al. 1986:474).

A transformation of a domain-specific interpretive frame is mostly self-contained, yet it is a substantial change as far as how a particular domain of life (like the private

domain of the family or the public domain of work) in which what was at first seen as normative is later seen as an injustice warranting change. This domain specific transformation is then a necessary condition for participation in social movements which seek to dramatically change the status, treatment, or activity of a category of people. An example of this would be the women's movement. Specifically, domestic violence has traditionally been considered a private domain issue in which the law had no jurisdiction. The women's movement has sought a change in this ideology so that the abuse of women will no longer be framed as a private issue in which a man beating his wife is simply an act or offense against a person, but a crime against the state punishable by law.

Based on these concepts keys, frames, and frame alignment, this study will ask:

- 14) What roles are the participants of a particular documented event assuming? (Ceremonial key)
- 15) What was the relationship of the person who documented the event, to the event itself? (Documentary key)
- 16) What values are being deemed important, by some social group, and how are these values presented as being so critical? (Frame amplification)
- 17) Which party or parties involved in a given story are calling for outside assistance? If it isn't the participants themselves (for example the plaintiff or defendant in a court hearing), who is calling for action and what are their reason(s)? (Regrounding key)
- 18) How is discourse being used to transform a particular documented event or activity? Is there acknowledgement on both sides of the issue that a systematic iteration in the meaning of an activity is being performed or is the meaning of this event or activity being transformed while veiled in secrecy? (Distinguishing a keying from a fabrication)
- 19) What beliefs are being presented by the media as important and how do these beliefs legitimate our particular social form? (Frame alignment: belief amplification)

20) Have women expanded or made more general their group ideology to gain supporters and, if so, how have they done this? (Frame alignment: frame extension)

21) How is discourse being used to enact either the primary frame of chastisement in the private sphere or abuse in the public sphere? (Frame alignment: injustice frame)

CHAPTER V

DATA AND ITS DISTRIBUTION OVER TIME

As mentioned in the introduction of this paper, the sources of data for this study came from the print media, more specifically, print media found in newspapers and periodicals. There were three specific reasons for choosing these sources.

First, these sources were chosen because they represent a highly accessible and highly consumable medium of information exchange within the larger system of communication we call the popular print media. Second, these forms of media predate radio and television technology. As a result, newspapers and periodicals are the oldest and most continuous forms of mass media found in the United States. Third, the popular print media itself represents a modern institution wielding the ability to influence the subjective reality of American citizens.

In order to track the changing frames of domestic violence and their associated meanings, it was necessary to refer back to the more visible milestones which were represented in Chapter Two. Between these milestones lay expanses of time which included: 1) 1871 to 1925, 2) 1926 to 1969, and 3) 1970 to 1978. To review, the years (1871-1925) correspond to the case of *Fulgham v. State* through the early years of the Women's Suffrage Movement to 1925. The years (1926-1969) correspond to the women's suffrage movement until the end of the 1960's. The last of these blocks of time, begins in 1970 and ends with the adoption of the Domestic Violence Act of 1978. Each

of these expanses of time was then sub-divided into eleven year intervals of time (periods), whenever possible.

As noted in chapter two, *Fulgham v. State* represented the first state, Alabama, to officially make chastisement illegal. As such, this legal precedent identified a starting point for the fundamental change in the legal protections afforded to women.

The second milestone used corresponds to the early years of the Women's Suffrage Movement to 1925. This movement eventually led to women securing employment rights and the right to an abortion. In the meantime, while these women's issues took priority in the public arena, the issue of a woman's right to control over her own body, which included emancipation from physical abuse, was again relegated to the private sphere where it stayed for almost fifty years.

The 1970's, a time leading up to the ratification of rape laws represents the third milestone for consideration in the current study. The ratification of rape laws was followed by a fundamental change in ideology. According to these laws, women were in control of their own bodies and were to be protected from assault to their persons. Furthermore, any physical attack to a woman was from that point forward considered to be an attack on a citizen and, as such, a crime against the state, punishable by law. It is at this point that the stage was set for further protections for women.

The fourth and final milestone under consideration by this study also represents its endpoint. The Domestic Violence Act of 1978 not only extended more protections to women, but it also established public awareness programs. These public awareness programs were put in place to let women know where they could find assistance if they

needed it. This new legislation also sent out the message to would-be women abusers that their behavior would no longer be overlooked.

Phase One: Data Collection and Sample Construction

Phase one of this process was to map out the distribution of available data in each of the time periods noted above. This search for data was conducted by way of an internet search for newspaper headlines and by way of the *Reader's Guide to Periodicals* for magazine articles. To elaborate on the newspaper search, the search was focused on four newspapers that had been in operation for at least most of the time period under consideration by this study and which represented each region of the country. These newspapers included: 1) the *New York Times* founded in 1851 (northeast region), 2) the *Washington Post* founded in 1877 (southern region), 3) the *Chicago Tribune* founded in 1847 (mid-west region), and 4) the *Los Angeles Times* founded in 1881 (western region).

For both of these media sources, newspapers and periodicals, keywords and phrases were employed to locate the relevant articles. It is important, however, to note that this coding was tentative. In fact, these keywords and phrases had to be changed throughout the process of collecting the appropriate data. The keywords and phrases initially chosen and the ones that were added all stemmed from the theoretical concepts and methods presented in Chapters Three and Four.

In order to examine the use of power by the mass media itself and the social institutions that it reported, I initially used the keywords and phrases “marriage privacy,” “women’s shelters,” “abuse,” and “chastisement.” Since power is contained within actions themselves rather than within individuals or groups, it made sense to look for

these actions which were aimed at women. Therefore, all of the keywords and phrases used in this search were verbs, or actions constructed around or toward women with the exception of one, “women’s shelters.” I had chosen to search for “women’s shelters” in hopes that some discussion could be found regarding the treatment of and assistance to women.

In considering this issue of behavior in the context of marriage, I chose three key phrases which included: “control of women,” “prosecutrix,” and “partner aggression.” It was intended that these three key phrases would expose what led to abuse and how one or the other partners felt about this behavior.

What was striking about this search was that the initial keywords and phrases noted above fared poorly with regard to producing results. The phrase “women’s shelters” produced a number of articles from the 1970’s but nothing prior. None of the other keywords or phrases produced anything useful for the purposes of this study. Therefore, I had to abandon these terms and produce alternative ones.

In the next attempt I used the following keywords and phrases; “domestic violence,” “family violence,” “wife battering,” “spousal abuse,” and “wife abuse.” What resulted from this search was a number of articles from the mid-1970’s to more recent times, but nothing prior. After reviewing the articles that I had already collected, I spotted a lead in the description of an article which addressed women’s shelters. What I had found was the phrase “wife beating.” When I searched using the term, “wife beating,” I received an enormous list of articles in the newspapers. Apparently, this was the most common term used to describe what we now refer to as wife-abuse or domestic violence.

As for the periodical search, I received nearly identical results with almost all of my data coming from “women’s shelters,” in the 1970’s, and “wife beating,” for the years prior to 1970.

Phase One Results

The total number of newspaper articles found between the years 1871 and 1978 was 247. The distribution of the articles produced during this time was as follows: 1871 to 1881 = 6 articles; 1882 to 1892 = 11 articles; 1893 to 1903 = 50 articles; 1904 to 1914 = 60 articles; 1915 to 1925 = 18 articles; 1926 to 1936 = 19 articles; 1937 to 1947 = 5 articles; 1948 to 1958 = 10 articles; 1959 to 1969 = 8 articles; and 1970 to 1978 = 60 articles (see appendix A).

The publication of newspaper articles which concerned domestic violence peaked twice, once in the period 1904 to 1914 and again in the period 1970 to 1978, both periods resulting in a find of 60 articles. In consideration of the history provided at the beginning of this study, the period 1904 to 1914 corresponds to the passage of divorce laws in 35 of the 46 States which allowed for absolute divorce on grounds of physical abuse. Furthermore, at this time, many States had joined Maryland in making wife-beating prosecutable as assault though no federal law had been passed in this regard.

The second peak in the number of newspaper articles published occurred in the period 1970 to 1978. According to the history of this time period, a wide variety of women’s issues were being offered for public debate. Specifically, these issues included such things as the opening of women’s shelters; the class-action lawsuit, initiated by women lawyers by the names of Fields and Woods, filed against the New York Police

Department and many others across the country; and, finally, the passage of the Domestic Violence Act of 1978. This was a very busy time for the Women's Movement and legislators who were attempting to put new policies in place to protect women from the abuses of men.

The fewest number of articles produced by newspapers during the course of time considered by this study occurred in the period from 1937 to 1947 (N=5). This period corresponds to the time in which women's rights such as the right to vote and have an abortion overshadowed the issue of wife beating in the United States. As indicated by the historical record collected and presented at the beginning of this study, this time period was situated in the middle of a media black hole with regard to women's issues, a period which reportedly extended from 1920 until 1969.

The distribution of these 247 articles by newspaper is as follows: *New York Times* = 22 articles (8.9% of the total data set); the *Washington Post* = 90 articles (36.4% of the total data set); the *Chicago Tribune* = 79 articles (32.0% of the total data set); and the *Los Angeles Times* = 56 articles (22.7% of the total data set). In addition to considering the number of articles collected, the time in which each of these newspapers was founded must also be considered. The *New York Times* was founded in 1847 which was prior to the beginning of this timeline being studied. The *Washington Post*, on the other hand, was not founded until 1877 which means that 6-years of data in this region were not available. Additionally, the *Chicago Tribune* was founded in 1847, which then provides coverage for the entire timeline considered here; however, the *Los Angeles Times* was not

founded until 1881 which fails to provide coverage, in this region, for the first 11-years of the period.

If the first time period, 1871 to 1881, is removed so that only articles published during the time within which all four newspapers were in operation are considered, the distribution would be as follows: *New York Times* = 19 articles (7.9% of the 241 remaining articles); *Washington Post* = 90 articles (37.3% of the 241 remaining articles); *Chicago Tribune* = 76 articles (31.6% of the 241 remaining articles); and the *Los Angeles Times* = 56 articles (23.2% of the 241 remaining articles). This means that the variation in the data set, between the distribution including the first period and the data set without the first period, is less than 5 percent. Specifically, the *New York Times* varied only -1%; the *Washington Post* varied +.9 percent; the *Chicago Tribune* varied -.4 percent; and the *Los Angeles Times* varied +.5 percent. Taken together, there was no variation in the data set caused by differences in the times that the newspapers were started.

After considering the size and distribution of the total data set for newspapers (N=247), I decided to take about 2/3 or 69% of the available data as my sample. This decision was made because of the extremely uneven distribution of the data within the total data set. In other words, these newspapers during some of the periods included in the study had less than 10 articles in total. In order to represent each newspaper and each of these time periods, as equally as possible, I decided to place a limit of 10 articles per newspaper, per period studied. To meet this requirement, every newspaper article found for every period, for the exception of 1893 to 1903, 1904 to 1914 and 1970 to 1978, was

included in the sample. For the remainder of the periods included in the study I drew a sample from each newspaper.

In order to construct this sample data set as randomly as possible, I first had to design the following sampling scheme. First, I placed all newspaper articles in chronological order for each period and within each newspaper. Then, for each newspaper and each period I took the total number of articles that were in the total data set and divided it by “X” to get a total sample size of 10 articles per newspaper, per period studies. The resulting figure then determined which cases were selected for inclusion in the sample. So, for example, if there were 20 articles in a given newspaper for a given period I would divide 20 by 10 and get 2. What this told me was that I needed to select every other case in order to reach a sample of 10 articles for that newspaper and for that period. This process was completed for each newspaper and each period whenever possible. Occasionally, however, a different selection scheme was required to arrive at the requisite 10 articles per newspaper, per period of time. These exceptions are noted later on in this discussion on data sampling. In the end, this process led to a total sample size of (N=164).

For the period 1893 to 1903, of the 50 articles found in my search, I selected all of the articles from the *New York Times* (N=2) and the *Los Angeles Times* (N=1). For the *Washington Post* and the *Chicago Tribune*, I selected every other case until I reached a total of 10 articles for each. For this period the resulting sample size was 23 articles (N=23).

For the period 1904 to 1914, of the 60 articles found in my search, I selected all of the articles from the *New York Times* (N=1) and the *Los Angeles Times* (N=7). For the *Washington Post*, I selected every third case, starting with the first, until I reached a total of 10 articles. For the *Chicago Tribune*, I selected every other case, starting with the first, until a total of 10 articles were reached. For this period, the resulting sample size was 28 articles (N=28).

For the period 1970 to 1978, of the 60 articles found in my search, I selected all of the articles from the *New York Times* (N=7) and the *Chicago Tribune* (N=9). For the *Washington Post*, I numbered every case 1 through 13 and included every case in the sample for the exception of the first, middle, and last cases, leaving a total of 10 articles. For the *Los Angeles Times*, I selected every third case, starting with the first, until I reached a total of 10 articles. For this period, the resulting sample size was 36 articles (N=36).

As for periodicals, no articles which specifically referenced the issue of domestic violence were found prior to the 1970's. Specifically, between the years 1970 and 1978, 19 articles were located. Given the limited amount of data from periodicals and the wide variety of periodicals in which these articles were found, every case was included in the sample. Specifically, the sample size used in this study, which came from periodicals, was (N=19).

These articles were published by such magazines as *MS*, *Newsweek*, *Ladies' Home Journal*, *Redbook*, *Harper's Magazine*, *The New Republic*, *McCall's*, *Good Housekeeping*, *Time*, *Parents' Magazine*, and *Intellect*. The majority of these articles

covered at least one of the following three main topics related to domestic violence, the class-action lawsuit initiated by Fields and Woods in 1976; shelters for battered wives, and battered women's syndrome. Overall, the sample taken for analysis by this study included 164 articles from newspapers and 19 articles taken from periodicals for a total sample size of 183 articles.

Phase Two: Analysis

The specific method of coding this data in phase two of this study was a narrative analysis. This method looks at the overall story being told, who the story is told by and what their relation is to the topic (Reissman 1993).

By understanding the relationship between each of these various elements of the story and the discourses they call upon to tell the story, I was able to identify the changing language and frames associated with domestic violence throughout the time periods included in this study. The other reason I used a narrative analysis was due to the form of data used, printed media.

Since the print media was the only public vehicle for sharing ideas about domestic violence over vast distances and between individuals who did not know one another, this medium represents a mechanism for social interaction and the generation of new ideas. In this way, the media represents a social institution of information dissemination and a public forum in which language is used in such a culturally specific way that both the sentiments of the individual and the public are reflected, digested, and re-casted overtime. For these reasons the print media was the best form of data available for the time period studied.

I began uncovering these processes using the tentative questions which were posed throughout the literature review (theory) and methods discussions in previous chapters. These questions were intended to serve as a basic guide to uncovering how dominant individuals and/or groups in society practiced power through discourse, and, by implication, how they influenced the subjectivities of American citizens. These questions are restated below along with a parenthetical explanation of their theoretical or methodological significance as pointed to previously. It must be noted that these questions did not apply to every narrative found due to their variety of content.

1) How do the media represent the degree to which values and morals are shared among individuals in society? (Cultural generality v. cultural specificity)

2) How do the media represent a woman's contact with others outside of the home? (Relational distance and social isolation)

3) How do the media represent the woman as participating in social activities? (Interdependence of social networks)

4) Do the individuals involved, in a particular documented event, occupy the same social space in society or is one higher in the social hierarchy than the other? (Inequality)

5) How do the media represent the way the husband, society, or both maintain coercive control over the women? (Power)

6) How do the media represent aggression exerted by the husband to control the wife? (Control and aggression)

7) How do the media represent the amount of say that a woman has in matters external to the home? (Public/private ideology)

- 8) How do the media represent the woman's role in supporting her husband emotionally? (Identity standard / identity verification)
- 9) How do the media represent the way husbands and/or wives see themselves as compared to how they think their partners see them? (Internal standards v. situated inputs)
- 10) What type of characteristics seem to be the most important to the documented event, natural differences (of the body) or social categories? (Discourse of taxonomies)
- 11) What is the nature of the taxonomic classifications or combination of taxonomic classifications being dealt with in a given story? (Discourse of taxonomies)
- 12) How is discourse, related to taxonomic classification, used to key or fabricate a particular frame within a particular documented event? (Discourse of taxonomies)
- 13) How has myth been used to legitimate subordinating women, in a particular documented event, and how have women countered these myths to construct a new social form? (Discourse of myth)
- 14) What roles are the participants of a particular documented event assuming? (Ceremonial key)
- 15) What was the relationship of the person who documented the event, to the event itself? (Documentary key)
- 16) What values are being deemed important, by some social group, and how are these values being presented as being so critical? (Frame amplification)
- 17) Which party or parties involved, in a given story, are calling for outside assistance? If it isn't the participants themselves (for example the plaintiff or defendant in a court hearing), who is calling for action and what are their reason(s)? (Regrounding key)

18) How is discourse being used to transform a particular documented event or activity? Is there acknowledgement on both sides of the issue that a systematic alteration in the meaning of an activity is being performed or is the meaning of this event or activity being transformed while veiled in secrecy? (Distinguishing a keying from a fabrication)

19) What beliefs are being presented by the media as important and how do these beliefs legitimate our particular social form? (Frame alignment: belief amplification)

20) Have women expanded or made more general their group ideology to gain supporters and, if so, how have they done this? (Frame alignment: frame extension)

21) How is discourse being used to enact either the primary frame of chastisement in the private sphere or abuse in the public sphere? (Frame alignment: injustice frame)

The last topic to address in this discussion before moving on to the data itself is the operational definitions for frames, keys, and fabrications. Erving Goffman's definitions already have been summarized in the theoretical methods discussion of this study, but for the purposes of this current research, the definitions of these terms will be restated as follows. By frame, I am referring to the culturally specific (the US at a particular point in history) agreed upon meaning, related to a basic characteristic, already meaningful and deemed important, in regard to women. This can be anything either natural (such as possessing less physical strength than men or the ability to have children, thus justifying their "place" in the home) or social (such as tradition saying that a woman's role is to oversee the private sphere thereby serving the man and taking care of the home and the children). Frame alignment would then be the process whereby a group

of individuals (such as women in the Women's Suffrage Movement) discuss and agree upon a set of beliefs and values and then establish a group charter from which the group's activities are then based. This charter can then be made more general to include more beliefs and values thereby extending its membership to more possible supporters.

As stated many times in this paper, the goal of this research is to examine changes in these frames. Frames change through the process of either keying or fabrication. For the purposes of this study, by keying I mean a change to the subjective meaning of a characteristic located in women or in regard to women's issues such as domestic violence that is then acknowledged and agreed upon by society and, finally, carried out systematically. By fabrication, on the other hand, I mean the evocation of a particular frame maintaining all of the characteristics of a keying except that those who are the subject of the frame change (women) are not aware that an alteration to a frame is being made. Keeping these definitions in mind, I now move on to the data itself.

CHAPTER VI

FULGHAM V. STATE TO THE BEGINNINGS OF WOMEN'S SUFFRAGE

The first legislation offered as a legal remedy for wife beating came out of an Alabama courtroom in the case of *Fulgham v. State* (see Chapter 2). The decision by Judge Charles Pelham made wife beating illegal in the State of Alabama. Judge Pelham's ruling stated, in short, that his state would no longer recognize a man's right to chastise his wife. This decision marks the point at which real changes began to occur in the law which specifically addressed the crime of wife beating.

The history being presented from this point forward is an interpretation of the discourses and frames provided by the popular print media. It is a re-reading of the history of domestic violence guided by a set of theoretical tools explained in the theory and methods portions of this work.

Period 1 (1871 to 1881)

In the latter part of the 19th century, government institutions were still largely influenced by the institution of religion. This became very evident by the sorts of issues reported and represented by the print media. In particular, the issues most frequently reported were those relating to a call for women's rights (N=2 of 6) and the application of the whipping post as a punishment for wife beating (N=2 of 6). The other two articles in the sample represented American sentiment as valuing most American society's status as

a civilized culture. What is most striking about these topics and the way in which they are distributed throughout this period is the way they illustrate how divided American society was in regard to ideas concerning wife beating and the appropriate role of women.

Theme: Natural and Social Differences Between Men and Women

One of the culturally held beliefs represented by the print media during this time was that men and women were both naturally and socially different. In other words, it was believed that being either male or a female (physically) directly affected one's social characteristics. For example, women viewed themselves and were themselves viewed by others as pure and morally decent. Men, on the other hand, were held to be the protectors of women and therefore valiant and courageous. Men, however, in having control over the government often became vile and corrupt (N=2 of 6).

Not surprisingly, women in New York City attempted to capitalize on the myth of women's purity and superior morals to justify their call to participate in politics (N=2 of 6). This is evident in the following statement which was made in 1871.

Women, they say, are less sordid than men, the purity of morals and manners is dearer to them, neatness and order are of greater importance in their eyes, and therefore their voice in the management of a great city needs have salutary effect ("Women and Political Reform" 1871:4).

Another claim made by women during this period was that government (since it was controlled by men) was "vile and corrupt." If this was true, then, perhaps women, not men, should correct corruption and set the government on an honest path.

If intelligent women also cast votes, this evil would at least be neutralized; and, apart from this positive good thus to be attained, it is not monstrous, we are asked, that tens of thousands of

educated American women should be excluded from all share in public affairs, in order that a horde of ignorant men should tyrannize over our entire society” (“Women and Political Reform” 1871:4).

With this bold claim women argued for their role in government. As honest brokers, they would root out political corruption. In this way, women were presenting a public need for their involvement in politics. Put yet another way, women employed the myth of female purity and moral rectitude in order to transform the society that generated this fable. The theme of women’s purity was repeatedly used to justify women’s participation in politics, in the workforce and in all areas of public life for most of the entire one hundred-seven years considered by this study.

In order for women to end their suffering at the hands of their abusive husbands, they would first have to secure their rights as full citizens. Once this goal was achieved they could seek equal protection under the law. In other words, once women became a citizen, a physical attack upon their person by their husband or anyone else would be considered a criminal act rather than a private matter.

Theme: Whipping Post “Barbarism” or “Just in Kind”

Another theme the print media addressed regarded the whipping post as a form of punishment for wife beating (N=2 of 6). Public sentiment over whether or not to use the whipping post was divided around two contrasting beliefs. Some Americans felt that this form of punishment was “barbarism” because it replaced one violent act, wife abuse, for another, lashing with the cat-o-nine tails. The other view of this punishment was that it was “just in kind.” The two concepts given in quotations were represented in two of the

sample articles found for this period. These terms were consistently used, however, to provide contrast for these two very different views.

For example, one article represented the belief that “the man who has once been publicly flogged is forever thereafter so degraded that he may be considered as having “lost his manhood” (“Wife-Whipping in Illinois” 1873:9A). In this way, the whipping post is considered to be “barbarism.” This article then presents the opposite perspective which is that wife beaters should be deterred from this beastly act by inflicting the same sort of discomfort upon them that they inflicted upon the victim. From this point of view, the whipping post is “just in kind.” These two views, the whipping post as “barbarism” and the whipping post as “just in kind,” as represented by the print media, indicate the very different frames that were being used to understand this punishment. The first places all physical aggression as equally abhorrent, regardless of what brought about the action while the other amplifies the value of the Old Testament doctrine “an eye for an eye, and a tooth for a tooth.” What remained unanswered at this time, however, was which of these beliefs would become the dominant discourse from which to create public policy.

Another claim represented by this article concerns the debate over whether publicly flogging a man degrades him and causes him to lose his “manhood” in the eyes of the community. In order to understand this argument, the meaning of the term “manhood” as used in this article must first be considered.

This article contradicts itself in that it implies that all “men” are males but not all males are men. In other words, the statement made in this article argues that “man” is a social category or essential type of male. Beyond the creation of this category, this article

does not explicitly define what a man is; however, this statement does provide a list of characteristics embodied in a “man.” A man possesses “a manly spirit and high-strung valor that can be crushed or humiliated” (“Wife-Whipping in Illinois” 1873:9A). The term “valor,” used in the above statement, provides at least some lore of understanding into what this author means by “manhood.”

In noting the qualities that a man possesses, however, the author contradicts his/her self. If “manhood” is characterized by valor and this is an essential part of his being, beating a woman would itself fundamentally change the type of being he is supposed to be. Valor by definition means having courage in defense of a noble cause. Beating a woman is neither courageous nor is it in defense of a noble cause. Using this logic, flogging a man for wife beating would be no more degrading than the wife beaters original act. Therefore, how could a man who is flogged for wife beating lose his manhood?

On the other hand, if it were to be assumed that all males were men and “manhood” could be “crushed or humiliated,” then an anti-whipping post argument could be made. Furthermore if manhood was defined as a quality contained within all males, it would be possible for their “manhood” to be crushed by flogging, at least in the eyes of others.

In short, those on each side of this debate over the whipping post are each using the same myths, stories and beliefs about “manhood” though they are changing the way in which the details are told in order to evoke different sentiments among the public and gain support for their respective positions on the issue .

Theme: “Brutes” that Beat Women

Another article printed on the issue of the whipping post represented society, at least certain local societies, as being united behind the idea of using the whipping post. All brutes who “shall willfully beat, bruise, or mutilate his wife or any other female human being shall be whipped with no less than 25 strokes” (“Wife-Beating Bill” 1881:4). This language represents a social discourse that labels wife beaters as “brutes” and places them in a taxonomic order which is then looked down upon by normative society. In other words, by using this label, society is in effect identifying wife beaters in a Durkheimian sort of way so as to create a social boundary between that which is profane (brutes) and that which is sacred (law abiding citizens). Additionally, this article refers to the victim as a “female human being.” This second label places the victim in stark contrast to the offender. In this way, if the victim is a “female human being,” the offender must be seen as quite the opposite sort of thing, in this case, a sub-human male. Following this logic, if the offender is sub-human then the whipping post is not seen as beating a citizen, but instead, the whipping post is viewed as punishing an evil beast in order to protect society’s women from abuse.

To further justify use of the lash as a corrective, Mr. Bergh, the Representative proposing this whipping post bill, invokes the compelling language of science. Citing counter-irritation theory, Bergh argues that a wife beater can be reformed by inflicting the same sort of pain upon his body as he inflicted upon his wife’s body. But Representative Bergh is not satisfied with science alone, he joins his counter-irritation theory with Biblical text, specifically the discourse of the Old Testament: “It is in one way the

application of the Old Testament doctrine, ‘an eye for an eye and a tooth for a tooth,’ and it is the only doctrine which can prove salutary in the case of a wife beater” (“Wife-Beating Bill” 1881:4).

Period 2 (1882 to 1892)

The whipping post (N=6 of 11) and wife beating (N=2 of 11) remain prominent themes during this second period. During this period two other arguments were represented by the print media as well. One of these arguments was in regard to a claim that foreigners were responsible for the large majority of wife beating in the United States (N=1 of 11). The other argument came from the waning group of citizens who still felt that men had the right to beat their wives (N=1 of 11).

Theme: A Lack of Legal Protections for Woman

One way in which wife beating was framed during this time was as a social injustice (N=4 of 11). This injustice frame was keyed by making a comparison between the treatment of animals, which were protected by law, and women who were not so protected.

In all states of the Union, we believe, laws have been provided for the punishment of persons guilty of the cowardly offense of cruelly beating dumb animals... There is, however, another crime of the same class, but more brutal and more cowardly, more infamous, and more commonly committed, for which the laws of the States make no specific provisions and no adequate punishment. That crime is cruelty to wives by violent treatment (“Wife-Beating” 1882:4).

Implied in this quote is the idea that animals are valued more than women because more protections existed for animals than for women. In this way, then, the treatment of

women which already was seen as poor then appeared to be so extremely poor that it represented a social injustice. Put another way, this article represents animals as holding a higher place in the social order than women, which by definition does not make sense because animals were neither part of the social order or society, whereas women were. So, again, the result was that the treatment of women was seen as a social injustice.

Theme: Alcohol as the Culprit of Male Aggressive Behavior

Another theme which appeared in regard to wife beating concerned the relationship between the consumption of alcohol and violent male behavior (N=2 of 11). Throughout the 19th century, people were likely to believe that most cases of wife beating involved a drunken husband. This belief was taken into consideration when the next wife beating bill was proposed, this time by a Democratic Representative by the name of Michael C. Quinn. In his statement, Mr. Quinn stated that

they (wives) are beaten by their beastly husbands because they refuse to give up their earnings to them with which to procure drink; or their husbands come home drunk and quarrelsome, and not finding everything to their taste, they fall upon their wives, knock them down, kick them, or beat them with fist and bludgeon in the most brutal and cowardly manner (“Wife-Beating and High License” 1883:4).

Implied in this passage are several key points. First, this article implies that men choose to drink, meaning that the possibility of alcohol addiction is not considered. Another implication of this article is that drunken men do not need provocation to beat their wives, they only need be intoxicated. In other words, alcohol is being represented by this article as a factor in the production of abusive husbands’ “beastly” dispositions or personas. So, unlike earlier framings of abusive men, this article falls short of placing

wife beaters in a natural frame which considers their natural characteristics as being anti-social, sub-human, and beasts. Instead, this article places wife beaters in a social frame wherein their actions are considered and represented as being the result of poor choices and weak morals. In other words, this article is representing men as possibly becoming wife beaters versus being brutish monsters by nature. This point was made more evident in a later article concerning Mr. Quinn and yet another new bill he was proposing.

Theme: “High-License”

This new bill, proposed by Mr. Quinn, was called the “High-License” bill. The intent of this bill was to reduce wife beating by placing stricter controls on alcohol consumption. Instead of directing this new legislation toward men, however, this bill was directed toward saloonkeepers who sold alcoholic beverages. The focus of this new bill is best illustrated by the following statement made by Mr. Quinn. “It is safe to say that ninety-nine out of every hundred cases of wife beating are due to intoxication from liquor obtained in low doggeries” (“Wife-Beating and High License” 1883:4). The belief was that saloonkeeper who had \$500 to \$1000 invested in a high-license would not risk loosing their privilege to sell liquor by allowing customers (men) to become “beastly” drunk in their establishments. In this way, “Under the High-License system every saloonkeeper will be an active temperance agent so far as he can prevent drunkenness and avert scandal from his own place” (“Wife-Beating and High License” 1883:4).

Even though alcohol use was seen as an important factor in wife beating, the public was represented as still believing that men allowed themselves to become drunks. So, while saloons and the sale of alcoholic beverages were increasingly being watched,

men who beat their wives were still considered as acting like “evil brutish ruffians” (“Wife-Beating and High License” 1883:4).

Encoded in this language is a belief that alcohol did affect the personalities of husbands in such a way as to contribute to wife beating. However, men were not represented as being addicted to alcohol and were therefore not let off of the hook, so to speak. That is, men were still to blame for their abusive behavior toward women. While this discourse in itself did not key a different frame or way of understanding wife beaters, it did bring into question for American society whether alcohol should be a legal substance for public consumption. In this way, this article represents an amplification of the belief that drinking was bad for society because it was destructive to the institution of the family.

These issues of alcohol consumption and wife beating triggered more discussion of the whipping post. On one hand, American society was represented by the print media as outraged over the evils of wife beating but, on the other hand, society was also becoming increasingly sentimental and opposed to any sort of uncivilized behavior which included the use of physical punishments. Furthermore, people were represented as being frustrated over the issue of wife beating and the inability to cure it (N=2 of 11).

Theme: The Whipping Post as Uncivilized

An article printed by the *Washington Post* clearly illustrated this frustration over not being able to cure wife beating in the following statement. “Dickens had a heart that sympathized with all who are oppressed, and he hated a tyrant with all his nature. So do we all” (“The Wife-Beater” 1888:4). This sort of discourse represents an amplification of

the value placed on civilized sensibilities. In other words, what this discourse suggests is a belief that using the whipping post would effectively be replacing one evil (wife beating) with another (lashing a fellow man). Another idea that this discourse suggests is a new social frame in which a wife beater is no longer considered a sub-human beast but simply a man who has tyrannical behavior and while society hated a tyrant, it would be uncivilized to beat a fellow man. By framing wife beaters in this way, the whipping post was beginning to lose favor. This new theme is illustrated by the following statement.

Public sentiment would justify much severer treatment of wife beaters than they receive under existing laws. In fact, they would have little sympathy if they were tied up and flogged as severely as ever sailors were in the British navy. But we scarcely think society can afford to recall methods of punishment that advanced civilization has relegated to oblivion ("The Wife-Beater" 1888:4).

So, again, while wife beating outraged American society, wife beaters were no longer represented as sub-human beasts. This reframing of abusive husbands, then, left society to consider other options for protecting women and the institution of the family.

Period 3 (1893 to 1903)

During this third period, the media portrays a variety of often contrasting perspectives on wife beating. Not only did the perspectives themselves vary but the sources from which these perspectives came varied as well. These sources included government officials and the work of scientists. Of the two new voices, government officials were the most vocal, accounting for 9 of the 23 articles coded.

Government officials tended to focus on whether or not to institute a whipping post for wife beaters. Of the nine articles related to this issue, four described Governor

Roosevelt's support of the whipping post while two other articles represented government officials who argued against his plan. Meanwhile, two other government officials were represented as supporting a man's right to beat his wife and the ninth was concerned with ending divorces in North Dakota.

Theme: Political Support for the Whipping Post

The government official who received the most attention from the print media in regard to instituting the whipping post was Governor Roosevelt of New York (N=4 of 23). In fact, during this period Governor Roosevelt was represented as the leader of the initiative in favor of the lash. Though there were a number of people who, during this period, rebelled against use of the whipping post, their voice was devalued by the press because it was claimed that no citizen in good conscious could reject such legislation (N=3 of 23). As an article printed by the *Washington Post* described the issue:

Of course we shall hear the familiar old protests and remonstrations in the event of a movement in the direction suggested by Gov. Roosevelt. The criminal classes will come first and make the loudest noise. There is no more eloquent critic of 'barbarism' than the savage ruffian who habitually practices barbarism upon others. There is no more devoted champion of tenderness than the hoodlum whose own person is for the moment under consideration. Naturally wife-beaters and their fellow-monsters will lead the chorus ("Roosevelt on the Whipping Post" 1899:6).

What this article is suggesting is a division of society into law abiding and criminal classes (or Ruffians). Furthermore, this article's implication is that only those in the criminal class would oppose this proposed legislation. Put another way, the belief that law abiding citizens would support this bill is being amplified. Though supporting or opposing the whipping post is likely more complicated than this, it was a way of creating

an us versus them mentality; that is, legislators and supporters of the bill were represented as literally telling society that others were either with them or against them and, by implication, if these others were against them, they must be of weak moral fabric.

Another way in which the value of the whipping post was amplified was by representing prison as an ineffective means of deterring wife beating (N=3). This sentiment was evident by the representations given by way of the following comments. “Imprisonment is a mere training for the next bestial orgy...What they need is the lash” (“Roosevelt on the Whipping Post” 1899:6).

Another theme represented by the print media of this period originated from the comments of Mr. John Shortall, the President of the Humane Society (N=2 of 23). Specifically, Mr. Shortall stated that “the only effective discipline for such offenders as these (wife beaters) is corporal chastisement” (“The Whipping Post Will Not Do” 1902:12). The implication of this comment was that wife beaters were sub-human, a belief stemming from earlier framings of abusive men. Unfortunate for Mr. Shortall was that his comments led to a public backlash. The reason for this backlash was that Mr. Shortall held a view that was inconsistent with his role as the President of the Humane Society. This public perception of Mr. Shortall, as a hypocrite, was presented as being more important than the belief that wife beaters were sub-human monsters.

In an article published the day after Mr. Shortall’s comments, the following statement was printed by the *Chicago Tribune*:

It seems strange, if not paradoxical, that the Humane Society should be committed to the policy of dragging out the whipping post from the museums, where it has been an object of curiosity since it

left the torture chamber, and setting it up again as an agency of punishment (“The Whipping Post Will Not Do” 1902:12).

Mr. Shortall’s statement ushered in a new show of public sentiment opposed to instituting the whipping post (N=1 of 23). Much of the media at this time represented this event in such a way as to demonstrate how the Humane Society had been placed in contradiction to itself by Mr. Shortall. In this way, the Humane Society which was once seen as an organization that prevented cruelty was at this point seen, as an organization which called for barbaric punishment.

Theme: Divorce

The second theme to emerge from the data during this period was divorce. Reportedly, government officials were at this time attempting to put an end to, or at least, place severe limits on divorces (N=3 of 23). The most frequently reported case of this was the new plan proposed in North Dakota (N=2 of 23). This state which was represented as notorious for providing divorces for couples all over the country was now shutting down what had become known as its “divorce mill.”

One of the articles, representing North Dakota’s plan to put an end to divorces, addressed the many abuses to which its divorce practices fell victim. First, lawyers in North Dakota were making enormous sums of money just on their divorce cases. The problem was that these attorneys were advertising their divorce business to couples in other states. Saloonkeepers were also reportedly benefiting from the divorce business in North Dakota because it allowed them to divert the bad publicity already given to their establishments since unhappily married couples were able to divorce rather than

constantly fighting. Finally, since a number of the many unhappy couples had been coming from other states to get a divorce they did not attract attention to themselves from their communities or their churches that did not recognize divorce. “These divorces were nearly all of one class of people. They generally were people of wealth and leisure...They were from the two churches that do not recognize divorce at all” (“North Dakota...” 1899:33). What this media representation implied was that some groups in society were secularizing or at least not holding their churches beliefs too firmly. Most of these couples reportedly came from the upper-classes within society which explains how these couples who were seeking a divorce were able to afford the travel to another state and pay for the services of an attorney.

The discourse used by this article and the others which represented the topic of divorce, indicated that marriage was kept a private issue. Furthermore, by denying citizens the right to a divorce, unhappily married couples would have to work out their problems in the private sphere. This, in effect, maintained the separation between the public and private spheres. Additionally, what this shows was that the church still had a significant amount of influence over marriage.

Theme: Alcohol Use as a Disease

A third theme that emerged from the data for this period was the reframing of alcohol use by the scientific community. In 1895, doctors began to label alcohol use as a disease rather than a matter of agency. In so doing, wife beating was beginning to become de-criminalized insofar as those who committed this offense were being committed to hospitals rather than sent to prison (N=3 of 23). This point is best

represented by the following comments of H.S. Williams, a doctor and critic of the whipping post.

They are victims of the disease inebriety and can no more help drinking when the impulse is on them than a boat without anchor can help floating downstream. Once the alcohol is in their system, propensities are aroused which lead to criminal assaults and the like. During these paroxysms the offender is utterly irresponsible, often absolutely unconscious. To assume that the pillory, the whipping post, or, for that matter, the guillotine, the electric chair, or a potion of boiling oil would have any terrors for him is to disregard the simplest psychological conditions. There is no conceivable punishment that would be deterrent of crimes due to alcohol or passion ("Helpless Victims of Alcohol" 1895:14).

What this discourse, which was offered as expert testimony, does is key for a large number of individuals what once seemed to be a conscious, deliberate action (wife beating) as an affect of a medical disease in which the wife beater has no conscious control over his own behavior. Furthermore, since this violent behavior was viewed as an illness at this point, wife beaters were treated in a hospitals by doctors and as patients rather than by the courts, in the jails, and ultimately with the lash.

This debate between government officials and the scientific community represents an ideological tug-o-war wherein each is claiming jurisdiction over wife beating as an issue and treating it in their own separate ways. As viewed from the perspective of power, the government and the scientific community were each jockeying for a position from which to influence public policy with regard to wife beating.

Period 4 (1904 to 1914)

This period represented one of the two spikes in the number of articles printed on the topics surrounding the issue of domestic violence. The majority of the articles printed

during this period (N=14 of 28) addressed the increasing prevalence of wife beating. Of these articles nearly half (N=6 of 28) indicated that a great number of wife beating cases ended in the death of the husband, the wife, or both. Many of these articles attributed the increasing severity of these cases to alcohol use (N=5 of 28). What is to be discussed in further detail, however, are the themes surrounding the different approaches implemented to remedy wife beating. The most frequently mentioned policy during this time related to the efforts of President Roosevelt in his attempt to institute a whipping post within the District of Columbia. Another theme that was mentioned frequently was in regard to a report release by a neurologist by the name of Dr. William F. Waugh (N=2 of 28). Dr. Waugh's report stood in stark contrast to the perspectives represented by the President and most other experts at the time. The final theme to be discussed for this period of time is the Temperance Movement which reportedly had the support of most Americans during this period (N=2 of 28).

Theme: President Roosevelt's Support of the Whipping Post

President Roosevelt who did not believe that alcohol use was a disease but simply a past-time for the morally corrupt (N=1 of 28). Based on this belief, he launched a major campaign to bring wife beaters to justice.

In his last message to congress, President Roosevelt included a paragraph in which suggested the probable good result of the enactment of a law specifying some form of corporal punishment, instead of imprisonment, for those criminals who resort to brutality against the weak. 'Wife beaters' were held up as an illustration, with the portrayal of the hunger and suffering brought upon the wife and children who have been the victims of brutality, by the imprisonment of the breadwinner of the family ("Who is Wife-Beater" 1905:4).

By making this statement, President Roosevelt is expanding or making more general the ideology surrounding wife beating by identifying it as a contributing factor to poverty in America. In making this claim, President Roosevelt was implying that if wife beating was remedied, poverty in America would be reduced as well. Furthermore, in making these claims, President Roosevelt was attempting to enlarge his body of support for making wife beating a more severe crime punishable by the whipping post.

As mentioned before, this push to institutionalize a whipping post was followed by a counter-argument claiming that wife beaters should not be punished. This new perspective on wife beating was represented as expert knowledge and wielded by a Dr. William F. Waugh, Dean of Bennett Medical College, chief physician of Jefferson Park Hospital, and a well recognized neurologist. Dr. Waugh made his argument calling upon the myth of human evolution. Specifically, Dr. Waugh claimed that for a man to beat his mate was natural, instinctual and dating back to the cave man. He further describes the instinct of man using four maxims that were produced by his research.

- 1) When you find your mate, take her. She awaits you.
- 2) When you have her, live for her. She wants that.
- 3) When she arouses your jealousy, beat her. She needs it.
- 4) If she betrays you, kill her. She deserves it. ("Jealous Women Need Whipping" 1912:1)

In giving these maxims, Dr. Waugh was represented as continuing to build a frame of wife beating as a natural element of male/female relations. He reportedly accomplished this by further illustrating the nature of man and comparing it to our attempts to become more civilized.

There is a constantly thickening coat of varnish of civilization formed over the man and the woman, but underneath it they are identical with the cave man and the cave woman, unchanged at heart (“Jealous Women Need Whipping” 1912:1).

What this discourse is doing is investing a history, in this case the history of man’s evolution, with greater credibility and authority in such a way as to elevate this history to the status of myth and make it an instrument with which to reconstruct the older social form in which women were completely subordinated by men. By using this myth, what Dr. Waugh is doing is taking the issue of wife beating which had been understood through the social frame of criminal behavior and keying it in such a way that it is being viewed differently, this time through the natural frame of human instinct. Additionally, by keying wife beating as a natural instinct, what Dr. Waugh accomplishes is a new definition of wife beating as a natural phenomenon which does not fall under the purview of law.

Theme: The Temperance Movement

The other major theme that was cited throughout this period was the growing support for the Temperance Movement. It was accepted by this time that alcohol was associated with wife beating and, in fact, most believed that wife beating was caused by alcohol use. In this way, alcohol was increasingly being viewed as the most important social issue for American society (N=5 of 28).

In September of 1909, a parade was held by the Cheer Law and Order League (N=3 of 28). This parade was represented as symbolic of American sentiment against the

consumption of alcohol. This temperance parade, held in Chicago, was described by the *Chicago Tribune* in the following way.

In the first float, was a wife in a tattered dress, a little girl and a small boy, with their toes protruding through their shoes. A husband, also much the worse for apparel, was in the act of beating his wife with his fist, while the latter had a dented skillet which she used with effect upon the husband's head. The furniture generally was broken up ("Legions on March..." 1909:3).

This imagery was represented in order to convey the neglect that the children were experiencing in addition to the apparent abuse. Furthermore, this float represented the way in which husbands maintained control over their families. Finally, represented in back of this imagery was the theme of this parade which was the negative impact that alcohol consumption had made on American society.

The second of these two floats represented a very different kind of feeling from the one presented by the first float. This second float, which followed immediately behind the first, "showed the same characters arrayed in a neat, tidy home with the children playing happily about the feet of the fond parents conveying a 'God Bless Our Home,' atmosphere about it" ("Legions on March..." 1909:3). In short, this parade attempted to amplify the values of sobriety and being Christian.

Period 5 (1915 to 1925)

The period spanning the years 1915 to 1925 was again highlighted by themes of the pillory and a call for women to serve on juries. It is important to note that the number of articles found for this period was only 18, which were significantly fewer than the number of articles found in the previous two periods.

Theme: The Pillory for Wife Beaters

This issue of the pillory was discussed in reference to a proposal made by Police Judge Brady of Kansas City (N=4 of 18). These discussions on the pillory point out that neither reformatory practices such as imprisonment or use of the whipping post had made any real effect on the number of wife beatings that were taking place in the United States. As such, Judge Brady recommended that wife beaters should be chained to the pillory in a prominent place within the city for the purpose of shaming the brute in hopes that he might end his barbarous acts of violence.

Judge Brady supported the use of the pillory by pointing out that men not only rule their wives through aggression and fear, but they believe that what they are doing is right. Judge Brady states further that “if a man assaults another, he must expect an assault in return, but the contrary is true of a poor, weak, defenseless woman” (“A ‘Shame Spot’ ...” 1916:MT3). Judge Brady was also represented as making a comparison between the protection of animals and the lack of protection that we as a society afforded women.

Our cities and states have passed laws for the protection of dumb animals, in order that the frenzied teamster or the inhuman owner may not beat, overload, or starve his faithful horse. But no humane society has been formed to protect the creature who gives her life in order that she may bear, for the love of a man who strikes her, the nation’s future citizens. (“A ‘Shame Spot’ ...” 1916:MT3)

In his comments, Brady also countered the myth that men beat women as a result of being intoxicated. In so doing, Judge Brady was making claims which conceptually re-criminalize this behavior. In other words, if alcohol use is not a disease but instead a

matter of agency, men should be held accountable for any violence perpetrated toward their wives.

The excuse so often heard from their lips in Police Court that “I was drunk when I did it” is not the real reason for their conduct. They go out and get drunk to work up their courage so they can terrorize their families, and if they are treated leniently they will brag about their misdeeds to their dissolute companions. (“A ‘Shame Spot’...” 1916:MT3)

The discourse reportedly used by Judge Brady represents the association between alcohol use and wife beating very differently than the many other narratives which came before. Specifically, the difference is in the timing of when alcohol is consumed and when the decision is made to commit an assault against a woman. In previous representations of alcohol and wife beating, the decision to drink came before making an assault. In this case, Judge Brady is suggesting that men who feel the need to beat their wives drink alcohol to work up the bravery to make the attack. According to this belief, then, men who assault their wives are doing so consciously and by choice. Restated, this position in regard to male drunkenness served to counter earlier arguments which, to one degree or another, excused men for beating women because it was believed that an addiction to alcohol removed a man’s ability to control their own impulses.

Shaming by way of the pillory is represented by the media as a way of reforming wife beaters so as to prevent similar behavior in the future. Judge Brady’s idea was that “the public scorn to which they would be subjected is, the only way of making this class of criminals realize what brutes they are” (“A ‘Shame Spot’...” 1916:MT3). What is different about this approach is that the punishment is aimed at the behavior rather than the wife beater. In order to reform the offender, Judge Brady’s plan was for wife beaters

to be chained up in front of the public so that he could see what he is (a wife beater) and the meaning attached to that label by seeing himself through those who see him, the community. In this way, the pillory is represented as a way of focusing on rehabilitation rather than retribution.

In contrast to the pillory, the whipping post was used in private with only a physician and the administrator of the punishment. As such, it would appear that this punishment is performed for the sake of punishment, or, put another way; the whipping post was performed as a form of retribution for the pain that the wife beater had caused. Prisons and workhouses actually served two purposes, retribution and social protection. The print media of this time frequently acknowledged that neither prison nor the workhouses were producing any lasting cure for wife beating.

Theme: Women and Juries

The second theme represented by the media during this time regarded a woman's right to serve on juries (N=2 of 18). This call to action, as represented by the media, was championed by Dorothy Dix an advocate of women's suffrage. This was yet another step toward the recognition of women as free citizens deserving equal protection under the law.

The language used by this article calls upon the differences between men and women and their lack of understanding of one another. Specifically, the language given implied that only men understood the intentions of men and that the same was true for women.

Doubtless men understand men. Of a surety women understand women. They know the grips and the pass words and the high signs of their secret lodges, and it is impossibility for a woman to fool another woman. She may be an artful dodger that can pull the wool over the eyes of most clear-sighted men, but she is transparent as crystal to her sister women. (Dix 1920:112)

For the reason stated above, that men and women cannot understand each other because they are socially very different creatures, is used to justify the involvement of women in juries and in public life for the purpose of arriving at a more balanced perspective. In being socially different creatures, what Dorothy Dix is claiming is that women and men are each part of very different social taxonomies. Assuming that women and men are really this different, the only way to obtain a fair trial is by way of mixed juries. In this way, the value being amplified is the need for mixed juries. As such the roles described in this article are those of men and women jurors, what each bring to a trial, and why they should both be involved in domestic or sex cases.

It goes without saying that all cases involving romantic and sex relationships between men and women should be tried by a mixed jury. In that way only can we get at the proper amount that should be fixed as the balm for a wounded heart in a breach of promise case, for the six lady jurors could tell at a glance whether the fair plaintiff was the chaser or the chased, and they could also diagnose with an accuracy possible to no mere man the actual damage inflicted, on her more or less tender affections. (Dix 1920:112)

Additionally, by involving women in juries, women were placed in a position of public participation which helped to expand their rights as a citizen and gain more protections under the law.

Chapter Summary

The data consulted by this chapter was printed in newspapers immediately after *Fulgham v. State*, the Alabama court case in which Judge Charles Pelham stated that the

ancient right of chastisement would no longer be recognized. This became the first State in the Union to end, at least legally, this ancient practice.

This chapter introduces three foundational ideologies, Christianity, early Feminism, and science, each of which was frequently represented by the popular print media of the time. From these dominant ideologies emerge three competing discourses which attempted to frame the issue of wife beating in very specific ways.

Christian discourse of this era placed men and women into two contrasting social types. Women are described here as embodying purity of moral character. Men, on the other hand, were characterized as valiant and courageous. This language also defined for Christians the appropriate roles for men and women. Specifically, according to this perspective, a man's place was to participate in work and politics which are located in the public sphere, whereas a woman's place was in the home, tending to the needs of her children and her husband. As a result of these divergent roles women were considered subordinate to men.

Additionally, through this discourse, a taxonomic order was created labeling wife beaters as "brutes." When this occurred, the frame of wife beaters as simply men lacking in moral stock was keyed in such a way that they were then viewed as sub-human male beasts. By performing this change in the meaning of wife beaters, a large portion of society no longer saw the whipping post as a barbaric punishment but rather the only punishment such creatures could understand. The result of this reframing was that the whipping post was considered much more acceptable to American citizens.

As pointed out in the academic literature, Christianity served as the foundation of American culture. As time progressed, however, beliefs associated with Christian doctrine have become less influential in regard to cultural norms as the popularity of other ways of understanding the world, such as through science or Feminism, have increased. In other words, as the scientific community and the Women's Movement began to challenge beliefs rooted in Christianity, the influence of the Church waned.

Feminists of this time sought to highlight, for the general public, the injustice in the lack of protections afforded to women from abuse. Specifically, this was accomplished by comparing the protections provided for animals from abuse, which had been codified, to the lack of protections extended to women for the same sort of protections. Through this comparison, wife beating, which was first viewed as simply unfortunate, was keyed in such a way that the lack of protections for women was then seen as a social injustice. Additionally, in order to improve the status of women, the Women's Movement was also attempting to secure a woman's right to serve on a jury.

Also introduced during this time was the ideology provided by the growing scientific community. The foundational beliefs stemming from this perspective provided discourse creating two additional frames of wife beating. These frames included: 1) alcohol as the culprit in the production of wife beating behavior and; 2) wife beating as a natural behavior from the standpoint of human instinct which dates back to the early cave man.

Early on, the scientific community called upon a social discourse which framed alcohol consumption as associated with wife beating. Contained within this frame was

the belief that men chose to drink; but, that it was intoxication itself which caused violent behavior in men including wife beating. This frame is different from earlier framings of wife abuse in that it: 1) partially blamed alcohol for wife beating which, in effect, externalized a portion of the blame for this behavior, taking some of the blame away from men; and 2) did not place abusive men into a taxonomic order separate from other men. Put another way, what this frame did was make men responsible for the decision to drink and alcohol responsible for wife beating.

Based on this frame of alcohol as at least partially responsible for wife beating, Representative Michael Quinn proposed the “High License” bill which was aimed at saloonkeepers. The intent of this bill was to hold saloonkeepers responsible for how much alcohol men consumed in their establishments. In so doing, the blame for wife beating was being externalized even further. In this way, men were viewed as having even less blame for wife beating.

By 1895, the scientific community claimed that alcohol use was itself a disease. By using this much more powerful natural discourse, of alcohol as a disease, the behavior of wife beating which was at first seen as intentionally cruel behavior was keyed such that it was then seen as a disease that made null and void the man’s agency in determining his own behavior. In other words, the man was no longer seen as culpable for his own actions. The result of this was a medicalization of wife beating as a behavior. At the same time, this represented a de-criminalization of wife beating.

The second major explanation, given for wife beating by the scientific community, had nothing to do with alcohol. Instead, this explanation called upon the

myth of human evolution. This myth provided discourse which re-framed wife beating as a natural human instinct. In other words, this frame created the perception that it was natural for men to beat their wives and just as natural for women to seek out men who would beat them. By framing wife beating in this way, the belief was amplified that men should not be punished for beating their wives and in fact this behavior should not be a matter for political or legal debate.

All three of these foundational belief systems had an effect on public policy generated by the various levels of local, state, and federal government. Originally, however, the United States was founded upon the principles of Christianity. For this reason, these early framings of wife beating were most influenced by this ideology. This was evidenced by Roosevelt's support for the whipping post as a punishment (retribution) for wife beaters.

While the foundational principles of Christianity, science and the Women's Movement were attempting to influence government policy, so were other less represented segments of American society. For example, during this time the Temperance Movement pushed for prohibition which did eventually gain political support. All of these different perspectives had the rights of women and the protections afforded to women on the move.

CHAPTER VII

WOMEN'S RIGHT'S TO RAPE LAWS: 1926-1969

This chapter, beginning in the year 1926, represents a time when wife abuse was over shadowed by other women's rights issues such as equal opportunity in employment and women's right to an abortion. According to the academic literature on this issue, newspaper reports on wife-beating had nearly disappeared. In fact, newspapers and periodicals didn't begin to address wife-beating again until the late 1960's. In other words, between the years of 1920 and 1969 the entire United States had experienced a media blackout as far as domestic violence was concerned.

Although wife beating was specifically addressed during this period; the status of women was addressed. The status of women was an important factor in the acquisition of protections for women. As such, this chapter will discuss contributing factors in the production of the abuses levied upon women.

Period 6 (1926 to 1936)

No themes even related to wife beating surfaced until the early 1930's. However, toward the end of this period, three themes had emerged from the print media.

Specifically, these themes included the repeal of prohibition (N=3), the work of First Lady Mrs. Roosevelt and the Federal Emergency Relief Administration (FERA) in providing work relief to women (N=3), and a renewed focus on the proper physical appearance that women should provide their men (N=2). This last point, regarding the

appropriate aesthetics of women, clearly demonstrates that women were still largely being objectified by men.

Theme: Prohibition Repealed

One of the salient beliefs held by citizens at this time was the connection between alcohol and family violence. Despite this generally held belief, that alcohol was the evil which created family violence; prohibition was repealed in 1932. An article printed by the *Los Angeles Times* in 1934 represents the public sentiment at this time by way of a poem (N=3).

We have repealed prohibition, but we have not repealed the heartaches and the despair that legalized liquor has brought with its return... We have repealed prohibition, but we have not repealed the misery and the poverty that legalized liquor brought with its return. (Ruble 1934:A4)

This poem, in a most simplistic way, relates directly alcohol consumption to a variety of negative social outcomes such as “heartaches,” and feelings of “despair,” “misery,” and “poverty,” which reportedly had returned to American society with the repeal of prohibition. What this poem does not do is explain whether alcohol is viewed as a social temptation or a psychological addiction. Even though the nature of the relationship between alcohol use and society’s ills is not addressed, the belief being amplified nonetheless is that alcohol is the cause.

Theme: Work-Relief for Women

As mentioned before, the work being done by the First Lady Mrs. Roosevelt and the Federal Emergency Relief Administration (FERA) was a frequently represented theme during this time. What the First Lady’s work was intended to do was to provide

work relief to all women who were unemployed. This idea in itself has a number of implications for the expected role of women in the United States at this time. The following article illustrates the specifics of this plan.

Employable women eligible for work relief will receive the same consideration as men under the new work relief program; it was announced today at the White House. Mrs. Woodward (Head of the women's department at FERA) – It has been a little more difficult to put women to work because men still think of themselves rather than of women as supporting heads of families. But we know our relief roles include women who are heads of families just as men are, and these and single women also will receive equal consideration with family men and others eligible for and in need of work relief. (“Promises Women Equality...” 1935:2)

The foregone conclusion represented in this article was that women were as capable of supporting their families as were men and those women were doing so frequently. This specific belief, regarding a woman's ability to support her family, was the belief being amplified by this article. In following this logic; if women could support their family in the same ways as men, then, they too should be eligible for work relief in the event of unemployment. The implication made in the second part of this quote, as represented by the remarks of Mrs. Woodward, was that women were in even greater need of work relief than men because of the discrimination they encountered in the workplace. These comments by Mrs. Woodward represented a second belief which was being amplified by this article. Furthermore, women's right to work relief was another step toward the emancipation of women; the emancipation from abusive men, that is.

Theme: The Aesthetics of Women

Even though women were gaining more recognition as independent and able bodied workers by this time, there were still some who objectified women and expected them to maintain the socially constructed image of how women should look. This theme,

concerning a woman's beauty, was presented in two different articles during this period.

The best illustration of this sentiment, however, was provided in the comments spoken by an everyday citizen by the name of Chris. Following Chris was another speaker on this issue, a woman by the name Doris Blake.

Chris- Women can't all be beautiful, true, but they can be clean. They can reduce. They can get their hair done often enough to keep a neat appearance. They can dress so that a man isn't ashamed of them. And they can cultivate a decent tongue and a decent manner! Doris Blake – Chris is 100 percent right. Maybe not about the disorderly woman earning a beating and having her eyes put out, but absolutely right about being clean, reducing, having hair presentable, nails, clothes attractive, etc. There's no excuse under heaven today for any woman not being able to put on a neat, attractive home show of her own. She may be large, naturally, but like many, many large women know, she can be the very soul of neatness and niceness. She may be plump and she still can be the apple of a man's eye in personal tidiness and appeal...The personal appearance merely reflects an entire home scene of shiftless, careless management, at which man has every right to rebel. (Blake 1936:8)

This sentiment, demonstrates how women were still being objectified by men even though they were becoming much more self-reliant and independent. These sorts of sentiments served as the brakes which were readily applied to the women's movement. In other words, as long as a significant portion of society still objectified women and viewed them as sex objects, women could never be completely free from discrimination.

Additionally, as long as women were objectified by men, as sex-objects, women could not be seen by society as independent and free-agents. In this way, women remained under the abusive control of men. It could very well be argued that this same sort of obstacle still exists for women today.

Period 7 (1937 to 1947)

This period had the smallest sample of articles of any period considered by this study. Though only five articles were found for this period, several important changes

occurred with regard to the status of women. Specifically, this period ushered in a significant expansion of the rights of women which included much greater access to participation in politics, work and other areas of public life. None of these changes took place, however, until the very end of this period around the mid 1940's, when men were off at war. These changes to the role and status of women were made by necessity. When the majority of men left the United States to enter World War II, a large number of jobs became vacant which had to be filled. To fill these jobs, especially jobs geared for producing the materials of war, women left home for work in factories. As a result of women's new found role in the workplace, women achieved a much more equal representation in politics as well. In effect, this period represented women's emancipation from men who had, in the past, subordinated them and as a consequence their lives were changed in many novel and significant ways.

Theme: Women's Employment and Participation in Politics

The theme represented most frequently during this period was in regard to women's employment (N=2). As mentioned before, men had left for the war leaving a large portion of the nation's jobs vacant. When this occurred women were called to work. As a result of the increased employment of women, shelters which once held large numbers of unwed or deserted women began to empty. The following illustration of this point comes from an article printed by the *New York Times* (1943).

A huge green van shuttled yesterday from the Woman's Shelter, maintained by the city, at 630 East Sixth Street, to the Municipal Lodging House at 438 East Twenty-Fifth Street, with which it has merged. Inside the shelter, in bare, dismantled but clean rooms, the twenty-five current occupants sat waiting patiently to be transferred to their new quarters... More jobs for more persons under wartime conditions sent enrollment at the shelter down to the point where it has

been closed, as no longer needed. Registration last month fell to a new low of nineteen women and one child, from a peak of 125 in the last half of 1939. Mrs. Harriet Smith, case supervisor, cheerily prophesied that it will go still lower as the women needing care are absorbed into industry. (Increase in Wartime Jobs...1943:18)

This article indicated that due to “wartime” conditions women were going to work in numbers which had never been seen before. As a result, shelters which once housed destitute women and children quickly emptied as women entered the workforce and men went off to war. In this way, economic necessity created this change in women’s rights and employment. Furthermore, women’s increased participation in the workforce solidified women’s role in the public sphere. As a result of these change in women’s rights, women’s place in society was redefined as well. This redefinition of the role of women was further demonstrated by their increased participation in politics. This new political involvement by women is illustrated in the following comments printed by the *New York Times*.

In effect, it provides that each State delegation shall nominate one man and one woman as its representatives on the Rules Committee, and that where there is no woman member in the delegation, that State, territory or territorial possession shall be entitled to only one member on the committee... Since a precedent was set four years ago by the inclusion of one woman for every man on the Democratic Resolutions Committee, adoption of the same policy among Republican women is a foregone conclusion... Feminine representation on the group which frames party policy for the ensuing four years is not new, they emphasize, Mrs. Martha R. De Romeu of Puerto Rico having been elected to membership at the Chicago parley in 1932, and Miss Mildred Reeves of Washington at the Philadelphia convention in 1936. (“Republicans Move to...” 1944:24)

This change in women’s rights, allowing them to serve in government roles, both elevated the status of women in the United States provided them for more representation in government which would later affect women’s rights in all other facets of public life. Included in this newly found elevated status of women was an ability to effect change in

government policy, a power they had never had before. Over time this new power would strengthen the women's movement and make women all over the country less dependent on men, especially abusive ones.

The formal rule that "one man and one woman" would represent each State delegation implies that women are to be represented equally in government. In this way, if women are being recognized as equal to men in government, it then follows that women were to be viewed as equals in industry, education, and all other aspects of public life as well. These other changes did not occur immediately; however, this decision does represent a move toward those other changes.

Theme: A Challenge to Women's Newly Found Independence

While men were overseas at war, a great number of jobs were left vacant. In order to keep factories in operation, especially those factories which produced materials for the war, women were called upon to fill what were traditionally men's jobs. When women filled these gaps left behind by the men at war, women became more socially accepted in the public sphere. As part of their newly found acceptance in the public sphere, women were able to participate in a variety of activities outside of the home. This created for women a sense of independence which they had never had before.

When men returned home from the war, what they expected to find were women who were willing to come home from the factories in order to serve their husbands in the same capacity as they did prior to the war. What men found instead were women who had become, at least partially, integrated into greater society. Women were resistant to giving up their freedom and men became frustrated because their women were not home

to serve them. Reportedly, the result was an increase in the occurrence of wife-beating. The medical community quickly labeled men's frustration with the independent woman and the increase in wife beating as emotional distress that resulted from the war. In medicalizing this issue men were, at least partially, excused for their behavior. In this way, wife beating was not viewed as a crime, it was an emotional disorder.

Dr. Addison M. Duval, clinical director, St. Elizabeths Hospital: "A wife who is tolerant and understanding and attempts to adjust herself to her husband's emotional needs will act as a stabilizer both intellectually and emotionally and may prove to be the only personal assistant needed by the uneasy veteran." For the severely emotionally upset veteran he recommended consultation with a psychiatrist. Dr. Andrew Brown Evans: "Women who don't want to go back to being housewives are bringing a lot of friction into the home," he said. "These women may bear resentment toward their husbands that they aren't really aware of. They've been self-supporting, free, without shackles, and when their husbands return they have to take a secondary position." The GI, on the other hand, has been dreaming in his fox hole about a far different home life. He's thought of the wife as with open arms to accede to his wishes. Then the couple gets together – and socko! ("Be Tolerant..." 1945:1)

This article calls for women to be tolerant of their husbands since their sense of American society did not match what men found when they returned home from war. Women had been enjoying their freedom to work and participate in activities outside of the home. Women had also learned during World War II to become independent since they had to fend for themselves and their children. This newly found sense of independence was soon threatened, however, as men returning home from war expected to return home. The independence of women clashed with what men expected women to be. In this way, the identities of women had fundamentally changed. Women saw themselves as capable workers having rights to an existence outside of the home. Men, however, became frustrated because they saw themselves as the sole breadwinner and expected women to attend their every need and take care of the home. This dynamic

caused women to rebel against the husbands and the husbands to become violent with their wives.

The doctors quoted in the above article, however, indicate the violent behavior of men resulted from severe emotional stress from war. In this way, the violent behavior of men was being medicalized in such a way as to suggest that men had no agency in beating their wives. In effect, for a time, wife beating was de-criminalized. As a result, men were referred to psychiatrists for their behavior rather than prisons.

Period 8 (1948 to 1958)

Within this period, two main themes emerged. The first of these themes concerns the increasing medicalization of wife beating (N=5), a theme which had taken a variety of different forms in years past. The second of these two themes regarded American society's move away from physical forms of punishment. This theme had been developing earlier on as well; however, it wasn't until this time that society had become united behind this idea.

Theme: Equal Participation in Violence

This first theme regarding the medicalization of wife beating was presented differently than it had in times past. This time it was not the discourse surrounding the nature of man or the influence of alcohol which called upon this medical frame of wife beating but, instead, this idea was based on social causes. In other words, this new view of wife beating was that it was a result of the anti-social tendencies of some couples. The other change made here is that rather than wife beating resulting solely from the nature or

addictions of men; this article takes the perspective that both husbands and wives were parties to this pattern of behavior.

In a statement given to the *Washington Post* by an anonymous psychologist made the following statement:

Women want to be beaten because they feel frustrated and bored with matrimony. Such a woman, he said, would be called a masochist, or one who derives pleasure from physical punishment. He noted that wife-beating always increases during strikes when the men are idle and do not have their work to occupy their minds. ("Why Husbands Beat..." 1950:B2)

In other words this article, is amplifying the belief that there is some unconscious mechanism in the woman's mind that tells her that being beaten will make matrimony more pleasurable. This article also keys a different frame of what wife-beating means for the woman involved. In other words, this idea of masochism on the part of the woman takes the behavior of wife beating, which is considered to be cruel and bestial behavior by American society, and applies this medical explanation to it, such that wife beating is at this point seen as pleasurable to the woman.

If viewed in this way, wife beating would appear to be normal husband/wife relations which did not require legal intervention. Put another way, framing wife beating in this way removes at least some of the responsibility from husbands who beat their wives. More generally, this is another example wherein an attempt is being made by the medical community to de-criminalize wife beating and place this issue under its own realm of control. In so doing, according to this logic, wife beaters and their victims should be seen as mentally ill not criminal in their actions.

Theme: A Proposal to Eradicate Physical Punishments

The second theme which became prevalent during this period concerns the ways in which society wanted to deal with its criminals. Specifically, American society at this time was represented by the print media as striving to eradicate physical forms of punishment for its deviants. Reportedly, American sentiment had become sensitive to the realities of inflicting physical pain on offenders and instead concerned with ways to rehabilitate them. American society was also represented by these articles as furious at those men who beat their wives but they simply couldn't stomach the idea of whipping them at the post. These sentiments were evident in the following article printed by the *Washington Post* in 1953:

The last time the flogging law came up was a year ago. A Fredrick magistrate ordered 10 lashes for a defendant but Governor McKeldin put the sentence aside. He termed the law "barbarous and inhuman." And he said that he thought the State should set a somewhat higher standard of civilized conduct than the convicted defendant. (Farquhar 1953:B2)

This article calls upon the old tradition of the whipping post as a form of punishment for wife beating. In so doing, it identifies this old punishment as "barbarous and inhuman" and advances a new interpretation of the whipping post in order to change the nature of the sentiments surrounding this punishment and the society that these sentiments should evoke. In this way, the value of civilized society is being amplified. In other words, the language used to describe the whipping post, "barbarous and inhuman," is being used to key a new meaning of this punishment for American citizens. A punishment which once seemed "just in kind" is now being seen as "barbarous and inhumane" and furthermore, in need of abolition.

Period 9 (1959 to 1969)

The print media of this period reported on two main themes in regard to wife beating. The most frequently reported theme during this time was the danger posed to police when responding to family disturbance calls (N=4). As with prior decades, the medical community was still attempting to medicalize wife beating (N=2). Additionally, there was a counter-argument aimed at psychological explanations for wife beating which was made by a Mrs. Vivian Fell, an extremely vocal advocate for the protection of women from physical abuse (N=2).

Theme: The Police Perspective on Family Violence

News articles in the late 1960's frequently represented family disturbance calls as the most dangerous part of a police officer's job. This threat was represented quite specifically in the following article:

“At least 25% of all our radio car responses involve family disputes”, said Captain Eugene Linton, commanding Van Nuys Division. “And believe me, they're about the toughest, messiest, assignments a policeman can get. The violence can flare up just as quickly in a luxurious hillside mansion as in a middle class apartment or a tar paper hovel, and sometimes it goes too far before police are called, as in the case of the woman who police said, shot her husband to death because he was sitting on her purse and wouldn't get up so she could have a cigarette. We told recruits that a family violence 415 (415 is code for disturbance) is the most dangerous call to answer. You never know but what the man is going to meet you with a shotgun or a cleaver, or the woman is going to get you with all her fingernails. Policemen believe drinking is involved in almost 100% of the cases, either on the part of the husband or wife or both.” (Grant 1967:SF-C1)

These comments given by Capt. Eugene Linton address a number of different issues. First, he claims that family disturbance calls (family fights) are the “toughest, messiest, assignments a policeman can get. He also said that these calls could come from anyone and from any walk of life. In other words, class had no bearing on the occurrence

of or severity of wife beating according to the Captain's comments. He also indicated that these fights were potentially dangerous to the officer who responded to the disturbance because by the time the officer arrived the situation was extremely emotionally heated. The last thing the Captain comments on is the number of cases in which alcohol is involved, reportedly nearly 100%.

What these comments, in total, seem to be directed at doing is to excuse the police department from any shortcomings they might have in responding to these calls. Furthermore, in making these claims, he is attempting to introduce a frame in which family disturbance calls are private matters which are unnecessarily dangerous to police officers. By introducing this frame, what Captain Eugene Linton is suggesting is that wife beating should be handled between the husband and the wife as a private issue rather than as a crime which the police force must attend to when called.

Theme: Beating Therapeutic to Wives so Says Doctors

The second of these themes represented by the print media during this period concerned yet another medical explanation for wife beating. This explanation presented wife beating as therapeutic to the woman's psychological and emotional stability as well as a way to save marriages (N=3). These conclusions were based on a study performed by Dr. John E. Snell of Emory University and Drs. Richard J. Rosenwald and Ames Robey, both from Framingham, Massachusetts. The following statements were represented in the *Washington Post* and come directly from the report provided by these doctors.

"It is alright to beat your wife – in some cases. It may even help save your marriage... The aggressive act satisfies deep, unconscious needs of both man and wife. The husband who wields the belt or stick usually is a good provider, faithful to his wife, and not desirous of a divorce," the

doctors said in a paper published in the Archives of General Psychiatry. Wife beating, the doctors said, “may serve to fill a wife’s needs even though she protests it. The husbands and wives studied showed they fitted into a family structure... characterized by the husband’s passivity, indecisiveness and sexual inadequacy. The wives were aggressive, masculine, masochistic and frigid. A domineering wife, the doctors believe, has a sense of guilt that is relieved by occasional beatings” (“Marriage Going to Pot?” 1964:A5).

This article represents another medical explanation for why wife beating takes place. In this explanation, the cause is reportedly an unconscious need that the women have which can only be fulfilled through being beaten. In this case, doctors use a social discourse which calls upon a role-taking and role-making mechanism through which guilt felt by women can be relieved. This article implies that guilt emerges from the interactions of men and women and is caused by women who display aggressive tendencies and by men who assume a role which is passive, indecisive and latent with feeling of sexual inadequacy. In effect the perceived roles for each spouse, in the traditional sense, have been reversed. Later, the woman feels guilty for what she perceives to have been hyper-masculine behavior and somehow a fight ensues to return each party to what they believe to be their rightful role in the relationship.

The important thing to consider is that by using language such as this “satisfies deep, unconscious needs of both the man and the wife,” the behavior which was originally viewed as wife beating is keyed such that what now appears to be going on is a functional part of a marriage. By implication, if this behavior is functional, it is also normative and thereby not deviant much less criminal. These ideas are additionally supported by the next two lines in the quote. “The husband who wields the belt or stick usually is a good provider, faithful to his wife, and not desirous of a divorce, the doctors said in a paper published in the archives of general psychiatry” (“Marriage Going to

Pot?” 1964:A5). This first line associates a man who beats his wife with a belt or stick as a good provider. Once again this casts wife beating as a normative behavior. The second line, “faithful to his wife and not desirous of a divorce,” again, attempts to make this behavior seem normal and accepted.

In other words, by changing details in the narration of this story, the intent was to change the sentiments associated with this behavior in hopes that society would change in such a way as to allow this behavior to keep going unchecked. The value being amplified by this explanation is protecting the institution of the family. In so doing, protecting woman from physical harm is being deemed less important.

Theme: A Counter-Argument to the Psychological Explanation of Wife Beating

Comments given by Mrs. Vivian Fell, an advocate for the protection of women, provided a counter-argument to the psychological explanation for the causes of wife beating as given by Drs. Snell, Rosenwald, and Robey during this period as well. The specifics of this counter-argument are best represented by the following statements which were printed in *Los Angeles Times*.

Those sick psychiatrists who advocate wife-beating because the aggressive act satisfies deep, unconscious needs, and “a sense of guilt is relieved by occasional beatings” – reduce human dignity to the lowest bestial level, rather than setting higher personality goals. Body blows can cause life long crippling and mental handicaps that make a person function less adequately and feel more guilty than before (Snell, Rosenwald, and Robey 1964:81, 84)

What this counter-argument does is to contest the authority of the doctors giving this interpretation of the causes of wife beating in such a way as to reduce their story to the status of speculation and remove any ability this story might have in reconstructing the

old social form in which it was appropriate for men to beat their wives. Beyond, discrediting the findings of these psychiatrists, Mrs. Vivian Fell attempts to amplify a belief that wife beating is dangerous and potentially life threatening. This is evident in her last remarks which describe the inevitable body blows as crippling, mentally handicapping, and not serving the original purpose in satisfying guilt.

Chapter Summary

The era covered by this chapter, 1926 to 1969, was relatively uneventful in regard to wife beating. The two frames that were produced in regard to wife beating came from the scientific community. These included: 1) women's equal participation in violence as a result of matrimonial boredom; and 2) a woman's need to be beaten in order to satisfy certain unconscious emotional needs and fulfill masochistic tendencies. Though this list of wife beating related frames is short, several other themes surfaced during this time which related to wife beating.

The most frequently represented of these themes was the repeal of prohibition. Though alcohol was again legal, a large segment of society still believed that alcohol brought with it suffering, poverty, and wife beating. This theme was, in fact, one of the most prevalent themes throughout the entire study.

Another commonly represented theme in the print media was the work of Mrs. Roosevelt and the Federal Emergency Relief Administration. By challenging the perception that many Americans had regarding the rightful place for women in society and amplifying the value of women at work in the public sphere, a resolution was passed which gave women an equal claim to work relief. Women were, however, still largely

objectified by men whose intent it was to stop, or at least slow down the progress women were making toward achieving equal rights. In other words, men still viewed women as sex-objects rather than family breadwinners. With this frame of women still in place for many Americans, women were discriminated against in the workplace on a frequent basis.

The middle portion of this era was influenced most by the coming of World War II. The years 1941 through 1945 ushered in a number of improvements to women's lives in the United States, at least in regard to their civil rights. For example, when men went off to war, women were called away from the home to work in factories. Women's participation in the workforce, at this point, had less to do with a change in the status of women and more to do with pure necessity. As a result, when women went off to work, shelters for the destitute emptied and women who had once been restricted to the home now filled positions once occupied only by men. Additionally, by calling upon the Christian belief that women were of superior moral character, women were given equal representation in the Senate. These changes began to fundamentally change the definition of what it meant to be a woman in the United States.

When men returned from the war, what they found was a complete transformation of women in this country but a transformation that they were not prepared to accept. Men expected their wives to return home to domestic duties but when they failed to do so wife beating increased throughout the country. It was at this point that the scientific community produced even more psychological explanations for the occurrence of this form of violence. Dr. Duval, for example, was represented as making a claim that the

increase in wife beating was a result of frustrations on both the part of the wife and the husband. In this way, a new line of theories were born which framed wife beating as mutual violence. In addition to Dr. Duval's theory of mutual violence, was another theory given by an anonymous psychologist, mentioned at the beginning of this summary, which amplified the belief that women needed to be beaten to satisfy unconscious needs and to fulfill masochistic tendencies. This theory was, however, soon followed by a counter-argument which attempted to condemn wife beating by attacking the credibility of this anonymous psychologist.

The final theme which emerged in this chapter was a commentary on American society's move away from physical forms of punishment. In other words, the value being amplified was that of civilized society. In this way, physical punishment which had been used as a form of retribution for the damages done to society was now being eradicated and replaced by a new focus on rehabilitation. A possible implication of this new emphasis is a greater value on the foundational principles of science than on those principles provided by Christianity. This pattern would continue into the 1970's.

CHAPTER VIII
THE DAWN OF A NEW ERA FOR THE PROTECTION
OF BATTERED WOMEN

Period 10 (1970 to 1978)

The 1970's represented a time filled with advances for women's rights including protections from abuse as citizens under the law. As such, this chapter covers these changes made to the law, primarily those concerning wife-abuse, as well as the ways in which newspapers and periodicals have represented the plight of women during this period.

Four main themes emerged from the sample data located for this period. The theme represented most frequently was women's silence regarding their abuse, a phenomena which soon became termed by medical science as "battered women's syndrome" (N=7 of 55).

After "battered women's syndrome," the most frequently represented theme was the discrimination of women by legal institutions which included Family Courts (N=5 of 55) and Police Departments (N=4 of 55). As a result of discrimination against women, by these institutions, four more themes emerged. These themes included; 1) the class action lawsuit, filed by women attorneys, against police departments across the country because they failed to make arrests in cases of domestic violence (N=4 of 55) and 2) an increase in the number of women's shelters (N=4 of 55). The result of these changes to public

policy and the increasing public awareness of the seriousness of domestic violence soon led to a new federal law which became known as the Domestic Violence Act of 1978.

Theme: “Battered Women’s Syndrome”

Again, the most common theme represented by the print media in the 1970’s was that of women’s silence concerning the abuses they were suffering. The term used by the medical community to describe women’s reluctance to report the abuses inflicted upon them, “battered women’s syndrome,” was used extensively by Dr. David A. Lanham, Chief of the D.C. Forensics Psychiatric Office. In explaining this condition, Dr. Lanham gave the following assessment:

Shame is the big thing. Women are ashamed to admit that it happened to them. They’re ashamed to admit their husbands did it to them. (In addition to the shame that women felt was the fear that reporting an assault brought with it.) If you take out an assault and battery warrant against your husband, he may lose his job. If you go the divorce route, your standard of living drops. A lot of women, especially if they’ve been housewives all their lives, don’t like to face that. They ask themselves: What can I do? Where do I go? What do I do for money? (Peterson 1970:A1)

These comments imply that women do not report their abuse because of fear. Reportedly, this fear results from the potential for economic loss which would be incurred in the event that charges filed, by her, led to a loss of his job. By emphasizing the possibility of an economic loss to woman, this doctor is also claiming that women were incapable of taking care of themselves financially. In this way, the old frame of women’s dependence on men was called upon. These statements also introduce a belief that abused women blame themselves for their abuse at the hands of their husbands. Taken together, this doctor is amplifying the beliefs that: 1) women blame themselves for abuse; 2) women blame themselves for their failed marriages; and 3) women are

incapable supporting themselves financially. These conditions under which abused women must live are then placed into a medical discourse by an “expert” who then identifies their emotional anguish as a psychological disorder and labels it “Battered Women’s Syndrome.” In socially creating this medical disorder suffered by women, several additional implications are made.

By positioning this behavior in the discourse of a psychological ailment, this doctor is establishing a specific way in which abused women are discussed, not only by the medical community but also society at large. In so doing, abused women who at first were seen as victims of a horrible crime have been keyed into another frame in which these women are seen as mentally ill. By labeling these women mentally ill, the focus has been taken off of the offending husband who caused their wife’s emotional distress to begin with.

Having popularized the usage of the mental condition known as “battered women’s syndrome,” the treatment of these women, at this point, was left to the medical community. When this occurred, legal institutions provided very little help for abused women. Additionally, instead of holding husbands responsible for their violent acts they were left free of legal entanglements because their wives were simply viewed as mentally ill.

Theme: The Discrimination of Women by the Family Courts

The second most commonly represented theme during this time period concerned the discrimination against women by the courts. This discrimination against women, however, was not overt. Instead, the courts were represented as having limited resources

to address the problem of domestic violence. This point is clearly illustrated in the following statements represented in *The New Republic*.

Since there are between 30 and 35 cases on each judge's calendar per day that leaves about 10 minutes per case. Ten minutes to decide the standard of living of a family, or determine who should have custody of a child. For this reason and because of the depressing atmosphere of this court – and also because there is little to be gained in fees from this kind of work – most attorneys are reluctant to take such cases, and women face the ordeal alone. The Senate Judiciary Report in 1968 listed three principal areas responsible for the court's ineffectiveness: a) lack of facilities for placement; b) lack of qualified auxiliary personnel and c) lack of coordination between those implementing services that are available and the judiciary. The main reason for the poor quality of the probationary and other counseling services is insufficient budgetary appropriations. (Tomasson 1975:15-18)

What this report represents is a de-emphasis of the issue of domestic violence by the federal government. It also suggests a lack of concern, on the part of attorneys, for helping women who are abused. This is evident in the following statement: "...because there is little to be gained in fees from this kind of work - most attorneys are reluctant to take such cases..." (Tomasson 1975:16). Given the way in which the courts were failing to address domestic violence, what's implied is that this social issue was best left as a private problem, reinforcing the separation between the private and public spheres.

The evidence that this public/private ideology still existed at this time is apparent by the differences in how courts treated men and women. A clear example of this difference was represented in the double standards used to determine the custody of children in the even of a divorce.

A double standard of morality also prevails in that during the two-year separation period preceding a N.Y. State divorce, if a wife has sex relations once with a man other than her husband, she can be declared an unfit mother and her children taken from her. The only way a father can be declared unfit is if it can be proved he has sexually molested the children. Beatings, drunkenness, drug addiction, adultery are not enough grounds. The answer, these groups agree, is not to appoint a few more women judges to the bench. Society has got to stop seeing women as carefree, one-

dimensional sex-objects, and then becoming hostile when they exhibit problems and needs. The Family Court must stop sweeping women and children under the rug. (Pascoe 1976:51)

By applying a double standard to the behavior of men and women what is implied is a culturally based expectation or understanding of what it means to be a man or a woman. For example, if men are allowed to beat their wives and children, get intoxicated, use drugs and sleep with other women who they are not married to without sanction by the courts, what is created is a social taxonomy of men as free-agents who should not be penalized for their actions. In other words, it is implied that men are expected to act in these ways. As a result of this view, men are not seen by the court as a danger to their children therefore they are still eligible to receive custody of their children.

Women, on the other hand, were under a microscope during this period. As pointed out in the statements above, if women so much as had “sex relations once with a man other than her husband, she can be declared an unfit mother” (Pascoe 1976:51). While this statement does not explicitly call upon the traditional perspective of women’s purity, it is implied. Following this logic, if a woman is impure, she is immoral and therefore should not have custody of her children.

The language of the articles during this period of time implicitly suggests that men are preferred over women in child custody battles. The beliefs which are being amplified to legitimate this approach are 1) that men are better providers for children than are women and 2) a woman who has been abused is mentally ill (Battered Women’s Syndrome) and is therefore not capable of raising her children.

Theme: The Discrimination of Women by the Police

A second form of discrimination aimed at women by legal institutions, as represented by the print media of this period, came from the police. This form of discrimination is clearly illustrated in the following article written by Carol Eron in 1977.

Custom contributes to the problem too, since men have, from ancient times, felt sanctioned by God to dominate women. The custom is slow to die, however, and abused wives, like rape victims, are confronted with enormous prejudice by the legal establishment. The snare of catch 22's: One beating is usually not enough to get a husband arrested; and police in some areas follow a 'strict rule,' stipulating that a certain number of stitches must be required to close a victim's wound before they will make an arrest. In other instances, police refuse to intervene when a victim has previously begun divorce proceedings, because they feel the case is a civil matter: while often prosecutors won't prosecute unless a woman has started divorce proceedings, reasoning that she couldn't be serious about her complaint otherwise. (Eron 1977:B1)

The statement cited above calls upon the discourses of Christianity and tradition to provide an explanation for the poor treatment of women. The first of these, Christianity, provided one of the most frequently used discourses to talk about the appropriate roles of men and women. Furthermore, holding on to Christian doctrine became the tradition in the United States after it was imported with the first settlers. What seems apparent, however, is that the author of the above article did not intend to take a particular position on the abuses of women so much as they were set on explaining the causes of this phenomenon. The plight of women is made clear by this author by describing women as being in a "snare of catch 22's."

Another implication of the statements represented in this article is that domestic violence was still being kept, in large measure, behind closed doors. In other words, wife abuse was being kept contained within the private sphere where it was to remain separate from the rest of the world (the public sphere). This point was made in the statement about

the 'strict rule' which was "stipulating that a certain number of stitches must be required to close a victim's wound before they (the police) will make an arrest" (Eron 1977:B1). This is simply another way of saying that unless someone is severely injured; keep your domestic quarrels behind closed doors. Put another way, domestic quarrels are private affairs unless they become publicly visible.

Theme: An Increase in Women's Shelters

The next theme frequently represented by the print media of this time was the increase in women's shelters. These shelters were generally represented as the most important resource for battered women. The idea of these shelters, of course, was to provide women a secure location away from their abusive spouse where they could heal their physical, emotional and psychological wounds. The characteristics of these shelters are illustrated in the statements to follow:

Shelter is vital for battered wives, because in virtually every instance the woman must get out of the house in order to stop the assaults. In most cases the husbands do not want a separation; they want their wives to come home. As a result, shelters do not make their addresses public, for fear of becoming the targets of violence themselves. (Pascoe 1976:51)

Another article, printed in 1977, illustrates just how serious of a security threat these abusive husbands can be.

To escape from an angry spouse, a battered woman must hide from him, because he searches for her. If the husband finds her, she is subject to further abuse, maiming and possible death. Family Court Judge Vincent Gurhian was quoted as saying, "a shelter is an excellent idea that might give a lot of relief to people who are afraid to come into Family Court. A shelter would also enable a woman to recover from physical and psychological wounds. She would gradually begin to consider alternatives and make choices. Interaction with women in similar circumstances would serve to convince her that unhappiness is a temporary condition. Group discussions in a safe, supportive atmosphere would help restore her self-esteem. The need for a community haven is

urgent, not only for victims of physical abuse and rape, but also for children who view violence with helpless dread.” (Dinga 1977:WC24)

The two articles cited above introduce a different perspective on battered wives. Specifically, these articles use the discourse of women as victims rather than women as mentally ill as did the article titled “Battered Wives and Catch 22.” In this way, where battered women were once seen by many as mentally ill they were now seen as victims. In other words, by focusing on the victimization of women, a new meaning of battered women was keyed in such a way that they are now seen as victims of a violent crime. This re-framing of battered women represents a fundamental change in the way wife beating was viewed by American society because it re-defines abused women as victims and abusive men are criminals.

Following this much more contemporary view of wife beating (or domestic violence), American society is compelled to address the victimization and perpetration aspects of domestic violence as two separate issues. For the victims this means more public assistance in the form of shelters, medical care, counseling, and financial assistance. For the perpetrators this means arrests and the imposition of punishments for wife beating.

Theme: A Class Action Suit against Police Departments for Failure to Make Arrests

This new perspective of men as the perpetrators of wife abuse led to another theme which was frequently represented by the print media during this period. In a nationwide movement to hold police departments accountable for responding to family

disturbance calls a class action lawsuit was filed against a number of departments across the country.

A massive class action suit filed last December in Manhattan Supreme Court by a coalition of New York-based legal organizations charges that an equally indifferent attitude is shared by New York police and by the Family Court System. The complaint on behalf of 12 battered wives claims that police “deny the existence, prevalence, and seriousness of violence against married women or treat it as a private privilege of marital discipline.” The New York complaint details how each of the battered women was repeatedly denied assistance. The 12 women are suing on behalf of themselves and all other battered wives, “because the violence against them is not a result of isolated acts but rather reflects a societal pattern of male violence.” (Rockwood 1977:19)

Based on the results of this class action suit police departments across the country quickly changed their policies in regard to the ways in which they responded to domestic violence calls. These new policies are made evident in the following article printed in 1978.

Under the new agreement, the police department must send one or more police officers to respond to every request by a woman who charges that her husband has assaulted or threatened her. If there is reason to believe that a crime has been committed, the police must arrest the suspect unless there is justification not to do so. Such justification cannot be based on the fact that the woman is married to the suspect that the police officers think the couple should reconcile or that the woman has not sought or obtained an order of protection, which is a Family Court order used against husbands to refrain them from future acts of aggression. (“Police Will Arrest...” 1978:A1)

What these new policies did was to make any attack or threat of attack by a husband against his wife punishable as though it were a common assault between two strangers. For this first time, women were protected under the law the same as any other citizen, at least according to legal code. These new local laws eventually led to a new federal law which protected women from the physical attack. This law called the Domestic Violence Act was established in 1978 to provide public awareness programs, more shelters, and better public services to victims of domestic violence.

Chapter Summary

This final chapter of the study, covering 1970 to 1978, was dominated by themes of the scientific community pushing legislators to provide more in the way of shelters and resources for what they termed “battered women’s syndrome.” This medical term was applied to a group of characteristics held in common by many women who had been beaten. These characteristics included: 1) a sense of shame resulting from being beaten because it happened to them; 2) a sense of shame for having to admit that their husbands had perpetrated these assaults; and 4) fear that their husbands might be arrested for their actions. This fear which many women had, relating to their husband’s possible arrest, came about because of the possibility of retaliation which the husband might seek and because of the loss of income which would result from their husband’s imprisonment.

The local, state, and federal governments at this time were reluctant to pressure police departments to make arrests in cases of domestic violence because of the perceived threat to law enforcement officers. It was specifically stated in a number of articles that police considered family dispute calls to be the most dangerous and the messiest sort of calls to handle. As a result most police departments found it acceptable to leave these couples to handle their own affairs in private so long as no one was seriously injured. In other words, police viewed these disputes as private issues unless someone was injured to such an extent that they required medical attention; when this occurred police were forced to treat these events as public matters of law. In this way, police were discriminating against women by ignoring their cries for help.

Family Courts discriminated against women as well. For example, Family Courts of this time were represented by the print media as providing only about ten minutes of time with which to determine the futures of these women and children caught in the middle of domestic violence. In this way, too few Family Court Judges were available to provide the time needed to thoroughly consider the facts of each domestic violence case. Additionally, these Family Courts were represented as holding women to a double standard in regard to their behavior. If a woman had sex with a man other than her husband even once she was considered an unfit mother. In contrast, unless a man molested his children, his fitness as a parent was never questioned. In other words, a man could have beaten his wife or his children, committed adultery, excessively used alcohol, or even used controlled substances and these Family Courts still left these men with custody of their children.

These forms of discrimination were greatly reduced after a class action lawsuit was filed against numerous police departments across the country for not making arrests in cases of domestic violence. After the settlement, this lawsuit brought about significant policy changes for police. The most significant of these policy changes was in regard to the way in which the police were to respond to domestic violence calls. Specifically, by this time, police departments were required to send at least one police officer to every family disturbance call. Furthermore, police officers were required to arrest abusive husbands whenever evidence of domestic violence was present at the scene.

This class action lawsuit and the new policies which resulted represented a significant change to the protections afforded to women. In fact, soon after these first

procedural changes were made the federal government passed the Domestic Violence Act of 1978 which provided funds for public awareness programs, new women's shelters, and other public services which were implemented to assist women in their attempts to regain control over their lives.

CHAPTER IX

THEORETICAL IMPLICATIONS FOR DOMESTIC VIOLENCE RESEARCH

A Comparison Between the History Provided by Academic Sources and the Print Media

As was predicted in the methods portion of this study, a number of differences between the history presented by academic sources in Chapter 2 and the history represented by the popular print media emerged from this study. There are at least three general reasons why these differences are present. One reason for the difference in these two literatures is due to what each of them (academic literature and popular literature) consider as being important at different times and in different places.

The history based on academic literature was particularly focused on what could be considered the practical aspects of events surrounding domestic violence throughout the course of time. For example, in Chapter 6, a period covering the years 1871 to 1925, the academic literature focused entirely on the legal changes made in regard to domestic violence. In Chapter 7, this literature focused on the activities of the National Organization of Women (NOW). These activities included a call for more public funding of child-care facilities, banning employment discrimination, legal access to abortion and passing the equal right's amendment. And finally, Chapter 8 focused on the opening of more women's shelters, the class action lawsuit against police departments across the country for failure to make arrests in cases of wife abuse and the Domestic Violence Act of 1978.

In comparison, the issues addressed by the popular print media of this time were, generally speaking, focused on the sentiments behind the social movements cited in the academic literature. In this way, what this literature provided was a deeper understanding of the way in which domestic violence was talked about by government officials, doctors and everyday citizens. The language used in talking about domestic violence was not static, however. This language changed throughout the entire time period studied; and, as it did, women's issues and domestic violence were framed in different ways. In highlighting these changes what resulted was a genealogy of public perspectives regarding domestic violence. Specifically, this genealogy focuses on the sentiments out of which society is created at particular times and in particular places. As time went on, these changes to the way in which domestic violence was viewed was sometimes gradual, while at other times these changes represented a dramatic shift.

The second reason why differences exist between the history provided in the academic literature and the one represented by the print media used in this study is a consequence of the sources chosen. This study only considered newspaper articles from four newspapers and periodicals which were available from the years studied. Therefore, while these sources provide some understanding into how these particular newspapers and periodicals represented the history of domestic violence, all other popular print media was left out. Furthermore, the scope of this study was restricted even further by the relatively small sample size used for this analysis (N=183). There is certainly more data loose in the world than was uncovered by this study. It is certainly possible that this other data could lead to a considerably different set of findings.

A third reason differences between these literatures may exist and why entirely different findings are possible in studying domestic violence is the result of researcher bias. It is the goal of every researcher to enter into a study completely value-free and bias-free. However, since research is conducted by humans who are imperfect, this goal can never fully be achieved. Data does not speak for itself; a researcher has to speak for the data. In performing this task, even with a value-free intent, some interpretations are favored over others even if this bias is introduced unconsciously. For these reason, I acknowledge that the interpretations presented in this study are my own and could be interpreted differently by others.

Adaptations Made to Original Theories and Methods Used in This Study

As indicated in chapters 1, 3 and 4 (introduction, theory and methods sections) of this study, the initial theoretical concepts which were presented and defined served only to orient myself within the literature presented by the popular print media on domestic violence. Furthermore, it was expected that some of these theoretical concepts would have to be adapted to, or in other words, shaped by, incoming data while at the same time data was filtered through (and adapted to) the prior theoretical concepts that were relevant to and available for this study (Layder 1998). As it turned out, many of the theoretical concepts originally presented had to be dropped completely.

The theoretical issues not represented by the popular print media of this time included those concepts relating to some of Goffman's keys (ceremonial, documentary, and regrounding keys), frame fabrication, theoretical concepts relating to the structural

aspects of domestic violence, and those concepts relating to identity verification. Some of the ideas behind these theoretical concepts were implied throughout the study, however.

The majority of the original concepts presented in these earlier chapters were represented by newspaper and periodicals. Specifically, those concepts relating to culture, power, discourse, the injustice key, frames and frame amplification were all represented in the popular print media. These will be pointed out in the theoretical discussion to follow.

The Implications for Theory Offered by This Study

In conducting this study, I found three foundational ideologies which provided the epistemological language for the ways in which domestic violence has been understood. These foundational ideologies included Christianity, science and Feminism. Before discussing these ideologies in detail, however, I will first define what I mean by this term foundational ideology.

Foundational ideology is the story or narrative which serves as a cognitive tool used by individuals to answer questions about truth, knowledge, and existence. The degree to which society calls upon this foundational ideology can vary by place and by time. In fact, since foundational ideologies are essentially stories or narratives, they can become more or less important over time, furthermore, they can be replaced by or become mixed with other foundational ideologies.

The term foundational ideology is used here to describe various schemes by which particular issues such as domestic violence are understood. Furthermore, as applied to domestic violence, foundational ideology refers to the narratives which provide

the rules for what is possible or impossible to think, speak or understand (like Biblical text, scientific laws, or Feminist Perspectives). These three foundational ideologies influenced the way in which domestic violence was represented during the years 1871 through 1978.

The Foundational Ideology of Christianity

The first foundational ideology in the United States was Christianity. In fact, the system of government established in this country was crafted out of Christian ideology. In this way, this foundational ideology, and in fact, all foundational ideologies have profound effects on the way in which society governs itself since what these ideologies signify are the cultural understandings out of which a social form is constructed.

As applied to domestic violence, Christians believed that women were the embodiment of purity and the highest moral character. Men, on the other hand, were viewed by Christians as valiant and courageous. Additionally, these beliefs defined for Christians the appropriate gender roles for men and women. Specifically, according to this perspective, a man's place was to participate in work and politics which are both located in the public sphere. In contrast, a woman's place was believed to be in the home tending to the needs of her children and her husband (located in the private sphere).

Christians did not consider these two spheres, public and private, as equal in status. Instead, the public sphere was considered superior to the private sphere. As a result of the perceived difference in the status of these two spheres, it was believed that women were supposed to be subordinate to men. In this way, when Christian ideology

was dominant in American society, women were kept out of politics, work, and all other public domains by legal policies directed toward keeping them in the home. These policies represented a form of modern power (practices) which forced them to serve only their fathers or husbands.

Another belief established by Christianity was that wife beating was an acceptable means of disciplining one's wife. In practice, wife beating represents a form of pre-modern power in which men used physical force to maintain control over their wives. By 1871, however, public support for this practice was on the decline as a result of a gradual secularization of American society.

When wife beating became publicly visible and offended public sentiment, Christians turned their attention toward retribution as a way of remedying this violent behavior. This new initiative was given authority by the Old Testament doctrine of "an eye for an eye and a tooth for a tooth." In other words, a prescriptive narrative found in the Old Testament was being used to legitimate support for the whipping post. In this way, Christians used the telling of this narrative to make legitimate the use of physical punishment on wife beaters.

Additionally, through Christian discourse, a taxonomic order was created for those who beat their wives and they were labeled "brutes." When this occurred, the earlier frame of wife beaters as simply men lacking in moral stock was keyed in such a way that they were then viewed as sub-human male beasts. By performing this change in the meaning of wife beaters, a large number of individuals who had previously seen the whipping post as a barbaric punishment later viewed the whipping post as the only

punishment such creatures (wife beaters) could understand. As a result of this reframing, the whipping post became a more generally accepted form of punishment.

Over the next fifty-three years (from 1926 to 1978), the influence of Christian ideology waned but never fully disappeared. For example, Christian influence was reflected in the discrimination levied against women by the courts and the police in the early 1970's. During this time, courts ruled against women based on a sexual double standard of behavior. In this way, women were commonly ruled to be unfit parents if they so much as had sex once with a man other than her husband. As a consequence, these women were denied custody of their children by most Family Courts. In contrast, men were only considered unfit parents if they were known to have molested their children. Put another way, men were still considered to be suitable parents even if they had used alcohol excessively, beat their children or their wives, or had committed adultery. It took a class action law suit, in 1977, to finally reduce this discrimination against women. Specifically, this suit led to new procedural policies which were adopted by the courts and by the police. One of these new policies, for example, required police departments to send out at least one officer in response to every family disturbance call. As a result of these new policies women began to receive more protection from abusive husbands.

Prior to the 1900's nearly every social issue (including wife beating) was understood through the narratives presented in the Bible. With the rise of the mass media, Christians used this new form of information dissemination to tell their stories (story telling being a form of ritual) around which Christians: 1) shared a collective sense of right and wrong; 2) created a sense of belonging to the Christian community for the

individual; 3) reconstituted the collective effervescence of the Christian community; 4) served to maintain moral boundaries and identify in-groups and out-groups within society; and 5) served the evangelical mission of the Christian faith.

For Christians, an individual's behavior was seen for its moral quality. Specifically, the moral quality of any behavior was measured according to how consistent that behavior was with the prescriptions provided in the Bible. The more consistent a behavior was with these prescriptions, the more moral that behavior was considered to be and vice versa. Therefore, the intent of the individual who performed a particular behavior was, for Christians, most central to any act. As applied to wife beating, men interpreted the Bible as upholding the supremacy of men over women as well as the discipline of women by men; therefore, wife beating was considered to be a moral act.

The Foundational Ideology of Science

Beginning in the early 1900's the influence of the scientific community began to expand. This foundational ideology draws its narratives from texts created in response to the enlightenment. As such this perspective sees the universe as operating according to a set of laws. The scientific community believed that these laws could be discovered and used to explain and/or predict observable phenomena. As a result, this perspective was strictly objective meaning that it could explain observable phenomena which occurred within or as a result of various systems of related phenomena. Science, however, ignored human agency or free will because it did not operate according to its system of laws. Instead, human behavior is spontaneous and chaotic which does not lend itself to scientific analysis.

In these ways, the scientific community of this time explained wife beating by way of factors external to individual agency. Some examples of this include the blame placed on the marketing practices of saloonkeepers, the effects of alcohol consumption on male behavior, human instincts stemming from evolutionary processes, as well as unconscious psychological needs and the fulfillment of sadomasochistic desires. In short, blame was cast upon a variety of factors other than individual free-will.

Following the logic presented by the scientific community, men should not be blamed and/or punished for beating their wives since this sort of violent behavior is the result of factors external to individual choice. What this perspective represented, then, was a decriminalization of wife beating and, in its place, medicalization. Furthermore, since wife beating was seen by the scientific community as having a medical cause, the proper remedy for this violent behavior was medical treatment rather than punishment.

Early on, the scientific community called upon a social discourse which framed alcohol consumption as being associated with wife beating. Contained within this frame was the belief that men chose to drink but that intoxication itself led to male violent behavior (such as wife beating). This frame is different from earlier framings of wife abuse in that it: 1) partially blamed alcohol for wife beating which, in effect, externalized a portion of the blame for this behavior, that is, alcohol took some of the blame for wife beating away from men; and 2) did not place abusive men into a taxonomic order separate from other men. Put another way, what this frame did was to hold men accountable for the decision to drink but blame alcohol for male violent behavior (such as wife beating).

By 1895, the scientific community was claiming that alcohol use itself was a disease. By using this much more inclusive and powerful natural discourse of alcohol as a disease, the behavior of wife beating which was at first seen as intentionally cruel behavior had been keyed such that it was later seen as a medical problem which rendered null and void the man's agency in committing this abusive behavior. Restated, the man was no longer seen as culpable for his own actions. The result of this new frame was a medicalization of alcohol use, and, as a consequence, wife beating was considered a pathological behavior. In the same way, this more contemporary perspective represented a de-criminalization of wife beating.

In 1945 a psychologist by the name of Dr. Duval claimed that the increase in wife beating was a result of frustrations on the parts of both the wife and the husband. This perspective led to a group of new theories which framed wife beating as mutual violence. Following the introduction of this new frame of wife beating, as mutual violence; this behavior was relabeled domestic violence. One of theories stemming from this new perspective was provided by an anonymous psychologist who sought to amplify the belief that women needed to be beaten in order to satisfy unconscious needs and fulfill masochistic tendencies.

By 1970, American society was dominated by the foundational ideology of science. For example, central to this period was the creation of a condition known as "battered women's syndrome." This medical term was applied to a group of characteristics held in common by many women who had been beaten. These characteristics included: 1) a sense of shame resulting from being beaten because it

happened to them; 2) a sense of shame for having to admit that their husbands had perpetrated these assaults; and 4) fear that their husbands might be arrested for their actions. This fear which many women reportedly felt was related to the possibility of their husband being arrested. This possibility worried women because their husband's arrest could bring about retaliation. Furthermore, their husband's arrest was likely to bring economic loss in the event that their husband was imprisoned.

The Foundational Ideology of Feminism

While the foundational ideologies of Christianity and science were influencing legal policy, feminists were pursuing an agenda of their own. In order for women to be emancipated, that is, achieve freedom from the abuses inflicted upon them by men, including physical abuses; they had to become socially, politically, and legally more equal to men. Stated more directly, the status of women had to be improved before they could receive legal protections that would thwart any abuses directed toward them.

For example, one practice that greatly limited the efforts of women to free themselves from an abusive spouse was the lack of access to divorce. Until the 20th century divorce was not recognized in the United States and as a result, women had no legal avenue of escape from abuse. Even after divorce was recognized, women were not able to support themselves since they were effectively cut off from employment with income sufficient to procure the necessities of life.

To make matters worse, the first divorce laws did not allow women to later remarry. With this sort of policy in place women were left with the decision to either accept the abuses perpetrated against them by their male partners or seek a divorce which

would have guaranteed them a life of poverty. In these ways, women were largely cut off from the resources necessary to relieve their suffering.

In order to improve the status of women, feminists began to use the Christian belief relating to their purity and superior moral character in order to argue for a right to participate in voting. Specifically, this myth was called upon in order to point out the potential benefits which might result from their participation in politics. In this way, women amplified the belief that their participation in voting and other facets of public life would negate the corruption produced by vile men.

In so doing, women had taken a belief which came from the foundational belief of Christianity and changed the narration of the story it provides in order to evoke new sentiments regarding the status of women and make legitimate their right to vote. The Women's Movement, by calling upon this Christian myth, also aimed its sights at securing a woman's right to serve on a jury, receive work relief, gain an equal opportunity in employment, and participate in government.

Similar to the Christian community, feminists based their treatment of wife beating on the perspective that this form of abuse resulted from immorality and, therefore, conscious choice or free-will. Following the Feminist logic, wife beaters should be treated as offenders (criminals) and abused women should be treated as victims. Based on this perspective, remedying wife beating required an initiative on two fronts, punishment for offenders and treatment for victims.

The feminist perspective in some ways represents a fusion of Christian and scientific ideologies. By fusion, I mean to say that Feminists viewed wife beating as a

matter of individual agency (on the part of the male offender) and as a psychological disorder (suffered by the woman victim). Restated, Feminists believed that victims needed treatment by clinicians (doctors) and offenders needed to be punished by way of imprisonment.

The Media's Role in Influencing the Subjectivities of the Individual

Expanding the influence of foundational ideologies requires charismatic leadership and the creation of expert knowledge. Together these elements create cohesive social groups which frame social issues in very specific ways. These frames in turn influence the subjectivities of individual citizens. Individuals, by aligning themselves with the ideology of their own social group, participate in the surveillance and governance of their own behavior. This occurs as individuals view their own behavior through the eyes of other members of their own social group.

Charismatic leaders are those individuals who: 1) serve as the figurehead of individual groups; and 2) serve to organize and synchronize group activities. For example, during the periods covered by this study, Mrs. Roosevelt served as a feminist leader because she was a very recognizable person (the First Lady) and she led an initiative to secure for women the right to work relief and an equal opportunity in employment.

For the scientific community, Dr. Duval was a charismatic leader because his view of wife beating (as mutual violence) led to a whole series of new theories in regard to this form of abuse. This new perspective also introduced the term domestic violence

(domestic referring to the mutual aspect of this violence) which we use today in lieu of wife beating.

For the Christian community, church officials such as ministers who ended the divorce mill in North Dakota served as charismatic leaders. Representatives of the Church also worked to gain support for the whipping post during this time. By the mid-1900's, however, the opinions of the church became less public as the science and feminism became the more dominant foundational ideologies in society.

Charismatic leaders of these dominant foundational ideologies have the ability to practice power over the subjectivities of individual members within society and maintain the status quo. Put another way, by practicing power over the subjectivities of individual others, the social form which supports the dominance of a particular foundational ideology can be reconstituted, reproduced and/or maintained. Those aligned with the dominant foundational ideology can then continue to frame public issues in ways which serve their own purposes. An example of this can be found in the Christian community's use of Biblical text which assigned what was considered to be the appropriate roles of men and women. By using this narrative men could legitimate the maintenance of a patriarchal system of government wherein men were the only true citizens with rights to the public sphere and women were restricted to the private sphere (in the home) away from participation in the public sphere and subordinate to men.

The mechanism for framing issues in a particular way is, again, discourse. These frames are communicated or, in other words, disseminated through the mass media. Since the government (led by the dominant foundational ideology) controls, in large measure,

how the media reports information to the public they can also place some control over the content of media reports. What the government provides the mass media to report on is claimed to be expert knowledge generated by government funded research.

Because individuals in the United States are exposed to nearly the same foundational ideologies, the way Americans interpret their experiences are nearly the same. For this reason, when information is reported by the media, it appears objectively real to the individual because of the value we, as a society, place on expert knowledge.

This practice of power, mentioned above, is similar to what Michel Foucault calls governmentality (Allan 2006). When the messages presented to individual citizens appear objectively real, they also appear objectively real in their consequences. Individuals then govern themselves in relation to the others who have the same understandings. As a result, the form society takes is established and/or legitimated by the messages produced by the dominant foundational ideology as well as by the discourse it uses.

In the case of wife beating, for as long as Christianity was the main foundational ideology, men were able to not only practice modern power in the public sphere but they were also able to practice pre-modern power in the private sphere (Westlund 1999). Pre-modern power was represented in the print media by way of the restrictions placed on women by their husbands. These restrictions included such things as forcing women to remain in the home, forcing women to hand over wages earned outside the home, and wife beating as a means to force compliance to the man's rules, just to name a few.

A social form changes, however, when the social group which carries the beliefs of a given foundational ideology falls from dominance and is diluted or replaced by

another social group carrying the flag of another foundational ideology. This has been evident throughout the history of this social problem in the United States. When the foundational ideology presented as most important to society changed so did the frames by which society understands and applies meaning to domestic violence.

REFERENCES

- “A ‘Shame Spot’ in Every City to Punish Wife Beaters” 1916. *The Washington Post*, July 30, pg. MT3.
- Allan, Kenneth D. 2006. *Contemporary Social and Sociological Theory: Visualizing Social Worlds*. Thousand Oaks, CA: Pine Forge.
- “Be Tolerant, Understanding To Avoid Beating, Wives Told.” 1945. *The Washington Post*, December 28, p. 1.
- Bevacqua, Maria and Carrie Baker. 2004. “‘Pay No Attention to the Man Behind the Curtain!’ Power, Privacy, and the Legal Regulation of Violence Against Women.” *Women & Politics*. 26(3/4):57-83.
- Blake, Doris. 1936. “Daintiness is Duty of Wife to Her Family.” *Chicago Daily Tribune*, December 26, p. 8.
- Bradley v. State*. 156 (1824)
- Browne, Angela. 1987. *When Battered Women Kill*. New York: Free Press.
- Dinga, Pat. 1978. “Sheltering Battered Wives” *New York Times*, October 23, pg. WC24.
- Dix, Dorothy. 1920. “The People and Their Daily Troubles” *Los Angeles Times*, November 2, pg. 112.
- Erikson, Kai T. 1966. *Wayward Puritans: A Study in the Sociology of Deviance*. Boston: Allyn and Bacon.
- Eron, Carol. 1977. “Battered Wives and ‘Catch-22.’” *The Washington Post*, July 22, pg. B1.
- Farquhar, Robert B. 1953. “The Law of the Lash Dies in Free State.” *The Washington Post*, August 16, p. B2.
- Fulgham v. State*, 46 Ala. 143. (1871)
- Goffman, Erving. 1974. *An Essay on the Organization of Experience: Frame Analysis*. Boston: Northeast University Press.

- Grant, Gordon. 1967. "Family Fights Tough and Messy, Say Police." *Los Angeles Times*, February 12, p. SF_C1
- "Helpless Victims of Alcohol." 1895. *Chicago Daily Tribune*. March 9, p. 14.
- "Jealous Women Need Whipping" 1912. *Chicago Daily Tribune*, August 11, pg.1.
- Layder, Derek. 1998. *Sociological Practice: Linking Theory and Social Research*. Thousand Oaks: Sage Publications.
- "Legions On March For Temperance" 1909. *Chicago Daily Tribune*, September 26, pg.3.
- Lincoln, Bruce. 1989. *Discourse and the Construction of Society: Comparative Studies of Myth, Ritual, and Classification*. NY: Oxford University Press.
- "Marriage Going to Pot? Ever Try Beating Your Wife to Save It?" 1964. *The Washington Post*, November 28, pg. A5.
- Michalski, Joseph H. 2004. "Making Sociological Sense Out of Trends in Intimate Partner Violence: The Structure of Violence Against Women." *Violence Against Women*. 10(6):652-675.
- Michigan Legislature Homepage. 2007. "Act 389 of 1978." Michigan Legislature, Retrieved January 21, 2007 (<http://www.legislature.mi.gov>)
- "North Dakota Going Out of Divorce Business" 1899. *Chicago Daily*, April 16, pg. 33.
- Okun, Lewis. 1986. *Women Abuse: Facts Replacing Myths*. Albany: State University of New York Press.
- Oliver v. State*, 70 N.C. (1874)
- Pascoe, E. J. 1976. "Shelters for Battered Wives." *McCall's*, October, 104:51.
- Peterson, Bill. 1970. "Battered Wife Syndrome" *The Washington Post*, September 13, pg. A1.
- Pleck, Elizabeth. 1987. *Domestic Tyranny: The Making of Social Policy Against Family Violence from Colonial Times to the Present*. New York: Oxford University Press.
- "Police Will Arrest Wife Beaters In Reversal of New York Policy" 1978. *New York Times*, June 27, pg. A1.

- “Promises Women Equality in Relief.” 1935. *New York Times*, May 21, p. 2.
- Reissman, Catherine K. 1993. *Narrative Analysis*. London: Sage Publication.
- “Republicans Move to Grant to Women Equality on the 44’ Resolutions Committee” 1944. *New York Times*, April 9, pg. 24.
- Richardson, Laurel and Elizabeth Adams St. Pierre. 2005 “Writing: A Method of Inquiry.” Pp. 959-978 in *The Sage Handbook of Qualitative Research*. 3rd ed. Thousand Oaks: Sage Publishing.
- Rockwood, Marcia. 1977. “Courts and Cops: Enemies of Battered Wives?” *Ms.*, April, 5:19.
- “Roosevelt on the Whipping Post” 1899. *Washington Post*, May 7, pg. 6.
- Ruble, W. W. 1934. “We Have Repealed Prohibition.” *Los Angeles Times*, February 27, p. A4.
- Snell, John E., Richard J. Rosenwald, and Ames Robey. 1964. “The Wife Beater & His Wife.” *Los Angeles Times*, September 25, 84:81.
- Snow, David A., E. Burke Rochford, Jr., Steven K. Worden, and Robert D. Benford. 1986. “Frame Analysis Processes, Micromobilization, and Movement Participation”. *American Sociological Review*. 51(4): 464-481.
- Stets, Jan E. and Peter J. Burke. 2005. “Identity Verification, Control, and Aggression in Marriage.” *Social Psychology Quarterly*. 68(2):160-178.
- “The Whipping Post Will Not Do.” 1902. *Chicago Daily Tribune*, May 5, p. 12.
- “The Wife-Beater” 1888. *The Washington Post*, October 14, pg. 4.
- Tomasson, Verna. 1970. “Women as Property.” *The New Republic*, September 19, pp.15-18.
- Westlund, Andrea C. 1999. “Pre-Modern Power: Foucault and the Case of Domestic Violence.” *Signs*. 24(4):1045-1066.
- “Why Husbands Beat Their Wives” 1950. *The Washington Post*, July 4, pg. B2.
- “Who is Wife-Beater” 1905. *The Washington Post*, January 30, pg. 4.
- “Wife-Beating.” 1882. *Chicago Daily Tribune*, August 21, p. 4.

“Wife-Beating Bill.” 1881. *The Washington Post*, January 22.

“Wife-Beating and High License.” 1883. *Chicago Daily Tribune*, May 26, p.4.

“Wife-Whipping in Illinois.” 1873. *Chicago Daily Tribune*, March 23, p. 9A.

“Women and Political Reform” 1871. *New York Times*, April 6, pg. 4.

Yoshioka, Marianne R. and Deborah Y. Choi. 2005. “Culture and Interpersonal Violence Research: Paradigm Shift to Create a Full Continuum of Domestic Violence Services.” *Journal of Interpersonal Violence*. 20(4):513-519.

Appendix A

Total Data Sample

<u>Decade</u>	<u>Newspapers</u>	<u>Periodicals</u>	<u>Total</u>
1871-1881	6	N/A	6
1882-1892	11	N/A	11
1893-1903	23	N/A	23
1904-1914	28	N/A	28
1915-1925	18	N/A	18
1926-1936	19	N/A	19
1937-1947	5	N/A	5
1948-1958	10	N/A	10
1959-1969	8	N/A	8
1970-1978	36	19	55
Total	164	19	183

Appendix B

Newspapers

<u>Decade</u>	<u>NYT</u>	<u>Wash. Post</u>	<u>Chi.Tribune</u>	<u>LA Times</u>	<u>Total</u>
1871-1881	3	0	3	0	6
1882-1892	0	2	8	1	11
1893-1903	2	22	25	1	50
1904-1914	1	31	21	7	60
1915-1925	1	5	8	4	18
1926-1936	5	4	4	6	19
1937-1947	2	2	1	0	5
1948-1958	0	6	0	4	10
1959-1969	1	5	0	2	8
1970-1978	7	13	9	31	60
Totals:	22	90	79	56	247