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## Feminist Criminological Theory

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### Overview

Informed by the observation that feminist criminology is *both* readily embraced by the

discipline *and* still isolated from “core” theoretical knowledge, this entry examines two areas in which cutting-edge feminist scholarship is occurring: advancements in feminist criminological theory and feminist refinements of traditional criminological theory. The first half of this entry considers innovative applications of the intersectional theoretical framework to several areas of feminist criminological scholarship, with a particular focus on studies examining violent victimization among girls and women of color. The second half of this entry highlights efforts to infuse gender into mainstays of criminological theory from which gender has long been absent, including life course, social control, and social learning theories. Taken together, the exemplary studies highlighted in this entry demonstrate the important scholarly developments occurring within contemporary feminist criminological theory.

If a prominent goal in much of the criminological enterprise is the creation of general theories... , feminist criminology has not been particularly successful. However, it is precisely feminist understandings of gender that require us to move beyond what broad, global explanations can provide. (Miller and Mullins 2006, p. 221)

### Introduction

In her 1998 commentary on gender, crime, and criminology, Daly identified two distinct and divergent areas of theoretical development that served as sources of “field expansion” in criminology: criminological scholarship largely uninformed by feminist knowledge and feminist scholarship largely uninformed by criminological knowledge (p. 86). As Daly noted at that time, “Some feminist scholars in criminology straddle both sources of knowledge, and others may work from the second source to challenge criminological thought and to build from feminist theories” (p. 86). In the 15 years since that writing the gulf between criminology-proper and feminism-proper has narrowed, allowing contemporary feminist criminologists less time for straddling and more time for advancing knowledge. Indeed,

recent theoretical innovations continue to push feminist criminology in new directions and into new applications, and this work is published in a previously unthinkable number of outlets (including the journal *Feminist Criminology*) to a seemingly ever-expanding and ever-receptive audience.

Though narrowed, the troublesome divide between criminological and feminist knowledge persists, and this disjuncture is driven more by perceived ideological differences than actual theoretical or empirical differences. Feminist criminological theories still routinely are positioned in opposition to “traditional” or “mainstream” theories. This is problematic because the characterization of feminist perspectives as “nontraditional” or “nonmainstream” risks giving the impression that they are nonnormative or lack the empirical rigor of those dominant theories, as some critics have (wrongfully) claimed. Still, the distinction between “traditional/mainstream” and “feminist” theories in criminology is perhaps best understood, to use an illustrative shorthand, as the difference between theories occupying the bulk of undergraduate theory textbooks and those relegated to a chapter or section at the end.

This delicate reality – that feminist criminological scholarship is simultaneously far more enthusiastically embraced than ever before, while still regularly positioned outside fundamental, core sources of theoretical knowledge – puts contemporary feminist criminology in a somewhat precarious position. Using the feminist “both/and” concept (Collins 2000; Daly and Stephens 1995), one may consider feminist criminology to be *both* a legitimate source of theoretical knowledge *and* auxiliary to core criminological theories – and, therefore, denied a position of theoretical privilege in the discipline.

Of course, feminist perspectives were developed to correct the absence of gender from the long line of traditional theories representing the pillars of criminology. Feminist criminologists have criticized the long-standing exclusion of girls and women – indeed, of

*gender* – from nearly every theory developed to explain offending (Belknap 2007; Daly and Chesney-Lind 1988; Miller and Mullins 2006; Simpson 1989). Even today, “key contemporary schools of thought in criminology have yet to adequately incorporate gender” (Miller 2010, p. 136). Feminist criminologists’ response to this oversight generally has taken two forms: (1) efforts to advance feminist, gender-specific criminological theories, and (2) efforts to refine “traditional” theories of offending using feminist insights (e.g., see Daly and Chesney-Lind 1988). These strategies raise an obvious question: “[g]iven that traditional criminological theories are posited to be gender-neutral (and universal) yet have been developed without consideration of how gender structures human behavior, what are the implications of theories that ignore gender in the face of real-life gender inequality and discrimination?” (Burgess-Proctor 2010, p. 433).

Informed by the observation that feminist criminology is *both* readily embraced by the discipline *and* still isolated from “core” theoretical knowledge and guided by the two approaches feminist scholars have taken to address the absence of gender from mainstream criminological theories, this entry examines two areas in which cutting-edge feminist scholarship is occurring: advancements in feminist criminological theory and feminist refinements of traditional criminological theory. Importantly, these two areas reflect Daly’s (1998) conceptualization of efforts to advance feminist criminological scholarship from either its criminological or its feminist source.

### **Cutting-Edge Advancements in Feminist Criminological Theory**

In their recent commentary offering an evaluation of feminist theory in criminology, Miller and Mullins (2006) draw upon Daly’s (1998) conceptual schema to identify three core areas of feminist criminological inquiry: (1) *gendered pathways to lawbreaking*,

(2) *gendered crime*, and (3) *gendered lives*. First, *gendered pathways* research explores how men and women differentially initiate, continue, and terminate offending trajectories. Second, *gendered crime* research examines the types, contexts, and consequences of men's and women's offending behaviors, as well as the extent to which criminal justice processing of those offenses also is gendered. Third, *gendered lives* research examines how gender structures the broader lived experiences of girls and boys, which may facilitate (or protect against) victimization and offending opportunities. These three areas of inquiry are useful for evaluating cutting-edge work in contemporary feminist criminological theory.

Perhaps the most important advancement in feminist criminological theory has been the development of intersectional scholarship that simultaneously attends to the interlocking and interacting forces of race/ethnicity, class, gender, sexuality, age, and other systems of power (see Burgess-Proctor 2006 for a review). Both intersectional scholarship and feminist criminology share common goals: (1) to develop theoretical frameworks that account for structuring forces like gender, race/ethnicity, and class; (2) to utilize methodologies that give voice to groups whose experiences previously have been overlooked; and (3) to bridge theory and practice with an eye toward improving social justice for marginalized groups (Burgess-Proctor 2006). Indeed, intersectionality is particularly relevant to feminist criminologists because it considers how intersecting systems of race, class, and gender make marginalized groups more vulnerable to criminal legal system control (Sokoloff and Burgess-Proctor 2011).

Intersectional scholarship perhaps most closely aligns with the *gendered lives* area of inquiry, which Miller and Mullins (2006) note has been least empirically examined but may be most ripe for exploration. Contemporary feminist criminologists are performing intersectional analyses of a range of important criminological issues, including gender violence in the lives of urban girls of color, marginalized women's

experiences with intimate partner abuse (IPA), and other areas beyond women and girls' violent victimization.

### Girls of Color and Urban Gender Violence

Two recent works exploring how inner-city Black girls' victimization and offending experiences are simultaneously raced, classed, and gendered are good examples of cutting-edge, intersectional feminist criminological theorizing. First, Jody Miller's (2008) book *Getting Played* examines the lives of Black girls in impoverished St. Louis neighborhoods. Miller interviewed 75 youth (35 girls and 40 boys) ages 12–19 about their experiences with three types of gender-based aggression: sexual harassment, sexual coercion and assault, and dating violence. Summarizing her findings, Miller writes: "Urban African American young women face widespread gendered violence that is a systematic and overlapping feature of their neighborhoods, communities, and schools. In addition, while young women employ a variety of strategies to insulate themselves from such violence, they do so in a context in which ideologies about gender work against them at every turn" (p. 192). By virtue of their race and class status, and the structural inequalities that contribute to the impoverished communities in which they live, these girls "have limited support and few avenues – institutional or otherwise – for remedying the systematic nature of the gendered dangers present in their daily lives" (p. 192).

Second, targeted at the same population of girls in Philadelphia, Nikki Jones' (2010) book *Between Good and Ghetto* offers a similarly nuanced portrait of how race, class, and gender shape inner-city Black girls' lived experiences. The result of 3 years of ethnographic field work and research, Jones' analysis uncovers how deeply entrenched and intersecting systems of race, class, and gender shape the ways girls vacillate between conforming to ("good") and violating ("ghetto") expectations of Black femininity and respectability. Jones writes: "Inner-city girls who live in distressed urban neighborhoods face a gendered dilemma: they must learn how to effectively manage potential

threats of interpersonal violence...at the risk of violating mainstream and local expectations regarding appropriate feminine behavior. This is a uniquely difficult dilemma for girls, since the gendered expectations surrounding girls' and women's use or control of violence are especially constraining" (p. 9).

Both studies uncover similar findings that significantly illuminate our understanding of how urban gender violence is simultaneously raced and classed, making them important contributions to feminist criminological theory. First, violence is endemic to the lived worlds of inner-city Black girls; they experience violent victimization and exposure to violence at home, in their neighborhoods, and in their schools. Second, the social mechanisms governing whether, why, and to what extent inner-city Black girls use and receive interpersonal violence are highly gendered, raced, and classed. Third – and this is perhaps the most distressing finding of both books – inner-city Black girls often are left to navigate, negotiate, and survive the violence in their lives by themselves. Finally, inner-city Black girls are forced to adopt survival strategies, including “situational avoidance” (Jones 2010) and isolating themselves in their homes (Miller 2008), that are damaging, disruptive, and likely to serve them poorly later in life. These maladaptive survival strategies may disadvantage girls who go on to experience intimate partner abuse (IPA) – a second source of cutting-edge intersectional feminist criminological theorizing.

### **Marginalized Women's IPA Victimization**

An increasing body of intersectional scholarship in feminist criminology addresses marginalized women's experiences with IPA victimization. Feminist scholars who study IPA have advocated for intersectional theoretical models of both men's battering and women's responses to victimization that include, but do not prioritize, gender (e.g., see Sokoloff and Pratt 2005). For example, Potter's (2006) Black Feminist Criminology perspective aims to identify the structural, cultural, and familial forces that

shape Black women's responses to IPA. Potter (2006) describes her perspective as moving “beyond traditional feminist criminology to view African American women (and, conceivably, other women of color) from their multiple marginalized and dominated positions in society, culture, communities, and families” (p. 107). This observation echoes findings from Miller's (2008) and Jones' (2010) research, which unsurprisingly documented high exposure to IPA among their samples. And, as Miller (2008) notes, even instances of IPA among adults outside youths' own families of origin (e.g., between neighbors, acquaintances, or even strangers) are still important modeling opportunities for children who witness them. Thus, the experiences of women – particularly marginalized women – with IPA victimization are most appropriately theorized using an intersectional framework, as recent feminist criminological scholarship demonstrates.

### **Beyond Violence: Other Applications of Intersectionality**

Finally, contemporary feminist scholars are applying an intersectional race/class/gender framework to criminological topics that go beyond women and girls' violent victimization experiences. For example, Sokoloff and Burgess-Proctor (2011) use an intersectional lens to examine how contemporary US drug policy – specifically, the mass incarceration of drug offenders and restrictive ex-offender policies – disproportionately disadvantages poor women of color. Meanwhile, Erez and Berko (2010) draw upon an intersectional framework to explore the pathways to crime and imprisonment of Arab/Palestinian women living in Israel. Finally, Benson and Simpson (2009) use a race/class/gender perspective to consider a subject typically outside feminist purview: how opportunities for white-collar crime are differentially distributed across groups in society. As these examples reveal, contemporary feminist criminologists are using an intersectional framework to perform cutting-edge research and theorizing on a wide range of important criminological topics.

## Efforts to Refine “Traditional” Criminological Theories Using Feminist Insights

Whereas the examples in the previous section are best thought of as existing within the feminist body of knowledge, cutting-edge feminist theorizing also is occurring in the criminological body of knowledge. Efforts to impart feminist insights into mainstream criminological scholarship are evident in recent feminist refinements of the life course theoretical model, as well as social learning and social control models.

### Life Course Theoretical Model

In recent years, one framework in particular has been notably expanded and advanced by feminist scholars: the life course theoretical model. As its name suggests, the life course model examines the development of human behavior over time and in the context of historical and situational events and is characterized by “the notion that changing lives alter developmental trajectories” (Elder 1998, p. 1). Within criminology, the life course model is used to examine patterns of offending and desistance over time. The last two decades have seen a proliferation of life course criminological research. Perhaps the best known and most influential application of the life course model in criminology is Sampson and Laub’s (2003, 1993) research on Boston-area delinquent boys using data originally collected by Harvard researchers Sheldon and Eleanor Gleuck (see Sampson and Laub 2005 for a review).

Broadly, feminist refinements of the life course theoretical model in criminology have taken two forms. The first type of feminist refinement is feminist pathways research. The Feminist pathways model is an extension of the life course criminological framework that examines women’s and girls’ offending behaviors in the context of their past victimization experiences. The feminist pathways and life course models share many similarities, including a focus on trajectories of behavior like offending and desistance and the role of

transitions in altering or shaping those trajectories. While both models attempt to explain and predict offending over time, the feminist pathways model specifically considers how women’s (and girls’) prior victimization experiences initiate or facilitate offending pathways (Burgess-Proctor 2011; Gaarder and Belknap 2003; McDaniels-Wilson and Belknap 2009).

The second type of feminist refinement might be loosely termed “gendered pathways.” In contrast to feminist pathways research that specifically considers the role of women’s victimization experiences in their subsequent offending, gendered pathways analyses view life course processes through a gendered lens; in other words, these analyses seek to uncover how, why, and in what ways gender structures motivations and opportunities for both offending and desistance. (Of course, when gendered pathways studies examine only women’s experiences without also including the experiences of men, the extent to which the processes they uncover are accurately termed “gendered” remains unclear.) While these analyses may be less likely to bear the “feminist” label than studies using the feminist pathways model, they nonetheless accomplish a primary objective of feminist criminology: exploring the meaning and nature of gender relations (e.g., see Miller and Mullins 2006).

Cutting-edge feminist pathways research in criminology continues to proliferate. Much of this scholarship highlights how women’s trauma histories initiate subsequent offending pathways (Gaarder and Belknap 2003; McDaniels-Wilson and Belknap 2009; Simpson et al. 2008). For example, Simpson et al. (2008) found that girls who were sexually abused before sixth grade and who had consensual sex before age 13 were three and a half times more likely than other women to be childhood onset offenders. Another good example is Caputo’s (2008) *Out in the Storm*, an ethnographic study of 38 drug-addicted women living as shoplifters and sex workers. In a succinct summation of the feminist pathways approach, Caputo notes of her participants: “Childhood trauma occurring within the home resonates as the first important



part of women's journeys to drugs and crime. . . This [trauma] triggered a wave of negative reactions, a misdirected coming of age during the women's adolescence that would carry through life" (pp. 27–28). Finally, still another refinement comes from feminist efforts to apply the life course model to *non-offending* outcomes. For example, the feminist pathways model has been used to explain how battered women's past victimization experiences can initiate help-seeking trajectories that guide their response to IPA over time (Burgess-Proctor 2011).

Likewise, it is easy to find examples of cutting-edge gendered pathways research in criminology. At the forefront is Peggy Giordano's (2010) magnificent *Legacies of Crime*, a longitudinal study of children whose parents were incarcerated as teens. Giordano uses three waves of data collection: (1) initial interviews with teenage offenders at the time of their incarceration, (2) follow-up interviews with the now-adult participants 14 years later, and (3) subsequent interviews with participants and their children several years after that. The study explores both the gendered and "generic" family dynamics that foster the intergenerational transmission of offending, violence, substance abuse, and other antisocial behaviors over time.

Giordano's (2010) analysis constitutes cutting-edge feminist theorizing because it imposes a gendered lens on the traditional life course approach to studying the intergenerational transmission of violence and offending:

If an essential theme within the mostly male tradition of life-course research is that of continuity and change, core concerns within the gender and crime literature are questions of similarity and difference. Thus, researchers continue to grapple with the issue of whether and to what degree theoretical perspectives, and even basic facts about crime that developed largely around male-focused studies, "fit" with the life experiences of women and girls. . . Focusing only on [generic, as opposed to gendered] features of the women's lives, however, ignores many of the realities that have been effectively depicted by feminist researchers. (pp. 19–24)

These gendered realities, Giordano notes, necessarily shape a young woman's family environment as well as her parenting practices – both

of which have implications for the intergenerational transmission of antisocial behavior (p. 24).

There are other noteworthy examples of gendered pathways research. For example, several recent studies have attempted to predict women offenders' recidivism risk over time using a gendered pathways approach (Huebner et al. 2010; Reisig et al. 2006). Likewise, Block and colleagues (2010) do a masterful job of exposing the absence of gender in life course criminology by evaluating whether Farrington's (2003) "widely accepted conclusions" about criminal career research are applicable to, or reflect the experiences of, female offenders. Examining offending pathways of a nationally representative sample of offenders in the Netherlands, the authors found that women were significantly more likely than men to begin offending in adulthood (mean age of onset: 21.5 for men versus 29.3 for women). Noting that age of onset is a key indicator in criminal careers research, the authors caution: "the findings of significant gender differences in age of onset. . . not only challenge widely accepted conclusions of developmental life-span criminology but also require us to rethink life-span patterns in and out of crime for women" (p. 93). Finally, examining how the consequences of incarceration are gendered, Block et al. (2010) observe that imprisonment is not just damaging to the woman herself but also to the loved ones for whom she cares. This observation echoes Giordano's (2010) conclusions about the gendered impact of parental (and especially *maternal*) incarceration on young people's criminal propensity – both observations not easily made without a gendered pathways perspective.

### Social Learning and Social Control Theories

The life course model is not the only criminological theory to have undergone feminist revision in recent years. Feminist scholars have offered refinements of two other titans of criminological theory: social learning theory and social control theory.

Throughout criminology, social learning explanations of offending have been rooted in "differential" models, including differential

association and differential reinforcement. These theoretical models propose that individuals learn criminal behavior through exposure to some pro-crime, learning-facilitating mechanism. In Sutherland's (1924) differential association theory, that mechanism is definitions favorable to lawbreaking; in Akers' (1973; Burgess and Akers 1966) differential reinforcement model (often referred to in criminology simply as "social learning theory"), that mechanism is crime-reinforcing stimuli. In other words, differential exposure to these mechanisms distinguishes between people who learn to commit crime and people who do not (i.e., whose exposure was insufficiently high).

In contrast, social control theories start from the opposite approach: social control theorists assume that lawbreaking is a natural tendency and that, absent sufficient controls, people left to their own devices will become deviant. Therefore, social control models seek not to explain offending but rather to explain conformity – that is, what allows law-abiding people to resist their natural desire to offend. Arguably the most well-known social control theory in criminology belongs to Hirschi (1969), who theorized that strong bonds to pro-social others facilitate conformity. As any undergraduate theory student can no doubt recite, Hirschi (1969) articulated four elements of a social bond: attachment, commitment, involvement, and belief. For Hirschi – at least until the emergence of his later, self-control model (Gottfredson and Hirschi 1990) – people with attachment to law-abiding role models, commitment to pro-social goals, involvement in pro-social activities, and belief in good citizenship are predicted to experience sufficient social control so as to keep them from engaging in deviance.

As with the life course model discussed previously, both the social learning and social control models have undergone feminist reinterpretation in recent years. In fact, Giordano's (2010) aforementioned study is theoretically important for a second reason: it offers a gendered refinement of the traditional social learning model. While Giordano explicitly states that traditional

frameworks like social control and social learning should not be abandoned, she recognizes that "attention to gendered processes" also is crucial for developing comprehensive, integrated, and fully realized theoretical explanations of girls' and women's criminal involvement (p. 21). Indeed, Giordano's revision of the traditional social learning model incorporates elements of symbolic interactionist and feminist theory to identify three concepts that are particularly relevant to girls' offending pathways: self and identity, agency, and emotion (p. 30).

Recent scholarship has likewise offered a gendered refinement of the traditional social control model. Notably, Zimmerman and Messner (2010) explore the effect of neighborhood disadvantage on the gender gap in adolescent violent crime. Using data from Chicago neighborhoods, the authors found that, as expected, exposure to violent peers increased (for girls and boys alike) as neighborhood disadvantage worsened, but the effect of violent peer exposure was more pronounced for *girls* than boys. Thus, their original social control explanation – that informal social control is a stronger buffer against violent peer influence for girls than boys – was not supported. Instead the data suggested a more "complex causal chain," leading the authors to "reaffirm the fundamental premise of feminist perspectives: explaining social phenomena requires an understanding of 'gendered lives'...Such variation likely reflects the different ways that gender organizes" daily life (p. 974). As with social learning theory, then, social control theory also has undergone refinement by contemporary feminist scholars.

### **Conclusion: Making Connections to Narrow the Theoretical Divide**

The examples in this entry make clear the abundance of truly innovative and impressive theory development that is occurring in contemporary feminist criminology. While it is true that cutting-edge feminist theorizing may be broadly divided into efforts to *advance feminist criminological*

theory and efforts to *refine mainstream criminological theory*, these initiatives do not operate entirely apart from one another's influence. Indeed, as these two bodies of scholarship share a common goal – the infusion of gender (and other social systems) into contemporary criminological theory – there are plentiful examples of cross-fertilization between the two. As each enterprise necessarily informs the other, a series of theoretical and empirical questions remain.

For example, given that Black girls living in distressed urban neighborhoods are highly likely to experience sexual victimization (Miller 2008), and that sexual victimization is an important predictor of women's later offending (McDaniels-Wilson and Belknap 2009; Simpson et al. 2008), how do we contextualize poor, Black women's offending? Moreover, given that their social marginalization sharply limits the survival strategies of inner-city Black girls to include primarily isolation and social withdrawal (Jones 2010; Miller 2008), how can we better understand their responses to intimate partner victimization later in adulthood (Burgess-Proctor 2011; Potter 2006)?

Additionally, delinquent peers are a demonstrated risk factor for youth-onset offenders (Simpson et al. 2008). How does this finding square with Zimmerman and Messner's (2010) findings about the effect of delinquent peer relationships on girls versus boys? How are the processes governing the effects of delinquent peer attachment gendered (and/or raced and classed)? Does delinquent peer attachment vary according to peer group sex composition (Zimmerman and Messner 2010)? Further, in light of evidence suggesting gender differences in adult-onset offending (Block et al. 2010), how do peer influences shift and change over time, and how does their relevance differ for boys and girls versus adult men and women?

Answers to these questions and other similar inquiries will no doubt be the focus of cutting-edge feminist criminological theorizing in the coming years. But what will be the status of feminist theory in the overall discipline a decade from now? Despite over 40 years

of scholarship, “traditional” and “feminist” theoretical frameworks today still are cast in opposition to one another. Acceptance of this (false) dichotomy remains an entrenched problem in criminology.

For example, in the introduction to their comprehensive anthology assessing the current state of criminological theory, Cullen et al. (2006) remark: “Because they [were] invented by males, written about males, and originally tested on males, feminist scholars see traditional or core theories as ‘men’s theories’ that do not capture the special circumstances inherent in women’s criminality” (p. 15). Leaving aside the troubling assumption that only feminist scholars can “see” the problem with compulsory generalization to women of theories developed for and tested exclusively on men, the most vexing aspect of this statement is the positioning of life course, social control, and social learning theories as “core” frameworks to which feminist perspectives stand in opposition. As the examples offered in this entry reveal, cutting-edge work in feminist criminological theory engages and uncovers social mechanisms that cut to the very core of criminological and sociological theorizing, despite their continual categorization as derivatives of mainstream theory. Hopefully, as exemplary feminist scholarship continues to inform, refine, and reconceptualise both “traditional” and feminist criminological theories, the latter will come to be viewed by the discipline as “mainstream” explorations. Indeed, perhaps feminist criminological scholarship will truly have found its cutting edge when the theoretical and ideological divide between mainstream and feminist bodies of knowledge has disappeared altogether, and feminist perspectives are presented as core theoretical contributions in their own right.

## Related Entries

- ▶ [Feminist Theory in the Context of Sexual Violence](#)
- ▶ [Gendered Theory and Gendered Practice](#)



- ▶ [Gendering Traditional Theories of Crime](#)
- ▶ [Women of Color and Crime](#)

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## Feminist Theory and Domestic Violence

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### Overview

For much of the past, US society turned a blind eye to violence between intimates. However, with the emergence of the progressive movement in the early 1900s and the women's movement in the 1960s, domestic violence began being constructed as a social problem worthy of attention by academics, policy makers, and the criminal justice system. Feminist constructions of domestic violence as a social problem vary and range from early constructions focusing on family preservation to later ones emphasizing mental illness, sex differences in intersubjectivity, male domination, family conflict, and survival. Portending to reduce and/or punish domestic violence, concomitant state social control mechanisms emerged. This entry traces the feminist constructions of domestic violence as a social problem as well as the relationship of these constructions to the social control mechanisms employed by state institutions, especially the criminal justice system.

### Domestic Violence: Preserving Family and Disciplining Poor Families

Prior to the 1870s domestic violence in the USA was constructed as a private family matter, and

the major social control mechanism was the interwoven fabric of family, church, and state constituted by Christian morality. The legal system of this period was a combination of English common law and the Holy Bible. While Puritan church courts tried domestic violence cases, the focus was on preserving the family rather than punishing wrongdoing. Moreover, most congregations accepted a sinner's confession, and only a few dozen cases per year involved any type of discipline (Pleck 1987). Although the Massachusetts Body of Liberties of 1641 and the 1672 law against spouse abuse made wife beating illegal, society accepted hierarchical relationships and the use of physical force by parents, husbands, and masters (Pleck 1987). By the 1700s the "rule of thumb" principle was established by an English judge and reinforced in the early 1800s by Southern appellate courts ruling that a husband could beat his wife as long as the beating tool was no thicker than a man's thumb.

In the late 1800s and early 1900s, the women's progressive movement lobbied for women's participation in the public sphere, but they did not place the private sphere and domestic violence as a high priority among their legislative and judicial agendas. However, there were indirect campaigns against domestic violence through the temperance, child-welfare, and purity movements aimed at disciplining minority, immigrant, and the working class families. One of the institutional legal developments during this period was the court of domestic relations, a tentacle of the early welfare state and the forerunner of today's family court. The domestic relations court personnel consisted of welfare officials, social workers, police, and prosecutors involved in the protection of dependent mothers and children. The court's main agenda was to discipline poor families and force husbands to be sober, work, and financially support their dependent wives and children (Willrich 2003). While police often encountered domestic violence, unless the violence was extremely severe, they would not arrest anyone. In some states, severe cases of domestic violence were punished via the whipping post. However, since