

# THE SOCIAL CONTEXT OF DOMESTIC VIOLENCE: IMPLICATIONS FOR PREVENTION

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## INTRODUCTION

The main thesis of this article is that domestic violence is rooted in societal violence and can be neither understood nor overcome apart from it. Hence, family violence should not be studied as a discrete phenomenon with discrete dynamics and solutions, as is often done, but rather as a multi-dimensional phenomenon reflecting specific social dynamics in which families interact. More specifically, violence is related to socially structured inequalities in the status and rights of individuals, sexes, classes, races, and peoples. These inequalities do not result from voluntary choices but from coercion, and, once established, require further coercion for their maintenance. Yet, the presence in a society of coercive measures to maintain inequalities inevitably results in counterforce and reactive violence—a vicious circle, from which humankind has, so far, failed to extricate itself.

This article begins with a clarification of the concept of violence, the meaning of which varies in scholarly discourse. A discussion of "structural violence" as an aspect of the social, economic, political and legal systems and values of our society follows. The article ends with some observations on, and proposals for, prevention and amelioration of structural and domestic violence.

### I. THE CONCEPT OF VIOLENCE

#### A. *Violence Defined*

Social problems may be defined descriptively or dynamically. Descriptive definitions usually lead to fragmented and symptom-oriented understanding and programs. Dynamic definitions, however, bring out the relationship between phenomena and the social context and can, therefore, lead to source-oriented, preventive interventions. Viewed dynamically, violence is human-originated relations, processes, and conditions which obstruct free and spontaneous unfolding of innate human potential, the human drive

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toward growth, development and self-actualization, by interfering with the fulfillment of inherent biological, psychological, and social needs. Such relations, processes, and conditions may occur between individuals, as well as between their social institutions and their societies.

Implicit in this view of violence is the assumption that humans, like seeds, have a tendency toward spontaneous growth and development. Seeds will grow into healthy, mature plants only when embedded in nutritious soil, and when nurtured by rain and sunshine. Analogically, human development will be inhibited, or violated, unless humans live in natural and social environments compatible with their developmental needs.

Underlying this discussion is the assumption that humans are not compelled by nature to relate to other humans in violent, domineering, exploitative and oppressive ways, although they have the capacity to do so. Yet, the capacity to relate to others nonviolently, cooperatively, supportively and lovingly is also present. Which of these capacities will emerge as the dominant tendency in a group of people will depend on the social patterns and ideology they have evolved for themselves throughout their history.<sup>1</sup>

Erich Fromm, a noted social scientist and psychoanalyst who studied the sources and dynamics of violence in Europe during the thirties, reached similar conclusions to those suggested here:

It would seem that the amount of destructiveness to be found in individuals is proportionate to the amount to which expansiveness of life is curtailed. By this we do not refer to individual frustrations of this or that instinctive desire but to the thwarting of the whole of life, the blockage of spontaneity of the growth and expression of man's sensuous, emotional, and intellectual capacities . . . . The more the drive toward life is thwarted, the stronger is the drive toward destruction; the more life is realized, the less is the strength of destructiveness. Destructiveness is the outcome of unlivled life.<sup>2</sup>

Violence, according to Fromm, is not a primary human tendency but a reaction to a prior blocking of spontaneous, constructive, life energy.

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1. Benedict, *Synergy: Patterns of the Good Culture*, PSYCH. TODAY, June, 1970, at 53-55, 74-75, 77.

2. E. FROMM, *ESCAPE FROM FREEDOM*, 183-84 (1941).

**B. *Manifestations and Dynamics of Violence***

Violent acts, relations, and conditions may occur among individuals in their homes and elsewhere, and also between individuals, social institutions and entire societies. An individual may violate another's integrity physically and/or psychologically by creating and maintaining conditions which deprive, exploit, and oppress. Institutions such as schools, health and welfare systems, and business corporations may, through their policies and practices, disregard developmental needs of people and may thus subject them to conditions that harm their development. Finally, entire societies may, through their values, policies and laws, evolve and sanction phenomena such as poverty, discrimination by class, race, sex, or age, unemployment, and inflation which all inevitably interfere with the development of many individuals and groups.

Violence resulting from societal conditions may be thought of as "structural violence." Structural violence is inherent in established social patterns and legitimate practices. Personal violence, on the other hand, involves acts which usually conflict with prevailing social norms and laws. Personal and structural violence cannot, however, be understood apart from one another. Rather, they interact with and reinforce one another. They are merely different symptoms of the same underlying social realities, values, mentality, institutions, and dynamics.

Personal violence, as suggested in Fromm's conclusion, is one way in which people react to stresses and frustrations caused by the structural violence they encounter in everyday life. Personal violence appears to be fed by developmental energy which is transformed into destructive behaviors when blocked by structural violence. Structural violence is, therefore, the source or cause of personal violence which, in turn, may lead to chain reactions as successive victims turn agents of further violence. The usual focus of government agencies and the media on sensational cases of personal violence and their consistent disregard of the roots of personal violence in structural violence disguises this issue and precludes understanding and effective, preventive intervention.

**C. *Families as Agents and Arenas of Violence***

Why does personal violence occur more frequently in homes rather than in settings where people confront structural violence? In modern, industrial, urbanized societies, the family is often ex-

pected to restore the emotional stability of individuals who encounter unsettling experiences outside their homes, at places of work, and in other formal settings where people are often treated in an impersonal, dehumanizing, and alienating manner.<sup>3</sup> Families function as lightning rods for the stresses of everyday life. The home is the setting for uninhibited discharge of feelings of hurt, insult, frustration, anger and reactive violence. These feelings originate mostly outside the home, but cannot usually be discharged at their places of origin because direct discharge could lead to social sanctions such as dismissal from jobs or arrest and prosecution. Venting these feelings at home is relatively safe. Private behavior carries a lower risk of sanctions because it is hidden from public view.

There is a further subtle link between family life and structural violence. The family is responsible for preparing children for roles as adults and for adaptation to societal patterns with which they will have to live. In societies such as ours, families, schools, the media, and other agents of socialization prepare children to participate in and accept structural violence. This preparation for living with violence is not intentional but occurs automatically through "normal" child-rearing and educational processes such as: play, sports, stories, art, cognitive and experiential learning, rewards and punishments and especially, corporal punishment. Hierarchical structures, male dominance, and irrational arbitrary authority are common aspects of home life in such societies. All these aspects prepare children for a lifetime with structural violence. Hierarchical structures and male dominance are particular forms of socially structured inequalities, rooted in and maintained by coercion and violence, which can induce counterviolence.

## II. STRUCTURAL VIOLENCE IN THE UNITED STATES

Having discussed the meaning, manifestations, dynamics and relations of social, structural and domestic violence, an examination of the nature of structural violence in the prevailing institutional, legal, and ideological context of the United States becomes necessary. The scope of structural violence in any human society reflects the extent to which intrinsic human needs of its members

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3. *Worker Alienation, 1972*: Hearings on S. 3916 before the subcommittee on Employment, Manpower, and Poverty of the Senate Committee on Labor and Public Welfare, 92d. Cong., 2d. Sess. (1972). See also SPECIAL TASK FORCE, SECRETARY OF HEALTH, EDUCATION AND WELFARE, WORK IN AMERICA (1973) [hereinafter cited as SPECIAL TASK FORCE].

are frustrated, and their development inhibited, as a result of the normal workings of the society's institutions. This analysis, therefore, begins by identifying intrinsic developmental and existential human needs, and then examines whether these needs can be fulfilled in our society.

**A. Human Needs:** Knowledge concerning intrinsic human needs may be imperfect.

Many students of human development, however, consider fulfillment of the following related needs essential to healthy development:

- (1) regular access to life sustaining and enhancing goods and services;
- (2) meaningful social relations, and a sense of belonging to a community involving mutual respect, acceptance, affirmation, care, and love;
- (3) meaningful and creative participation in accordance with one's innate capacities and stage of development in productive processes of one's community and society;
- (4) a sense of security, derived from continuous fulfillment of needs for life-sustaining and enhancing goods and services, meaningful relations, and meaningful participation in socially valued productive processes;
- (5) becoming all that one is capable of becoming, or, in Maslow's terms, self-actualization through creative, productive work.<sup>4</sup>

The extent to which these basic needs are capable of being realized rather than frustrated in a society depends on the structures, dynamics and values of its institutional order. The crucial factors are the manner in which: means of production are controlled, used, developed and conserved; work and production are organized; goods and services are distributed; and social, civil, and political rights are distributed.<sup>5</sup> Accordingly, an analysis of structural violence in the United States involves a review of the workings of these fundamental social processes.

**B. Resource Management:** In the United States, a minority of the people, either individually or as corporations, own and control most means of production, exchange, and distribution, including

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4. See generally J. DEWEY, *LIBERALISM AND SOCIAL ACTION* (1935); E. FROMM, *THE SANE SOCIETY* (1955); A. MASLOW, *MOTIVATION AND PERSONALITY* (1970).

5. See D. GIL, *UNRAVELLING SOCIAL POLICY* 11-30 (1975).

land and other natural resources, factories, banks, commercial and service establishments, transportation and communications, and knowledge and technology.<sup>6</sup> The remainder is owned by all the people and is administered by government agencies in the "public interest." Administration of the "public sector," however, tends to be influenced by interests of individual and corporate enterprises—the "private sector."<sup>7</sup>

The majority of the people do not own and/or control sufficient resources to survive by working with what they control. Hence, the majority of people depend for survival on selling their labor, knowledge and/or skills at the discretion and in the interest of the minority of people who own or control resources. Moreover, the propertyless working classes differ among themselves by origin, race, history and culture; by sex and age; by education, skills, and attitudes, and by occupation and income. These differences tend to divide them as they compete for employment, goods and services, and rights.

Owners and managers use the resources they control to produce goods and services for sale to realize profits. Profits are largely reinvested to expand control over means of production and markets. The competitive drive toward accumulation of capital and control over resources and markets is an important factor shaping the logic of everyday life and affecting the consciousness, behavior and mutual relations of people. The quality and quantity of products, the extent to which production corresponds to actual needs of the population, the quality of the labor process, the effects of production on people, communities, the environment, and on the conservation of resources—all these considerations are less important in shaping production decisions than criteria of profitability and concentration of capital.<sup>8</sup>

### C. *Organization of Production and Division of Labor*

The organization of work and production in the United States reflects the above noted division of the population in terms of control over means of production. The propertied classes rely on the

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6. See Address by Mayor Bernard Sanders, Vermont Law School Distinguished Lecture Series (Nov. 12, 1981).

7. See, e.g., *Sierra Club v. Morton*, 405 U.S. 727, 445-48 (1972) (Douglas, J., dissenting).

8. E. HUNT & H. SHERMAN, ECONOMICS 252-78 (4th ed. 1981); P. BARAN & P. SWEENEY, MONOPOLY CAPITAL 336-69 (1966).

labor of propertyless workers who, in turn, depend on employment by individual and corporate owners. In general, the higher the ratio of employment-seeking workers to available jobs, the lower the average level of wages, and the higher the average rate of profits. Owners tend, therefore, to favor an oversupply of workers relative to jobs, which forces workers to compete for scarce jobs.

The competition for jobs results not only in personal rivalries, but also in intergroup conflicts and discrimination by race, sex and age. Competition results not only from job scarcities but also from the drive for advancement in pyramidal, bureaucratic organization of work and its corresponding wage and prestige systems. Hierarchical structures, in turn, seem necessary to supervise and control workers who were not prepared for self-direction at work, and who usually lack incentives to maximize productivity since the fruits of their labor do not belong to them. This competition for jobs and for advancement to more desirable positions tends to reduce opportunities for meaningful human relations in workplaces and throughout society.<sup>9</sup> It also tends to inhibit the development of class consciousness and solidarity among workers and unemployed individuals, and it frequently gives rise to loneliness, frustration, and alienation, which, in turn, may lead to depression, alcoholism, drug addiction, and domestic violence.<sup>10</sup>

Unemployment, which seems a regular feature of capitalist economies, has many destructive consequences. It holds down the general level of wages, depresses the self-image of unemployed workers, and induces insecurity among employed workers who may lose their jobs at the discretion of employers. The emotions of unemployed workers usually affect the milieu of their families, who suffer emotionally along with their economic deprivation. Furthermore, unemployment has consequences beyond the households directly involved, since reduced household incomes are reflected in the economic realities of communities and society.

While unemployment is dehumanizing, employment under prevailing conditions can be a mixed blessing as it usually does not provide opportunities to actualize one's potential. Workers are

9. Individuals who are forced to compete for the same scarce positions and opportunities are unlikely to develop close, caring, and meaningful relationships.

10. See JOINT ECONOMIC COMM., 94TH CONG. 2D. SESS., ACHIEVING THE GOALS OF THE EMPLOYMENT ACT OF 1946—THIRTIETH ANNIVERSITY REVIEW, Vol. 1, Paper No. 5 (Comm. Print 1976) [hereinafter cited as JOINT ECONOMIC COMM. PAPER]; HUNT & SHERMAN, *supra* note 8, at 321-40; F. PAPPENHEIM, THE ALIENATION OF MODERN MAN (1959).

often considered and treated as means to the ends of employers. They are not perceived as whole and unique individuals, but as functions or components of production processes—"hired hands." When one is treated as a replaceable attachment to a machine, one's self-image suffers and one's development as a whole person with multi-faceted capacities is stunted.

Through employers' efforts to increase efficiency, productivity, and profits, the tasks of most workers have been reduced to simple routines, each a step in complex production processes of which workers are kept ignorant. Consequently, workers are no longer competent and knowledgeable masters of production in their fields, but are, in the revealing jargon of economists, "factors of production." Apart from their earlier separation from the material means of production, workers have, since the industrial revolution, been separated from the non-material means, the knowledge component of production. This, the ultimate stage of expropriation, deprives workers of their human essence—their sense of integrity and autonomy and thus completes their transformation into easily marketable and replaceable commodities.<sup>11</sup>

#### D. *Socialization for the Division of Labor*

Following the industrial revolution, the transformation of most work into routines requiring little or no initiative, creativity, and intellectual effort, and of workers into uncritical performers of routine tasks within authoritarian work settings,<sup>12</sup> inevitably, though subtly, affected child rearing, socialization and formal education. These interrelated processes, in any society, prepare the young to fit into established patterns of adult life and to take their place in the prevailing division of labor.

The established patterns of life and work in the United States today require mainly conforming and apathetic workers.<sup>13</sup> Such workers are produced through prevailing modes of life and human

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11. See Papal Encyclical, Sept. 16, 1981, *excerpted in N.Y. Times*, Sept. 16, 1981, at D26, col. 1 (on human work); H. BRAVERMAN, *LABOR AND MONOPOLY CAPITAL: THE DEGRADATION OF WORK IN THE TWENTIETH CENTURY* (1974).

12. A. SMITH, *THE WEALTH OF NATIONS* 80 (A. Skinner ed. 1970) (1st ed. London 1776) (1937). In discussing the effects of the division of labor following the industrial revolution, Adam Smith commented that a man who endlessly performed the same task "generally becomes as stupid and ignorant as it is possible for a human creature to become." Similar conclusions were reached by Marx in discussing worker alienation. See K. MARX, *ECONOMIC AND PHILOSOPHICAL MANUSCRIPTS OF 1844* 69 (1959).

13. *Hearings on S. 3916, supra* note 3. SPECIAL TASK FORCE, *supra* note 3, at 29-66.

relations in homes, schools, churches, and neighborhoods. The destructive consequences of current patterns of child rearing, socialization and formal education do not result from conscious, intentional practices on the part of parents, teachers, and educational authorities. Rather, they automatically result from growing up in homes, schools, and neighborhoods segregated by social class and race and by attitudes, expectations and aspirations. Consequently, though not intentionally so designed, the patterns of child rearing, socialization and formal education in the contemporary United States result in massive and differential underdevelopment of the rich potential of most children and youth.<sup>14</sup>

Most individuals in the United States are not expected, nor do they have opportunities, to use their innate capacities in the normal course of employment. Therefore, many individuals either fail to fully develop their capacities or allow developed capacities to atrophy from lack of use. The result is a society in which most people function below their potential. This underdevelopment progressively reduces the capacity of culturally and developmentally damaged generations to nurture those following them.

Moreover, ongoing efforts to enhance efficiency and productivity through further refinements in the subdivision of labor will intensify psychological conditions and processes which result inevitably in developmental deficits. This trend will be reversed only when people are expected, and have the opportunity to integrate their intellectual, physical and emotional capacities in production and in other domains of everyday life; when they will no longer be factors but rather masters of production and of their own existence.

#### *E. Irrationality and Waste*

A further feature of aggregate production<sup>15</sup> in the United States is irrationality. While production tends to be planned, rational, and efficient in terms of profit considerations of individual firms, aggregate production is unplanned, irrational, inefficient and wasteful in terms of the real needs of the population, the survival

14. See generally S. BOWLES & H. GINTIS, *SCHOOLING IN CAPITALIST AMERICA* (1976); Gil, *The Hidden Success of Schooling in the United States*, *THE HUMANIST*, Nov./Dec., 1979 at 32-37.

15. For an explanation of the concept of "aggregate production" see E. HUNT & H. SHERMAN, *supra* note 8, at 314-28.

and development of communities and regions, and the conservation of resources and the environment. This internal contradiction of capitalist production occurs because individual businesses and the economy as a whole are not oriented toward actual needs of all people. Rather, the focus is on "effective demand" as reflected in purchasing decisions and on maximizing profits. The needs of people who lack adequate purchasing power are, therefore, neither considered, nor met, under prevailing patterns of production and distribution.

Moreover, the absence of planning geared to the needs of all people and to the long range needs of communities and society results not only in severe underproduction in terms of people's needs, but also in wasteful overproduction of unnecessary goods and services. People with surplus purchasing power are induced to buy these products by means of technically sophisticated, yet mindless, advertising. Further aspects of irrationality and waste in capitalist production are frequent, arbitrary changes of models and fashions, and planned obsolescence of many products. The massive waste in production is a major, objective source of inflation, intrinsic to capitalist dynamics. Inflation, generated by waste, in turn stimulates subjective, social and psychological tendencies, which reinforce the inflationary process.<sup>16</sup>

Lack of economic planning geared to the needs of all people and communities, along with waste-generated inflationary practices, lead inevitably to periodic economic crises to which individual firms respond by cutting back production and by laying off employees. From a big-business perspective, such crises are necessary mechanisms to regulate the economy in the absence of planning. From the perspective of individuals, households, small enterprises, and communities, these crises usually mean disaster.

#### *F. Distribution of Goods and Services, and of Social, Civil, and Political Rights*

In the United States, goods and services are available mainly through markets. Purchasing power in the form of money or credit is necessary to secure goods and services. The quantity and quality of available goods and services which people can obtain therefore depends mainly on their wealth and their incomes from wealth, work, and government grants and subsidies. The distribution of

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16. E. HUNT & H. SHERMAN, *supra* note 8, at 395-416.

wealth and income in the United States has always been and continues to be characterized by major inequalities among individuals, households, age-groups, sexes, ethnic groups, and social classes.<sup>17</sup> Poverty, defined as income insufficient to secure an acknowledged, minimally adequate standard of living, is built into the fabric of our society<sup>18</sup> in that large segments of the population own little or no income producing wealth, nor are they assured access to gainful employment.

Propertyless people of all ages who never secured employment or lost their jobs are usually doomed to poverty. Whatever purchasing power they command derives from government transfer payments or from extra-legal practices, i.e., crime. Transfer payments to poor people tend to be very low. These payments usually do not raise income levels to the U.S. government's poverty index, a measure derived from a short-term, emergency food budget, which corresponds to less than two-thirds of the "low-level budget" for urban households as determined by the U.S. Bureau of Labor Statistics. During recent years, about one in eight persons or about 29,000,000 individuals were living in households with incomes at or below the official poverty level, despite government assistance. Another 40,000,000 were "near poor" according to a 1980 report of the National Advisory Council on Economic Opportunity. "Near-poverty" corresponds to 125 percent of the official poverty index. The incidence of poverty and near-poverty is significantly higher among children, youth, aged persons, women (especially in single parent families), racial minorities and native American tribes.<sup>19</sup>

Individuals who never secured employment, or who lost their jobs, or retired from work, are not the only persons who exist in or near poverty. Many regularly employed workers live in or near poverty since the legal minimum wage does not assure incomes above the poverty line.<sup>20</sup> Furthermore, the prevailing wage structure leaves about one-third of the entire population in or near

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17. See generally BUREAU OF THE CENSUS, UNITED STATES DEP'T. OF COMMERCE, STATISTICAL ABSTRACT OF THE UNITED STATES.

18. See *supra* text accompanying notes 6-11.

19. For definitions of "poverty" and "BLS family budgets" and for data on these measures, see STATISTICAL ABSTRACT OF THE UNITED STATES, (1980), *supra* note 17, at 463-69. See also N.Y. Times, Aug. 21, 1980 at A12; *id.*, Oct. 19, 1980 at 24.

20. The minimum wage in 1980 was \$3.10 per hour or \$6,448 per year for a worker employed 52 weeks per year. This is \$1,966 less than the 1980 poverty line for a family of four.

poverty.<sup>21</sup>

In theory, every citizen of the United States is entitled to equal civil and political rights. In reality, however, these rights are distributed unequally, as they are subtly associated with material wealth and income, and with race, sex, age, occupation, education, and social class. The economically powerful, especially white males, tend to acquire disproportionately large shares of social prestige and political influence. Public authorities often treat the well-to-do more politely and more favorably than poor people, especially when the latter are members of racial minorities. Even in courts of law and in the correctional system, wealthy and prestigious individuals and corporations are often able to secure preferential treatment with the help of expensive lawyers.

Access to the communication media to promote views on public issues also tends to be easier for economically powerful and socially prominent individuals and groups. Since political influence and power depend, to no small extent, on access to established media, or on economic resources to create alternative media, those who lack ample economic resources usually also lack opportunities to acquire political influence.

#### *G. Ideology*

Central to any ideology are positions on the following related value continua:

equality . . . . .	inequality
affirmation of community and individuality . . . . .	selfishness
cooperation . . . . .	competition
liberty . . . . .	domination

Our dominant ideology is oriented toward the right poles of these value continua, although many would deny this. We proclaim that "all men are created equal"; but we seem to live by the premise that individuals, groups, classes, and peoples are intrinsically unequal in worth and are consequently entitled to unequal shares of resources, goods and services, and to unequal social, civil, and political rights. We affirm the sanctity of all life, commend "community spirit," and condemn selfishness in our religious and philosophical traditions, but we do not seem to value the lives and individuality of others. We easily disregard community concerns

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21. N.Y. Times, Oct. 19, 1980, at 24.

and interests, and we seem to accept selfishness as a guiding principle of everyday life and human relations. We teach children in homes and schools to share and cooperate, but nearly all domains of adult existence are permeated by acquisitiveness and competitiveness. We are enthusiastic advocates of liberty and "human rights" as abstract principles; but we do not hesitate to dominate and exploit other individuals, classes, races, and peoples, and to use them as means to our ends.<sup>22</sup>

### III. REALIZATION OF FUNDAMENTAL HUMAN NEEDS

Having reviewed the prevailing patterns of basic social processes and their corresponding ideological tendencies, it is now possible to examine whether fundamental human needs can be realized, and innate human capacities can unfold freely, within the established social order of the United States. Such an examination serves as an "acid test" of structural violence in any society.

The fundamental, interrelated needs we are concerned with here are needs for: (a) basic, material goods and services; (b) meaningful human relations conducive to emergence of a positive sense of identity; (c) meaningful and creative participation in socially valued productive processes; (d) a sense of security; and (e) self-actualization.<sup>23</sup>

a. Analysis of our institutional and ideological context revealed that large segments of the population now lack access to an adequate level of basic goods and services because they do not own and control sufficient means of production, and because they do not possess unconditional rights to gainful employment and adequate income. The debilitating, dehumanizing, and alienating consequences of unemployment and poverty frustrate the realization of the material needs of millions of individuals and households, and therefore inhibit their healthy development.

b. Next, the analysis revealed many obstacles to meaningful, mutually caring human relations which are conducive to the development of a positive sense of identity, in places of work and in other public settings as well as in people's homes. These obstacles derive largely from pervasive, structurally induced competition for employment, promotions, preferred positions, conditions, and op-

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22. See D. DOWD, *THE TWISTED DREAM* (1977).

23. See *supra* text accompanying notes 4-5.

portunities. Meaningful human relations are usually not possible among individuals who are unequal in prestige, status, and power, and who evaluate, use, and control one another as means in the pursuit of selfish ends.<sup>24</sup> Meaningful relations are unlikely to develop when households function as separate economic units, each trying to survive as well as possible in a non-cooperative way of life. Finally, meaningful relations are often undermined in the private domain when people's developmental energy is blocked in the public domain, and when they react to the frustrations of everyday life through interpersonal violence in intimate relations.

c. Meaningful and creative participation in socially valued productive processes is beyond the expectations of most people when: (1) any kind of employment is not assured; (2) most available jobs are designed as fragmented meaningless routines, to be performed in alienating, oppressive and exploiting conditions;<sup>25</sup> and (3) child care, socialization, and formal schooling result inevitably in massive underdevelopment of innate human capacities.

d. A sense of security tends to emerge when people's needs for goods and services, for meaningful human relations, and for meaningful participation in society's productive endeavors can be realized regularly. Because these needs were shown to be unrealizable in the context of prevailing societal dynamics and values, few individuals can be expected to develop a genuine sense of security and, indeed, many suffer a nagging sense of insecurity.<sup>26</sup>

e. Self-actualization is usually not possible for people whose material, relational, developmental, and security needs are unrealizable.<sup>27</sup> Given the factors articulated above, it is clear that few individuals can be expected to realize their need for self actualization.

To summarize, this analysis suggests that life in the United States now involves widespread frustration of people's intrinsic needs. When individuals live under such conditions, their innate capacities do not usually unfold freely and fully and their development is consequently stunted. Accordingly, our society appears to be a development-inhibiting or development-violating social environment. This fact is often acknowledged with respect to people

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24. See *supra* text accompanying notes 9-10.

25. See H. BRAVERMAN, *supra* note 11.

26. See F. POPPENHEIM, *supra* note 10.

27. See A. MASLOW, *supra* note 4.

living in poor and low income homes.<sup>28</sup> Paradoxically, this is frequently true, though in different ways, for people living in middle income and affluent homes. Material adequacy and affluence do not by themselves lead directly to the realization of relational, developmental, security, and self-actualization needs, as they can not insulate individuals from the dehumanizing effects of inequitable, selfish, competitive, exploitative and antagonistic patterns of everyday life.

#### IV. THE CONSTITUTION, THE LEGAL SYSTEM, AND STRUCTURAL VIOLENCE

Throughout history, the ultimate sources blocking spontaneous unfolding of human potential have been those social, economic, legal and political structures which result in inequalities in status, power, and rights. All social formations—from patriarchy and slavery through feudalism, capitalism, imperialism, and authoritarianism—which involve such inequalities as a basis for domination and exploitation are, therefore, intrinsically violent. They violate the individual development of their members and bring forth violent reactions from oppressed individuals and groups.<sup>29</sup>

Like all social systems involving structural inequalities, capitalism originated in, and is sustained by, overt and covert force.<sup>30</sup> Its major inequalities, as shown in the foregoing analysis of the social order of the United States, are the division of the population into property controlling minorities and propertyless majorities, as well as related divisions by income, occupation, education, residence, sex, age, race, origin, etc.

Human societies were not always divided into propertied and propertyless classes.<sup>31</sup> Whenever and wherever this division

28. See D. MOYNIHAN, *ON UNDERSTANDING POVERTY* (1969). See also U.S. DEP'T. OF HEALTH, EDUC., AND WELFARE, *PERSPECTIVE ON HUMAN DEPRIVATION: BIOLOGICAL, PSYCHOLOGICAL AND SOCIOLOGICAL* (1968).

29. For a history of child abuse spanning several thousand years of social evolution see Radbill, *A History of Child Abuse and Infanticide*, in *THE BATTERED CHILD* (1968). See also D. BAKAN, *SLAUGHTER OF THE INNOCENTS* (1971).

For a study that documents the anthropological evidence see Prescott, *Deprivation of Physical Affection as a Primary Process in the Development of Physical Violence: A Comparative and Cross-Cultural Perspective*, in *CHILD ABUSE AND VIOLENCE* 66 (D. Gil ed. 1979).

30. See D. DOWD, *supra* note 22; 1 K. MARX, *CAPITAL* Vol. 1., pt. 8 (1867).

31. See Benedict, *Synergy: Patterns of the Good Culture*, *PSYCHOLOGY TODAY*, June, 1970 at 53-77.

evolved, it was established not voluntarily, but through coercive processes.<sup>32</sup> Only then did it become institutionalized as "law and order," rationalized and justified through religion, philosophy, legal theory and ideology, and transmitted and stabilized through processes of socialization and social control. The maintenance of this human created division continues to depend upon subtle forms of coercion and, not infrequently, on overt violence.

In a formal sense, our society is a political, but not an economic, democracy. Throughout history we have secured important civil and political rights and liberties, though they are not always observed in practice. Many insightful students have suggested, however, that our political system, like all capitalist states, is in fact a subtle dictatorship of propertied minorities over majorities of expropriated and constantly exploited working classes.<sup>33</sup> These individuals argue that majorities never voluntarily choose, nor do they consent, to exist under conditions of oppression, exploitation, deprivation and poverty unless the minorities were able to maintain and defend the established order through ideological hegemony, socialization, and, as a last resort, through "legitimate" force and coercion by the military, the police, and various secret services.

The fact that people in the United States periodically elect legislators and executives does not mean that they can chose freely between the established capitalist system and an egalitarian alternative system. People now decide only who will govern the established order, not whether to maintain or to change that order. The latter issue is beyond our present political agenda. Groups which intend to place this choice on the political agenda encounter fierce resistance and repression. Moreover, election campaigns are costly, and candidates lacking personal wealth who challenge the interests of propertied classes are unlikely to secure the necessary financial support to campaign for political office. Also, wealthy advertisers, to a large extent, control the communications media. Political groups opposed to capitalism face, therefore, severe obstacles to the dissemination of their ideas through the media.

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32. People do not of their own free will choose inferior and disadvantaged conditions of living relative to other members of their group.

33. F. ENGELS, *THE ORIGIN OF THE FAMILY, PRIVATE PROPERTY, AND THE STATE* (1st ed. 1884); R. MILIBAND, *THE STATE IN CAPITALIST SOCIETY* (1969); V. LENIN, *THE STATE AND REVOLUTION* (1917).

The Constitution of the United States and our legal system are important tools towards preserving and reproducing the established, *inegalitarian-violent* social order and its skewed distribution of power and wealth. Property rights are guaranteed by the Constitution while no comparable guarantees exist for the fulfillment of people's material, relational, developmental, security and self-actualization needs. Our frequently articulated human rights to development and individuality are not assured through law and the Constitution, and are certainly not implemented in practice. Under prevailing conditions, for large segments of the population, these rights are nothing but abstractions—a fiction and a myth.

The philosophy of equality and liberty that permeates the Declaration of Independence did not shape the Constitution. Rather, our Constitution accepts and protects inequalities of wealth and of wealth-related rights—the major sources of structural violence in our society. Symbolic of this shift in philosophy is a provision of the Constitution wherein slavery is acknowledged implicitly, and the value of "other Persons" is set as three-fifths of "free Persons."<sup>34</sup> Though this dehumanizing and blatantly violent provision is no longer in force, and though a Bill of Rights and other important amendments were added, the Constitution continues to uphold inequalities of wealth and associated social and political inequalities, and does not guarantee the fulfillment of people's developmental needs. Hence that Constitution, and the legal system derived from it, maintain structural violence, whether or not the framers intended these results.

## **V. OVERCOMING VIOLENCE: PREVENTION AND AMELIORATION**

Violence in our homes and throughout our society can be prevented. Prevention can not be accomplished, however, merely by treating or punishing individuals who are trapped in cycles of violence. Rather, structural violence—the roots of personal and domestic violence—must be eliminated by transforming social, economic, political, and cultural institutions in accordance with *egalitarian, cooperative, and genuinely democratic values and principles*. While such changes would not cause immediate elimination of all personal violence, they would work toward its eventual prevention as they seem compatible with the requirements of individual growth and development.

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34. U.S. CONST. art. I, § 2, cl. 3.

Prevention of violence from our homes and lives is therefore primarily a political, rather than a professional and technical issue. Yet, our society does not seem ready for the major institutional and ideological changes proposed above. Nevertheless, it is necessary to identify and work toward these changes and to build political movements committed to them.

Social transformation toward a nonviolent, egalitarian, democratic order is not a brief, cataclysmic event, but involves an extended process. Prevention of domestic violence, therefore, is also an extended process involving many steps. This process must consistently challenge the destructive elements of the prevailing violent social order. These elements include: (1) destructive values and ideology; (2) inadequate legal definitions of the rights of people and especially of children and women, and (3) inegalitarian institutional arrangements such as poverty and the prevailing organization of work and production. All of these elements result inevitably in insecurity, frustration and stress.

Ameliorative measures which treat victims of domestic violence and reduce the suffering of those involved without challenging the structural sources of violence are not steps in a preventive strategy. Such measures are certainly necessary to ameliorate widespread violence and suffering. However, one ought to avoid the illusion that ameliorative measures in themselves can eliminate the sources of violence from the fabric of society.

Clarification of the concepts of "prevention" and "amelioration" is necessary before suggesting a set of social policies designed to combine preventative and ameliorative dimensions in dealing with domestic and social-structural violence. Prevention means identification and eradication of the sources of unwanted phenomena. Examples are: (1) identification and eradication of disease-causing organisms in the environment; (2) inoculation of people; and (3) provisions requiring clean water and clean air.

Public health and social service professionals differentiate, however, between several levels of prevention.<sup>35</sup> "Primary prevention" refers to the above noted model of identification and eradication of causes or sources of phenomena. "Secondary prevention" refers to identification of early signs or stages of a phenomenon, swift intervention before the phenomenon reaches severe dimen-

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35. See 2 *ENCYCLOPEDIA OF SOCIAL WORK* 1049-54 (17th ed. 1977).

sions, and reduction of the likelihood of recidivism. Cancer screening programs illustrate this level of prevention. The main goal in "secondary prevention" is to prevent or reduce serious consequences after the onset of an undesired process. "Tertiary prevention" refers to intervention after an undesired event has occurred in order to reduce or "ameliorate" the symptoms and consequences. Tertiary prevention is actually the same as amelioration. Clearly, the three levels merge into one another and are not always readily differentiated. Some arbitrariness is thus involved in these definitions.

Prevention and amelioration may be best thought of as polar positions on a continuum, while particular intervention strategies may be thought of as points on this continuum. Source-oriented prevention and symptom-oriented treatment or amelioration are, therefore, not mutually exclusive approaches. In practice, it seems valid to combine and integrate preventive and ameliorative dimensions, as long as their functional distinction is kept in mind.

Under conditions of acute suffering, immediate amelioration and treatment are essential for humanitarian reasons. However, when a community or society invests all available resources and energy in treatment and amelioration of acute situations to the exclusion of "secondary" and "primary" prevention, or worse, when treatment and amelioration are misrepresented as primary preventive measures, then undesirable phenomena tend to become permanent features. In the opinion of many observers, the public response to domestic violence in the United States has been relatively ineffective because it involved mainly "tertiary prevention," some efforts at "secondary prevention," but no "primary prevention."<sup>36</sup>

Social problems such as domestic violence can not be prevented through professional and administrative processes independent of political measures. "Primary" prevention of such problems is essentially a political issue, since it requires significant changes of the social, economic and political context within which these problems are rooted. Accordingly, the measures suggested below

36. E.g., Ziegler, *Controlling Child Abuse in America: An Effort Doomed to Failure*, in *CHILD ABUSE AND VIOLENCE* (D. Gil. ed. 1979) (Dr. Ziegler, a professor of psychology at Yale University, was instrumental in developing the Head-Start program and served subsequently as Chief of the U.S. Children's Bureau). See also Gil, *The U.S. Versus Child Abuse*, in *THE SOCIAL CONTEXT OF CHILD ABUSE* 291 (L. Pelton ed. 1981).

concern these dimensions. They are designed to push for maximum feasible structural changes within the prevailing societal context, as well as for amelioration for victims of violence. The suggested policy measures are inevitably contradictory and controversial in that they imply major changes from within a thoroughly change resistant social system by using channels, and claiming resources, of that very system.

First, the rights of children and women should be redefined through appropriate legislation. Children ought to be viewed and treated as persons entitled to the full protection of the Constitution, including the integrity and inviolability of their bodies and minds.

Further, all forms of corporal punishment and physical coercion of children in the public domain ought to be outlawed as was recently done in Sweden,<sup>37</sup> and cultural sanctions ought to be developed against such punishments and coercion in the private domain as well. This would reverse the cruel tradition reflective of a slave mentality: "spare the rod and spoil the child."

Concerning women's rights, the Equal Rights Amendment to the Constitution should be passed, and provisions should be enacted for openminded sex education, for access to contraception, and for elimination of legal and economic obstacles to personal choices concerning motherhood. Such laws would enhance the position of women in the public and private domains, and would reduce the alarming rise, especially among teenagers, in unintended pregnancies and unwanted children who become prime targets of domestic violence.

Domestic violence, along with many other social problems, is known to be associated with stresses and insecurities resulting from economic, social, and psychological aspects of poverty and from alienating conditions and relations at work.<sup>38</sup> It is, therefore, essential to eradicate the dehumanizing and anachronistic conditions of poverty and the alienation and insecurities characteristic of work life. There are two complementary approaches towards these ends and both should be enacted as federal laws.

First, an unconditional right should be established through

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37. See N.Y. Times, Oct. 19, 1980, at 22, col. 1; *id.*, Apr. 4, 1979, at A-7, col. 1.  
38. See Gil, *Unravelling Child Abuse*, 45 AM. J. ORTHOPSYCHIATRY 346 (1975).

federal legislation for all<sup>39</sup> to participate in the aggregate, socially necessary work in a meaningful and dignified manner, at wages compatible, at least, with the "intermediate level" of living as defined by the Bureau of Labor Statistics. The struggle for the right to work goes back to the "Full Employment Act" of 1946 and beyond. No society prior to capitalism has ever excluded large numbers of people from production. This has disastrous consequences for our entire society, and needs to be overcome.<sup>40</sup>

Second, an unconditional income guarantee should be established through federal legislation. Income should be guaranteed at the same levels as the wages linked to the work guarantee for households whose members are unable to participate in income generating work on a temporary or permanent basis by reason of age, illness, handicapping conditions, or responsibilities for the care of relatives.<sup>41</sup> This policy has "weak" precedents in the Family Assistance Act submitted to the Congress by the Nixon administration,<sup>42</sup> and in Negative Income Tax proposals by many economists.<sup>43</sup>

The work and income guarantees suggested here are feasible policies within the prevailing social, economic, and political system. They do not require prior abolition of constitutionally guaranteed property rights, but merely comprehensive revisions of tax laws (including the phasing out of the social security system) and of work and income allocations. As demonstrated in Sweden, changes similar to those proposed here are possible within the context of capitalist political democracies. Privileged classes are likely to resist these proposals. Nevertheless, they must be pursued in the political arena by progressive forces committed to economic as well as to political democracy.

Furthermore, these policies do not involve "real" economic costs in terms of national wealth (G.N.P.), but merely a significant

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39. "All" refers to individuals ready and able to work in terms of age, health and social conditions.

40. For the linkage between unemployment, violence, crime, and mental illness see JOINT ECONOMIC COMM. PAPER, *supra* note 10. See also Gil, *Violence Against Children*, J. MARR. & FAM., Nov., 1971, at 637, 642-48; Gil, *Social Policy and the Right to Work*, 3 SOCIAL THOUGHT 47 (1977).

41. Unemployment is not listed among these reasons as it would be abolished under the proposed "right to work" legislation.

42. H.R. 7388, 92d Cong., 1st Sess. (1971).

43. E.g., M. FRIEDMAN, *CAPITALISM AND FREEDOM* 190 (1962); C. GREEN, *NEGATIVE TAXES AND THE POVERTY PROBLEM* (1967).

redistribution of claims to the goods and services produced in our economy. Hence, the political argument which will certainly be raised, that we cannot afford these policies since they are too costly—is simply not valid. Not only do these policies cost nothing in aggregate economic terms, but they are also likely to generate, over time, considerable benefits in economic, social, and psychological terms. Their only "costs" are political, since the tax reforms on which these policies depend involve challenges to vested interests of privileged classes.

Maintenance of optimum physical and mental health for all is also important to the eradication of economic and psychological stress. Physical and mental ills have been found to be associated with both poverty and domestic violence.<sup>44</sup> A universal, comprehensive health maintenance system, focused both on prevention and cure, should be maintained through general revenues. Such a system should also provide family planning services, contraception, and abortions.<sup>45</sup> The proposed health maintenance system should also provide a range of ameliorative services to victims of domestic violence.

One further policy fitting into this cluster is a comprehensive system of education from nursery to graduate schools—open to all—along with provisions for day care to which parents should have access on a voluntary basis. This system would also be financed from general revenues.<sup>46</sup>

Finally, a fair, loophole-free, progressive tax system on both income and wealth is needed to implement the foregoing policy proposals. Roughly, such a tax system should involve a tax-free "basic income" at about the level of the BLS intermediate standard of living. Irrespective of source, income above that level earned or unearned, should be subject to a progressive tax of up to about 90 percent. Moreover, existing loopholes in the federal taxation of transfers of wealth should be eliminated. Regressive sales taxes and social security taxes would be phased out as the proposed tax reform is implemented.

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44. See JOINT ECONOMIC COMM. PAPER, *supra* note 10.

45. Unwanted children born out of wedlock, especially to teenaged mothers, tend to be abused more frequently than other children. See Gil, *Violence Against Children*, in J. MARR. & FAM., Nov., 1971, at 637-48; Prescott, *Abortion of the Unwanted Child: A Choice for a Humanistic Society*, THE HUMANIST, March, 1975, at 11-15.

46. For the relation of child abuse to the educational level of perpetrators see D. GIL, *VIOLENCE AGAINST CHILDREN* 110-11 (1970).

The policies suggested here could reduce the incidence and ameliorate the consequences of domestic, institutional, and societal violence. The policies would establish a health maintenance system which would treat victims of violence; they would, through the work and income provisions, challenge the sources and dynamics of violence in the *inegalitarian* fabric of our society. These policies are "non-reformist reforms"—a concept developed by the French existentialist philosopher Andre Gorz—in that they involve challenges to prevailing *inegalitarian* values and institutions and to the traditional, vested interests of propertied minorities who now exercise economic and political control in our society. In this way, these policies differ significantly from conventional, "reformist reforms" which, according to Gorz, are reforms that do not change the relative shares of status, wealth, power, and control in society.<sup>47</sup>

While these policies do not seem to require constitutional changes, they involve significant shifts of economic rights and political power, and will encounter strong resistance. In spite of such resistance they ought to be introduced into the public discourse at this time of social and economic tension so that people can begin to organize and struggle for basic rights to meaningful and dignified work, adequate income, health, and education. These policies are not final solutions to violence. They are, however, feasible, meaningful steps of an extended ideological and political process toward human liberation and fulfillment in an *egalitarian*, non-violent and cooperative society.

## VI. CONCLUSION

This article examines domestic violence in the context of, and as a reaction to violence in the social structure. The term "structural violence" refers to socially evolved and maintained inequalities in status and rights among people and classes. Structural violence inhibits free and full human development by interfering with the fulfillment of intrinsic human needs. "Domestic violence" is a term referring to the uninhibited discharge in the home of feelings of hurt, insult, frustration, anger and reactive violence—feelings that originate mostly outside the home but which cannot usually be vented at their places of origin because of social sanctions. The privacy of the home offers a sanctuary for such discharge. More-

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47. See A. GORZ, *STRATEGY FOR LABOR* (1967); A. GORZ, *SOCIALISM AND REVOLUTION* 133-67 (1973).

over, the home is a training ground where the young learn to live with structural violence in society. Finally, homelife tends to be organized on the societal principles of inequality and domination by age and sex.

An examination of concrete aspects of the institutional order and the value system of the United States provided evidence for the proposition that our society is permeated with structural violence; that intrinsic material, relational, creative, and self-actualization needs of our people cannot now be realized to a sufficient extent to assure healthy growth and development.

The Constitution—and the legal system, derived from it—perpetuates both inequality and structural violence by protecting established property rights and relations. The United States enjoys formal political democracy but no economic democracy. As a result, our society can be viewed as a subtle dictatorship of propertied classes over propertyless majorities.

Prevention and amelioration of domestic and structural violence differ in function as well as process and must not be confused or perceived as identical. Prevention is a political issue because its accomplishment depends on the transformation of inequitable, or violent, social, economic and political institutions and values into equitable or nonviolent alternatives. Such transformations are not brief moments, but extended processes which will require years of struggle by many people. Although the United States may not now be ready for these necessary developments, these issues must nevertheless be strongly put forth by social movements committed to equality, liberty, and full democracy.