

Chapter 12

PUNISHMENT AND DOMESTIC VIOLENCE

Domestic violence is not just a sub-category of violence in general. It is inherently complex because there is an unclear border or demarcation between tough “education” within the family (disciplining children) and violence (beating children); the demarcation between the two is much clearer outside the home, as in schools and other institutions. Another problem is that when the offender is a parent, for example, then punishing him or her is likely to harm the family at large, such as by taking away their means of support. Generally, punishment involves singling out a specific offense and the perpetrator of that offense, and this is more problematic in a family situation. These complex issues are often used by the authorities as an excuse to abstain from pursuing and punishing offenders. Consequently, they renege on their two obligations—to punish criminals and protect the weak.

In this chapter, I deal with the problem of mild punishments for violent crimes, which is reminiscent of the similar issue of the previous chapter (mild punishments for sexual crimes). The extent of intrafamilial or domestic violence, and the horrific levels of cruelty involved, probably point to a worldwide epidemic.

The second problem, more specific to Israel, is the intolerable laxity with which this phenomenon is treated by institutions and governmental institutions in Israel, including the welfare systems but most notably—the legal and law enforcement systems. In general, the legal system in Israel exhibits outrageous clemency towards criminals (such as relatively light sentences for murder), and mild punishments for domestic violence.

Domestic violence, particularly when it is aimed at children, is complicated for the reasons cited above: there is a thin line between discipline/punishment and actual violence. Hamner and Turner argue that “in our society the terms *discipline* and *punishment* are used synonymously. When someone says, ‘what

the child needs is discipline,' usually it means that the child needs punishment, most often physical in nature."¹ The authorities often hesitate to label punishment within the family as domestic violence or a crime or felony, particularly among people who still consider physical punishment as a legitimate means to achieve discipline within the family. For example, if a parent spansks their own child then the authorities will probably not respond, whereas they are likely to do so if the same people spank someone else's child. This is because a family has a degree of comprehensive autonomy regarding intrafamilial relations and the education (or "imposing discipline") of the children within the family.

In any event, I mainly deal in this chapter with the harsh cases of domestic violence—those labeled as crimes, some of which are even prosecuted and judged in criminal courts—and not borderline cases. These criminal cases were considered by Straus, Gelles, and Steinmetz as belonging to the category of "abusive" violence. Acts of this kind "carry a high risk of serious injury and which, if carried out between persons who are not members of the same family would be considered a criminal assault."² Such assaults between husbands and wives occur in the US at an annual rate of 6% of American couples (and with the allowance of underreporting, we might even double that figure).³ The figures are less definitive in Israel, though women's organizations estimate the number of Israeli battered women to be between 200,000 and 300,000 out of an entire population of about 7,000,000 (This figure, unlike the American figure, includes battered women who do not turn to the police). The situation in the UK is also grim. Jon Bernardes quotes Anthony Giddens, saying: "The home is, in fact, the most dangerous place in modern society. In statistical terms, a person of any age or of either sex is far more likely to be subject to physical attack in the home than on the street at night. One in four murders in the UK is committed by one family member against another."⁴ These grim statistics show that domestic violence has become a worldwide epidemic.

Steinmetz summarized some studies about *marital violence* (mainly in the US), and her data are shocking. She says that "between 50% and 60% of the couples interviewed, reported physical violence by a partner at some time during the marriage or relationship."⁵ She also cites that "For about 1 out of 5 women,

¹ Hamner Tommie J. and Turner Pauline H. *Parenting in Contemporary Society*. Allyn & Bacon, Boston, 1996, p. 46.

² Straus Murray A., Gelles Richard J., and Steinmetz Suzanne K. "Physical Violence in a Nationally Representative Sample of American Families." In: Trost Jan. (ed.), *The Family in Change*, International Library, Vasteras, 1980, p. 163.

³ These data are taken from Straus Murray A., *ibid*.

⁴ Bernardes Jon. *Family Studies*. Routledge, London, 1997, p. 72. This quotation is from Giddens A. *Sociology*. Cambridge: Polity, 1989, p. 408.

⁵ Steinmetz Suzanne K. "Family Violence: Past, Present and Future." In: Sussman Marvin B. and Steinmetz Suzanne K. (eds.), *Handbook of Marriage and the Family*, Plenum Press, New York, p. 732.