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From fear to justice: Gendered struggles against domestic violence

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Abstract

Domestic violence against women is not a new problem in India, and it remains prevalent across societies worldwide. Traditionally, such violence was not taken seriously by people, who considered it a private matter rather than a public issue. Over time, however, growing feminist movements across the globe have challenged this perception, emphasising that violence against women is a serious social problem rather than a private matter. As a form of gender violence, it is now widely recognized as a violation of human rights that has serious social and economic consequences for all societies around the world. In cases of domestic violence, fear functions as a powerful mechanism of control that enables the abuser to dominate his partner. The Fear of economic insecurity, family shame, child care responsibility, and the failure of institution meant to provide protection which fuels the continuation of violence secretly. At the same time, it is the courage of survivors, often strengthened by social support that enables them to seek justice. This paper seeks to analyse how fear is used as a tool of domination to silence victims while also examining the extent of their faith in both formal and informal institution responsible for delivering justice.

Keywords: Domestic violence, fear, justice, social reforms, delivering justice

Introduction

Gender violation is a frequently discussed issue in the 21st century, though it is not a new problem, as it takes place in more or less every society. However, in recent years it has become a major social concern. Historically the problem was often treated as less serious, as such violence was taking place within the family and was therefore considered a private matter rather than a public problem. With the rise of feminist movements, however, gender violence came to be recognized as a serious violation of women's human rights. (Merry, 2009) ^[4]. Domestic violence is a part of gender violence and one of the most common forms of gender-based violence globally. According to the World Health Organization (WHO, 2021), domestic violence is defined as the physical, mental, sexual, or economic abuse within an intimate relationship that is deeply rooted in the patriarchal structures of the society and gender inequality. Which accelerates in silence and is fuelled by fear of physical harm, fear of shame, and failure of institutional failure. As per the report published by WHO, between 38% and 40% of murders of women are committed by their intimate partners, and they believe that violence against women has serious social and economic consequences for societies. Domestic violence and other forms of gender-based violence in India have increasingly been acknowledged as serious public health concerns and violations of women's human rights. This article explores the dialectic between fear and justice in the context of domestic violence in India. By analysing fear as a mechanism of control and justice as both an aspiration and a struggle. The article studies the journey from fear to justice, which is not merely a legal process but a broader socio-political struggle for equality, dignity, and empowerment.

Living in Fear: Understanding Domestic Violence

The definition of gender violence varies depending on the gender identities and relationships of the parties involved. It is an umbrella term encompassing a wide range of violations against women, ranging from sexual assault to physical and mental abuse within intimate relationships. The meaning of gender violence depends on the gendered relationships.

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For better understanding, it requires a situational analysis within a broader social and cultural context. Domestic violence falls under the wider framework of gender violence. According to the Protection of Women from Domestic Violence Act, 2005, domestic violence includes physical, emotional, sexual, and economic abuse against a woman by her intimate partner or family members.

Psychological dimensions of fear

Among all human emotions, fear is one of the most harmful and coercive. In many cases of violence against women, abusers use psychological fear as a tool to dominate and harass their victims. This emotional damage leaves survivors feeling paralyzed, making it difficult for them to resist or escape from the situation.

Social and Cultural Dimensions

In many societies around the world and particularly in India social and cultural practises such patriarchal norms played a pivotal role which reinforce the fear by normalising domestic abuse and silencing the survivor. Domestic violence is often framed as private matter which discourages the external intervention (Dobash & Dobash, 1992) ^[1]. To preserve the family honour and to avoid social shame survivors are pressured to keep their suffering hidden. This cultural stigma magnifies fear, making the act of reporting violence not only dangerous but socially taboo.

Economic Dependence and Fear of Survival

Economic dependency is a major factor sustaining fear in domestic violence. Survivors' economic dependency for financial resources makes them dependent on the abuser for survival (Sen, 2019) ^[5]. The fear of loss of income, homelessness, and inability to care for children alone compels survivors to endure violence rather than seek help. This economic dimension is crucial, especially in contexts where women have limited access to education, employment, or property ownership.

Institutional Fear and Distrust

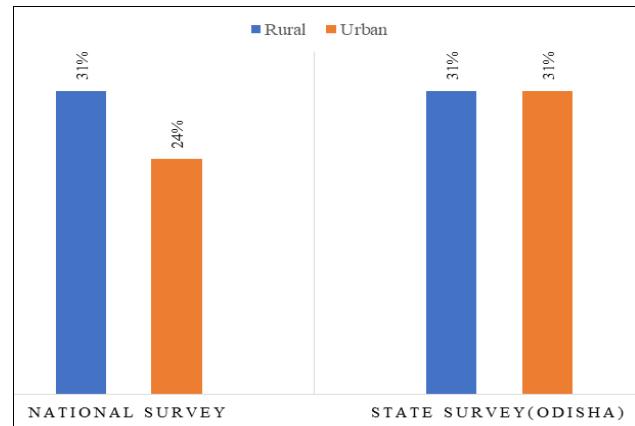
The failure of institutions responsible for protecting survivors further reinforces fear. Formal legal bodies such as courts, police, and even NGOs, when they neglect or ignore the sign of abuse, create fear among victims and lose faith in reporting complaints against the abusers (UN Women, 2020) ^[6]. The fear of institutional failure, legal loopholes, corruption, and patriarchal attitudes generates a deeper fear of injustice rather than hope for justice.

Justice: Pathways and Struggles

Domestic violence is a widespread social reality, and the choice of institution for resolving them can significantly impact justice outcomes. In any form domestic violence victims may seek help from either formal institution such as courts, police, NGOs or informal institutions such as their own or husbands' family or friends based on their access and trust. To understand the pattern and rate of gender-based violence and victims' preference for institutions to seek justice in India and one of its states Odisha, the researcher has used data from the National Family Health Survey (NFHS) 2019-2021. This survey collected information by interviewing 7,24,115 women across India, of which 27,971 were from Odisha.

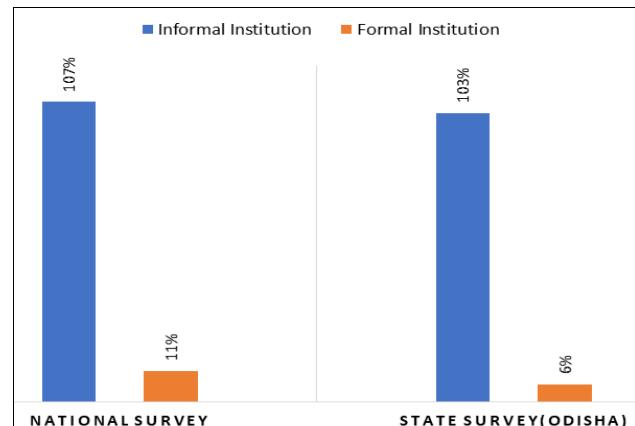
Figure 1 presents data on domestic violence in both rural

and urban areas of India and in one of its states, Odisha. The data is collected from ever-married women aged 18-49. The major forms of violence faced by women are physical, sexual, and emotional abuse by their intimate partners. The survey findings from India and Odisha show that the percentage of violence is higher in rural areas than in urban areas at the national level, while in Odisha the percentage is similar in both rural and urban areas.



Source: (NFHS Survey 2019-21)

Fig 1: Domestic Violence



Source: (NFHS Survey 2019-21)

Note: The total exceeds 100% because Women can report more than one source from which they sought help.

Fig 2: Sources of help

Figure 2 presents data on forms of institution preferred by women facing domestic violence to seek help and justice. The victims of domestic violence prefer highly informal institutions for help, such as their own family, their husband's family, and close friends, and while very few approaches formal institutions such as police, court, and NGOs. This pattern is evident both at the national level and in Odisha. One possible reason is that victims may feel they can receive support and justice more quickly from informal institutions compared to formal ones.

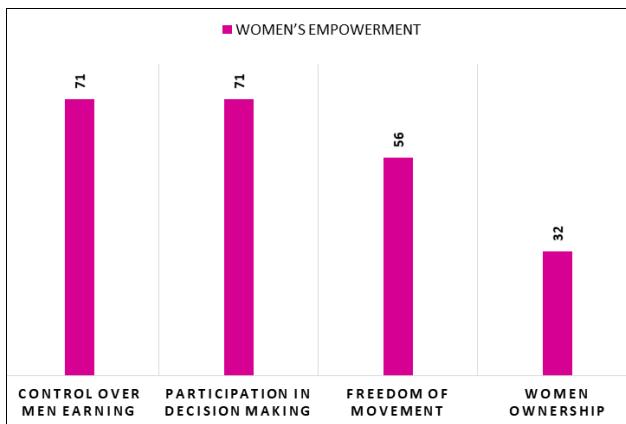
The dialectic of fear and justice

Domestic violence against women is generally conceptualized as a form of gender-based violence, and intervention is possible by advocacy, victim services, and educational efforts. (Walker, 1999) ^[7]. Understanding the nature of violence within intimate relationships is essential for developing effective interventions (Ganley, 1995) ^[3]. The feminist response to intimate partner violence is often

portrayed as favoring strong measures such as mandatory arrest and prosecution policies, while others also advocate for coordinated, community-based initiatives aimed at achieving broader social change (Dutton, 2007) [2].

According to the NFHS survey 2019-21 findings, 77% of women who have ever experienced any form of domestic violence never sought any help nor told anyone about the violence they experienced.

The fear factor and its various dimensions significantly affect women's decision not to disclose domestic violence cases, which remains a pressing concern for society. To recode and understand these dimensions of fear, the researcher has analysed certain women's empowerment variables, as these play a crucial role in helping women overcome fear and resist silence.



Source: (NFHS Survey 2019-21)

Fig 3: Women's Empowerment

Figure 3 presents the findings of the NFHS 2019-21 survey, which highlights the impressive numbers on women's empowerment. According to the data, 71% of respondent women reported having control over their husband's earnings and participating in household decision-making related to healthcare, household purchases, and visiting their parental home alone. While 56% are allowed to travel alone, and 32% reported owning land. However, a common pattern emerges across these empowerment measures: in all cases, decisions are not made by women independently but rather through joint consideration with their husbands.

The relationship between fear and justice in domestic violence is very complex. Fear works as both an inner feeling of insecurity and an outside pressure from society. Women often stay silent because they are afraid of losing respect and family support, and hardly trust the system to protect them. This silence is not only a personal choice but also the result of social and cultural pressures. Survivors are seeking support from their family and friends instead of police or courts because they feel more comfortable with them. This shows the weakness of formal institutions, which are might slow, biased, or unhelpful. Women's empowerment, like being part of household decisions, controlling income, or owning property, shows some positive change. But these freedoms are still limited, as decisions are often shared with husbands rather than taken independently. This means justice is not only about law it also requires a change in family and social power relations.

Conclusion

Domestic violence is both a private pain and a public

concern. Fear whether emotional, financial, cultural, or fear of weak institutions keeps many women silent. But there is also hope for justice. Women's use of informal support, their increasing empowerment, and the presence of legal protections show that change is happening, even if slowly. The journey from fear to justice is long and difficult, but it is possible. Women are not just victims they are also agents of change. Justice should be understood not only as a legal process but as a broader social transformation where women can live with freedom, respect, and without fear.

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