

## “Ahimsa” and Domestic Violence in the Metropolitan Area of Durban, South Africa

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**ABSTRACT** This paper is aimed at promoting the role of the South African Hindu Maha Sabha (SAHMS) (hereinafter referred to as the Maha Sabha), a faith based organization (FBO), to increase awareness and change attitudes that influence behaviour among people from all walks of life, as an important factor in preventing and ending violence against women. Its focus is on domestic violence and hopes to stimulate an interest in an area that has been inadequately researched by scholars who study people of Indian origin. Domestic violence is a universal problem which occurs across all economic, ethnic, religious, gender and cultural groups. Data for this paper was drawn from two sources: firstly, evidence based on violence against women reported to the Advice Desk for the Abused located at the University of KwaZulu-Natal and secondly, informal interviews conducted with women who were known to experience domestic violence. This paper advocates that within Hinduism, Ahimsa is the cornerstone of traditional Indian values. Thus, it is of paramount importance that FBO's such as the Maha Sabha are in the forefront of efforts to bring about change which will help to eliminate violence against women.

*“If one does not practice non-violence in one's personal relations with others, and hope to use it in bigger affairs, one is vastly mistaken. Non-violence like charity begins at home” (Mahatma Gandhi).*

### INTRODUCTION

Domestic violence exists within all cultures, ethnic groups, faiths, age groups, education levels, income levels, and sexual orientations. Victims of domestic violence can be both men and women; however, the overwhelming majority of domestic violence involves women as victims and men as perpetrators. While South African society struggles to accept the reality of violence within the family, this paper aims to identify the role that the Maha Sabha could play in bringing about change and helping to eradicate violence against women. An underlying mission of the Maha Sabha is to contribute to good relations between Hindus and all other communities or sectors at local, national and international levels towards sound nation building. The aspiration of the Maha Sabha is to promote the Hindu Dharma through observing the best principles of the Hindu religion, philosophy, values and culture according to the highest tenets of teachings, one of which is Ahimsa. Ahimsa, which is the cornerstone of traditional Hindu ethics, means not to cause any pain to any creature, by any means or at any time. It is embodied in Hinduism and is personified as the wife of Dharma (Righteousness). In modern Hindu society, relations between men and women are changing. With the decline in concern for upholding the Hindu dharma and in the anxiety to

emulate modern lifestyles to look progressive, liberal and advanced, a substantial number of Hindus are shunning orthodox Hinduism. With the decline in family values and changes in the family structure, there is significant overlapping of roles and responsibilities between men and women. Men still enjoy some degree of advantage over women in marital relationships. But in a society where religion is not as central to human endeavour as it used to be, we may see deterioration in their role as the protectors and upholders of traditional values.

### RESEARCH METHODOLOGY

The focus of this research paper is to examine the prevalence of domestic violence reported to the Advice Desk for the Abused in KwaZulu-Natal. The Advice Desk for the Abused is situated on the Westville campus at the University of KwaZulu-Natal, Durban. It is an independent, non-profit, privately funded, non-governmental service which was founded in 1986. It provides crisis intervention to persons experiencing domestic abuse and believes in justice for all, redress of historical discrimination and equal access to society's resources and believes that the most effective route in securing social change is through partnership with the community, government and grassroots organisations. Qualitative data was received from four areas

in KwaZulu-Natal, viz, the Hotline call center at the Westville campus, Durban, and the Verulam Magistrates courts for the period 2009-2011. Indian South Africans mostly live around the city of Durban making it the “largest Indian city outside India”. Verulam is a suburb approximately 30 kilometers north of Durban. It is inhabited mainly by people of Indian descent with a population of 63000.

Furthermore, informal interviews were conducted with Hindu women (due to the fact that this paper is in commemoration of 100 years of the Hindu Maha Sabha and views reflecting Hindu women were deemed appropriate), who were known by the researcher to experience domestic violence within their family setup. Respondents were asked whether their religious teachings played a role in them remaining in their abusive marriage, whether physical, verbal or psychological.

#### **A HISTORICAL SURVEY ON DOMESTIC VIOLENCE AMONG PEOPLE OF INDIAN ORIGIN**

Domestic violence among people of Indian origin (PIO) is by no means a recent phenomenon. Much of this is attributed to the fact that when indentured labourers were first brought into the country, the ratio of active male labour to women and children was 75% and 25% respectively. Indians came to South Africa in 1860 as indentured labourers. They were subsequently followed by passenger or trader Indians. When indentured labour from India was being envisaged for South Africa in the late 1950's, the highest premium was placed on male labour, predicated on the assumption that many would return to India after their contracts expired (Singh 2008). However, according to Chetty, “rather reluctantly, only after the Colonial Land and Emigration Commission brought pressure to bear on the British government urging the latter to make the scheme resemble an emigration scheme and give it quasi-community appearance, it was stipulated that there should be a minimum of 25% females in each labor consignment” (Chetty 1980). While this was a minimum, it actually remained as an unwritten maximum quota in each shipload for the first few years because the colonists and the sugar estate owners considered it too burdensome and costly to provide women and children with rations.

Ongoing pressure against the British government not only brought about a loosening of this quota but it also led to an increase of up to 50% women in each shipload that transported indentured labourers into the colony. While this contributed towards an increasing frequency of family life among Indians, it still placed a heavy burden on the male need for female companionship. Gandhi wrote, after his arrival in then Port Natal (now Durban), that he could not describe how the family “broke through all the restraints which religion or morality imposes, or to be more accurate, how these restraints gave way and the very distinction between a married woman and a concubine ceased to exist among these people” (Gandhi 1960; Chetty 1980). Singh (2008) further points out that ever since the arrival of indentured Indians, mostly Hindus, in South Africa in November 1860, the durability and flexibility of “the Indian family” has continually provided challenges to the British colonists and subsequently to apartheid strategies, as well as to other liberally minded policy makers and social scientists (Singh 2008).

Many women faced abuse and assault. The following text illustrates a horrifying report of an Avoca medical officer on 14 May 1883 who assaulted his wife (Desai and Vahed 2007),

*I responded to a message at 5:30 pm on Saturday the 12th to visit Mt. Edgecombe to attend to Muni who had been assaulted by her husband Ramsamy two days earlier on Thursday. I found her much exhausted. All over the trunk of her body were marks of scorching from fire and the piece of the vulva and was lying by a section of skin. There was a thickish discharge of blood from the vulva. She had been assaulted by her husband two days before, her hands had been tied, also her legs, he had taken embers of burning wood from the fire and burned her all over, he had thrust his hand into the vagina and womb and forcibly extracted her two month foetus, then took the foetus out of his mealie ground and burned it, then he ran off. She started shortly after and reached Mt. Edgecombe on Saturday afternoon.*

Such violent assaults were not isolated. The life of indenture was trespassed with ‘internal’ violence. The institution of family itself was often an arena of brutality, as revealed in court records and complaints to the Protector. Gajadhar Ramphal (48401) was 18 when he arrived in Natal from Azimghur in 1892. He served his

indenture at Blackburn Estate. With a family in India reliant on his remittances and perhaps eagerly awaiting his return, Gajadhar was hanged on 1 December 1901 for killing his wife. His letter to a brother in India, while awaiting execution, is chilling in its practical concerns (Desai and Vahed 2007),

*After I came to Natal I married a woman here. She committed adultery by going away to another person, whereupon I got so angry that I took a chopper and murdered her, and I am now going to get hanged...Kindly be good enough to perform the necessary ceremonies by calling about five or six Brahmins and distributing among them some money and clothing. Kindly don't be sorry over my misfortune but forget me. We all must die one day. I am not sure if mother has died. If she is dead kindly be good enough to conclude the necessary ceremonies on my behalf. The following report poignantly captures the extreme violence of wife murders, while at the same time raising questions about what drove men to such extremes.*

Desai and Vahed (2007) further attest in their book that Colonial officials, planters and missionaries held that the phenomenon of wife murders was transplanted from India, where men were predisposed to violence to resolve disputes, and were not concerned about the consequences for themselves or their victims. There are two mainstream explanations for wife murders. The first was the shortage of women. For example, the Reverend HH Stott told the Wragg Commission that he often heard ‘complaints from men that women run away from them to other men on estates. There is a good deal of immorality on the estates. I think that the percentage of women who come out should be increased’. A higher proportion of women would have provided stability and reduced tensions, the argument runs. The gender imbalance was compounded by the ‘immorality’ of Indian women. Dr WP Tritton of Umzinto offered economic necessity and ‘lust’ as contributing factors. He told the Wragg Commission that when husbands were sick, women were forced into prostitution for ‘their means of subsistence’. Recent scholarship has challenged these explanations and suggested that we factor in the authoritarian structure of plantations and the absence of social support systems

The ‘challenges’ from women, which frustrated men, may have been small, everyday

matters, as reflected in this letter, dated 22 March 1908, from Govind Naicker, a gatekeeper at Jameson Crossing at South Coast Junction, to the Protector:

*I am tired of my wife and life owing to her awful miserable self; she is in fact a regular bane to my sacred body and soul. It seems to me that if I do not get in the first blow, this fiend in human form will surely do so. Am I then a man to suffer more humiliation from a woman? By the beard of Sultan Tippoo, Sultan I will...But the point in issue is how are you to know if I am telling the truth. Well, how would it do if your excellent body can visit my humble abode? Of course, I will prepare tea...If you are cross I hope you will strike my wife first...[and] after the thrashing can you not send her to another place and scratch out my name as being her awful husband.*

Furthermore, Desai and Vahed (2007) state that another person, Veeramah, declared that ‘during the subsistence of the marriage the deceased had, by his domineering manner, established an ascendancy, and throughout enforced compliance not only by verbal commands but, when necessary, by the use of physical violence’. She also claimed that she had been ‘instructed’ to sign the contract, the implication of which was not ‘explained or interpreted’ to her until after Nulliah’s death, when she ‘repudiated’ it. Had she understood the contract, she ‘would not have taken a knife and cut my own throat...By that I mean I would not have consented to give away what was to come to me’. Veeramah sued Nulliah’s estate for cancellation of the post-nuptial contract and an order entitling her to a half-share of the estate. Justice Broome, giving judgment on 15 September 1945, accepted that Nulliah ‘intended to be, and succeeded in being, master in his own house. His family usually complied with his wishes though, on occasion, he had to enforce compliance by a resort of force. The same might be said of any Indian patriarch of his class’. This comment is important in suggesting that the patriarchal nature of Indian society and the prevalence of violence were accepted as ‘normal’. Many women lived lives where violence or the threat of it was an everyday experience. Their vulnerability was created by a system that saw them at best as an ‘unnecessary nuisance’ and made them largely invisible at the level of the law. The irony was that their subordinated status was mostly highlighted when they were victims of violence.

Furthermore, Desai and Vahed (2007) attest that while they have mostly focused on the 'problems' faced by Indians, there were many examples of husbands seeking redress for wives and vice versa. For the majority, the family was the shield against the worst excesses of indenture, the suture that provided solace, affirmation and even dignity. But it was also a shield that in many cases hid power relations that reinscribed patriarchy, as much as it proved the antidote to a system driven to treat the indentured only in the present, a people without history or future. Khan (2011) contends that the social, political and economic hardships of indentured laborers were endured beyond the period of early British colonialism and well into the apartheid era. Today in post-democratic South Africa and particularly in 2010, this group celebrated its 150 years presence in the country reflecting on its hardships, triumphs and accomplishments. As a community in the country, it owes its presence to the early family forms of marriage and family life which ensured its reproduction and hence its continued presence in the country. The early family form helped preserve and promote cultural identity over the hostile political years, resulting in a strong sense of community.

#### **DOMESTIC VIOLENCE: A SOCIAL EVIL**

Sloth-Nielsen and van Heerden (2003) assert that the new South African Constitution (1996) has liberalized child and family law but it does not expressly protect the right to family life. Instead, the constitutional provision on dignity, equality and concern for marginalised groups in South African society has heralded a wide range of revision on the legal meaning of family, how the law should protect family members and the reshaping of relationships between family members, including children. The authors assert that whilst there was an absence of rights to protect family life, the constitution had advanced developments in areas such as domestic violence, custody allocation of children, recognition of same sex marriages, religious and customary marriages and the status and rights of illegitimate children. Given that South Africa represents a wide range of multi-cultural and multi-faith communities, the rationale for not prescribing the right to family life is argued

on the grounds that families are constituted, function and are dissolved in a variety of ways, hence precluding the need for constitutionalizing it (Sloth-Nielsen and van Heerden 2003). As a consequence, South African family law is undergoing piecemeal revisions to accommodate the diverse family and marriage arrangements in the country (Khan 2011).

Violence against women is prevalent in every country, cutting across boundaries of culture, class, education, income, ethnicity and age. Although most societies forbid violence against women, the reality is that violations against women are often sanctioned under the pretext of cultural practices and norms, or through misunderstanding of religious systems of belief. Moreover, when the violence takes place within the home, as is very often the case, the abuse is effectively condoned by the unspoken silence and the passivity displayed by the abused. The family is often equated with sanctuary – a place where individuals seek love, safety, security, and shelter. But the evidence shows that it is also a place that imperils lives, and breeds some of the most drastic forms of violence perpetrated against women and girls. Violence in the domestic sphere is usually perpetrated by males who are, or who have been, in positions of trust, intimacy and power – husbands, boyfriends, fathers, fathers-in-law, stepfathers, brothers, uncles, sons, or other relatives. Domestic violence is in most cases violence perpetrated by men against women. Women can also be violent, but their actions account for a small percentage of domestic violence (United Nations Children's Fund (UNICEF) 2000).

Di Siena and Laurencik (2010) state that the Domestic Violence Act, 116 of 1998 (the Act) recognizes that domestic violence is a serious social evil, with a regrettably high incidence in South Africa, and that victims of domestic violence are among the most vulnerable members of our society. Since domestic violence manifests in many forms, acts thereof may be committed in a wide range of domestic relationships. Such relationships, in this sense, broadly encompass individuals who are or were in a romantic relationship, whether married or not, family members and persons residing or who have recently resided together in a common household.

The Act speaks of a "complainant", being the individual in a domestic relationship who is

suffering the harm, and a perpetrator who has allegedly committed an act of domestic violence is referred to as the “respondent”. The acts of abuse or domestic violence can be any one or all of the following: physical abuse; sexual abuse; emotional, verbal and psychological abuse; economic abuse; intimidation; harassment; stalking; damage to property; entry into the complainant’s residence without consent, where the parties do not share the same residence; and any other controlling or abusive behaviour towards a complainant in such instances, where such conduct harms, or may cause imminent harm to the safety, health or wellbeing of the complainant.

The United Nations Declaration on the Elimination of Violence Against Women defines violence against women (VAW) as: “Any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women – including threats of such acts, coercion or arbitrary deprivation of liberty, whether in public or in private life”(Soul City 1999).

### STATISTICS ON DOMESTIC VIOLENCE

The annual mid-year estimates from Statistics South Africa reveal that in July 2011, the country’s population was 50 586 757, of which 26 071 721 (52%) were female and 24 515 036 (48%) were males. Africans (Blacks) are in the majority at 40.2 million (79.5%) of the total population. The white population and coloured population were both estimated at 4.5 million (9.0%), and the Indian population at 1.3 million (2.5%). Hinduism is the most common religion (47.3%) in the Indian population group, followed by Islam (24.7%) and Christianity (24.2%) (Statistics South Africa 2012).

It is difficult to get reliable statistics on violence against women in South Africa. Although the number of reported cases is very high, many cases go unreported. The incidence of battery or domestic violence is particularly hard to measure because the police do not keep separate statistics on assault cases perpetrated by husbands or boyfriends. The Department of Justice estimates that one out of every four South African women is a survivor of domestic violence. Many women are still unaware of their rights when reporting abuse, and even informed women traumatized by an assault are unlikely to be asser-

tive and insist on their rights. Many women are afraid of further violence from the perpetrator if they attempt legal action (Women in Action 2010).

According to a World Health Report based on 48 surveys from around the world, between 10% and 69% of women report having been physically assaulted by a partner. In traditional societies, wife beating is regarded as a consequence of a man’s right to inflict physical punishment on his wife-something indicated by studies from Bangladesh, Cambodia, India, Mexico, Nigeria, Pakistan, Papua New Guinea, and Zimbabwe (WHO 2002). Research from industrialized and non-industrialized nations alike shows that partner violence is justified by the perpetrator on the following grounds: woman’s arguing back, refusing sex, not having the meal ready, suspected infidelity, and disobedience (van Wormer and Bartollas 2007).

In South Africa, as well as in many other countries, the physical and sexual abuse of women, children and the elderly has an extremely low investigative, prosecution and conviction rate as compared to other criminal offences. Statistics generally underestimate the extent of domestic violence. Women may not reveal being abused for fear of further abuse, or as a result of social taboos which prohibit speaking about domestic violence. Some women’s fear of other people’s reactions to them, should they disclose being abused, may also keep women silent (Soul City 1999).

The statistics available paint a gloomy picture and speak volumes about how many victims do not receive the help they need before it is too late. According to People Opposing Women Abuse (POWA), one in every six women who die in Gauteng is killed by an intimate partner. A survey conducted during 1999 revealed that 42.5% of women had experienced all forms of abuse and 60% of all cases of abuse were committed by partners, lovers or spouses (Di Siena and Laurencik 2010).

### Analysis of Qualitative Data

Data received from the advice desk for the abused for the years 2009-2011 was analysed according to abuse reported by three faith groups, that is, Hindus, Muslims and Christians. The following information reveals that the total number of people within the three areas; the Hotline (which is situated at the Westville cam-

**Table 1: Number of reported abuse cases according to different faith groups both male and female for the period 2009-2011**

Year	Hotline			Durban			Verulam		
	H	M	C	H	M	C	H	M	C
2009	163	34	136	282	84	848	926	240	1345
2010	239	44	174	205	50	574	748	168	769
2011	218	52	112	193	48	546	453	105	576
Total	620	130	422	680	182	1968	2127	513	2690
Total %	52.90%	11.09%	36.00%	24.02%	6.43%	69.54%	39.90%	9.62%	50.46%

Total: 9332

H=Hindu, M= Muslim, C= Christian

pus of UKZN), the Durban Magistrates Court and Verulam Magistrates Court, who either phoned the helpline for advice or actually sort counseling for this period was 9332. From the three faith groups, the total number of Christians were 5080 (54.44%); Hindus 3427 (36.72%) and Muslims 825 (8.84%). Of the 3427 Hindus, 2101 (61.31%) were females and 1326 (38.69%) were males. Verulam had a total of 2127 (62.07%) - Tables 1 and 2.

### Analysis of Quantitative Data

Hindu marriage as an institution of family and society has undergone various changes. Some of these changes may be attributed to the rise of the nuclear family and many women entering the work-force as professionals. The position of women has changed and she is not as subservient or dependent on her husband as her ancestors were. The feminist movement originated among middle-class women and is associated with the emancipation of women. Still for many Hindus, divorce is the last desperate resort within a 'troubled' marriage. Informal interviews were conducted with women who experienced domestic violence within their marriage. Although some respondents experienced serious issues of compatibility and abuse, they did not want to take action against their spouse.

Many put up with the injustices and abuse, citing stigma, and the 'impact on their children and families', as reasons for remaining in the marriage. One respondent related her experience about domestic violence and religion:

*There is a great deal about domestic violence that is complicated by religion, moral beliefs, and society. More women are speaking up, fighting back, getting away, yet the violence continues for others. I lived with domestic violence situation for many years. I went through all of the drama that played out in my head, and through my abuser. The abuse mentally and emotionally was the worst. The nasty and horrible things he said to me, making me feel more and more worthless as a human and woman. For various kinds of "reasons" I stayed. From not wanting to put my kids through leaving, worrying about where I would go, what people would believe, the shame, the horror of him following me everywhere I went, all of the things most women or men go through in domestic abuse. Eventually I did leave the abusive marriage. It was emotionally very exhausting. Thank goodness a large amount of the scars have healed, yet emotionally many remain. The night fears, looking over my shoulder, and the disconcerting feeling of dread that at times he could be close by is unnerving. That type of abuse under no circumstances will ever go away.*

**Table 2: Number of reported abuse cases according to gender and the Hindu faith group for the period 2009 - 2011**

Year	Hotline		Durban		Verulam		Total	%
	M	F	M	F	M	F		
2009	32	131	108	174	444	482	1371	20
2010	32	207	75	130	331	417	1192	17.4
2011	60	158	78	115	166	287	864	12.6
Total	124	496	261	419	941	1186	3427	50
Total %	20%	80%	38.38%	61.61%	44.24%	55.75%	6854	100

M=Male, F=Female

The phenomenon of family violence encounters several problems due to the nature of the issue itself. The family as a social institution is intensely private. The discussion of physical, emotional, and sexual violence among family members violates this privacy. These types of abuse also represent extremely sensitive parts of a person's experience, which individuals may be reluctant to discuss (Schmalleger 2009).

Another respondent said:

*I have been married for 21 years. Initially, when we married, my husband and I used to argue a lot. But it was not serious. I listened to him and in order to maintain peace complied with all his requests. I stopped studying because he did not want me to continue. I stayed at home. The arguments became progressively worse, especially if I did not listen to him. We lived in an extended family, with his parents, sister and her children. It was embarrassing when he used vulgar languages on me in front of his family. We used to fight, then things would be okay for a while and the verbal abuse would start. Despite the instability, I conceived three children. Money issues were always a problem. I was ashamed to tell my parents about the abuse because of the stigma attached to this. Furthermore I did not want to trouble my parents with my problems. I remained in the marriage for various reasons: one, my husband had financial power over me because I was not earning a living, secondly, I did not have anywhere to go, thirdly, I feared the effect that divorce would have on my children and I was ashamed of the stigma that divorce would bring to my family. So I have endured economical, verbal and emotional abuse.*

In keeping with the above findings of this research, studies reviewed by WHO suggest that women stay in abusive situations because of fear of retribution, lack of means of economic support, concerns for the children, and the stigma attached to being unmarried. Research also showed that leaving such a relationship was not a one-off thing that most women leave and return several times before making the final break (van Wormer and Bartollas 2007).

In ancient times, women in Hindu society had limited freedom. There was nothing like the modern concept of divorce or a legal separation. Once a woman left her parents' home, she was completely at the mercy of her husband or his parents. She had no right to divorce, no

right to remarry and no right to leave the house without her husband's permission. In the case of men, the situation was different. Men had many rights and privileges, which went with their status as upholders of Dharma, and which they exercised in the name of religion, family or expediency. The suffering of Sita in the epic Ramayana, after she was abandoned by her husband in the name of dharma, is a case in point. Lord Rama, a paragon of virtue, duty and sense of morality, abandoned his wife, whom he loved dearly, on the mere allegations of possible infidelity on her part. He banished her into the forests, ignoring the fact that she was pregnant and innocent. The action of Rama is widely debated by scholars of today in the context of the moral and marriage standards of present day Hindu society (Jayaram 2012).

## CONCLUSION

Domestic violence transcends economic, ethnic, racial and faith lines, as well as religious traditions. At the same time, institutionalized patriarchy in many cultures becomes an explanation for male dominance and the use of power (or the lack of power) as a form of control, and contributes to the ongoing abuse of women.

Religious teachings have also been used in some instances to justify the abuse of women. In the 21<sup>st</sup> century, more leaders are stepping up to insist that religious groups must address domestic violence by offering victims safe haven, campaigns to increase awareness of the problem; support and counselling and assuring them that religious teachings in no way justify abuse. A shift in attitude is important because scripture and religious teachings have sometimes been used to justify or excuse the physical and emotional abuse of women.

Religious leaders can use their position as community leaders to assist in discussions on issues concerning violence against women. In this regard, the Maha Sabha as a faith-based community organization can play an important role in helping to change attitudes and behaviour and eliminate violence against women, as well as promoting Hindu values and traditions. The participation of women in social and religious activities, particularly amongst those who have been subjected to domestic abuse, could help to reaffirm and empower women in difficult situations.

The role of ahimsa in this quest for non-violence against women will require a change in mindset, a continuation of the importance of traditional values in the community and the household, and a re-evaluation of how one lives one's life. The practice of ahimsa is perhaps best known by the works of Mahatma Gandhi. He, in the quest of how humans may become like God, resorted to the idea of various incarnations, that is, evolutionary, spiritual and philosophical "stages" towards perfection.

The philosophy of ahimsa (non-injury and kindness) is a fundamental tenet of Hinduism, and although absolute ahimsa is difficult to attain, striving for the ideal of non-violence is an integral part of Hindu life. It is in emphasizing this as a core teaching of Hinduism that gains can be made to challenge domestic abuse.

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