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Domestic Violence: Why People Get Away with it: Case Study of Nairobi County, Kenya.

Dr John Ndikaru wa Teresia, PhD

¹ Department of Criminology and Legal Studies, The Technical University of Kenya, P. O. Box 57173 - 00200, Nairobi, Kenya.

* Author Correspondence Email: jndikaru@gmail.com.

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ABSTRACT

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Domestic violence can be considered a silent social pandemic that is evident in almost all societies across the globe. It is a silent social pandemic since it largely remains invisible as fewer victims come out to talk about the violence they have been subjected to in their homes where they are expected to be safer than anywhere else. In most cases, women and children are the prime victims of domestic violence. However, there are also cases where men have been victimised in home-related violence. Domestic violence has been a very common feature in all known human societies, and in some cultures, women have been routinely subjected to domestic violence as a way of subjugating them to the male authorities in their lives. In this study, detection of trends is a challenge for the survey data, where observed increases may or may not be statistically important. This is a symbol of being within the sampling variability of data. The researcher suggests two approaches to this study: to liken two closest years or to adopt a methodology that studies a longer trend. The research design was adopted from the Kenya Demographic and Health Survey (DHS) study that was done from Kenya at large. DHS research is a projection and represents the findings from the whole of Kenya. It was mixed research using both qualitative and quantitative formats. Such information is normally considered for further action by the government and its stakeholders. The data collection tools used were the questionnaire, Interview schedule, and observation guide.

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INTRODUCTION

Domestic violence depicts gender as a social construction of the power between men and women regarding their identities, roles, responsibilities, and values which are socially constructed to trigger violence (Ngutu, Iteyo, & Kassilly, 2018). Domestic violence in Kenya is not only rampant, but it has also permeated all sectors of society and is often characterised by the unequal treatment of men and women. Violence perpetrated against women and children at the domestic level is not only cultural but also historical, cross-cutting all status of women including the rich and poor, the educated and the uneducated, the rural and urban, the employed and the unemployed, including all religions and ethnic communities (Mutuku, 2007). The patterns of domestic violence vary from one place to another based on the legal and cultural understanding of its acceptability. This is reflective of the fact that variants of definitions of wrongdoing through violence are determined by factors such as race, gender, and class relations instead of being based on universal perceptions of intrinsic harm (Chepkwony, 2016).

Four key forms of violence or abuses characterise domestic violence. They include physical abuse, psychological or emotional abuse, sexual abuse, and economic abuse. Physical abuse is any act or threat that is intended or causes physical injury, pain, or other bodily harm to the victim. Physical violence or injury includes slapping, punching, pushing, choking, or any other physical assault that may be injurious to the victim's health or necessary functions for a living (Otolu, 2020). Domestic violence involves intense emotions, anger, and frustration as the abuser controls the members of the household (Ngutu, Iteyo, & Kassilly, 2018)

Sexual abuse of violence is any contact that humiliates, degrades, or violates the sexual integrity of someone. It involves threatening or forcing the victim to participate in unwanted sexual activity,

even in cases when the victim is a spouse with whom consensual sex has previously occurred. Sexual abuse may also include unwanted sexual advances or comments or acts that are directed against the sexuality of a person (Otolu, 2020).

Emotional abuse is the most subtle form of domestic violence and it is also the most prevalent abuse directed against women and children, with far-reaching consequences that undermine the sense of independence and worth of the victims. Emotional abuse is the means through which the abuser establishes their power and control over their victims by entrenching in them a mentality of helplessness. Emotional abuse includes verbal attacks such as belittling, deprivation of economic and physical resources, isolation, and excessive possessiveness (Otolu, 2020).

Economic abuse or violence is the confiscation or depreciation of economic activity or capacity of the other partner. Economic abuse is motivated by the desire to control the victim economically by restricting their financial independence.

The victims may be restricted from engaging in economically viable activities so that they entirely depend on the abuser. Economic violence can significantly impede the physical and psychological health of the victim (Otolu, 2020).

Domestic violence also involves harmful cultural practices such as forced or early marriages, denial of certain foods for cultural reasons, and female genital mutilation (FGM) (Kaluyu, 2007). All forms of abuse that characterise domestic violence are normally perpetrated to gain power and control over the victims. Power, in this case, is the capacity for one to impose their will on others despite the resistance that they may offer. Power is there for the capacity to manipulate, influence, and control others (Otolu, 2020).

Statement of the Problem

Domestic violence is a vicious, silent epidemic that is ravaging society at an increasingly alarming rate if the recent statistics regarding the vice are anything to go by. About 30 percent of women across the world have witnessed or experienced domestic violence in terms of physical or sexual intimate partner violence, while 7 percent have experienced non-partner violence (Bhattacharjee et al., 2020). More specifically, the rates of domestic violence in Sub-Saharan Africa are regarded as one of the highest in the world (Otolu, 2020). The United Nations Office on Drugs and Crime 2018 report indicates that about 69 percent of women were murdered in Africa in 2017 in domestic violence-related incidents (UNODC, 2018).

In Kenya, more than 47% of women have experienced either physical or sexual violence (Ngutu, Iteyo, & Kassilly, 2018), which has resulted in lasting physical, emotional, and mental trauma for the victims and their children who also witness the violence (Mutahi, 2017). Women who are subjected to domestic violence have shown a high prevalence is off suffering from health complications, such as abortion (32%), low birth weight (32%), and high susceptibility to acquiring HIV AIDS (24%) (Chepkwony, 2016). The report by Kenya Demographic and Health Survey 2014 revealed that 57 percent of the married women in Kenya were victims of domestic violence with perpetrators being their current husbands or partners, while 24 percent were subjected to physical violence by their former husbands or partners. Contrarily, only one in every 10 men who experienced physical violence since they are aged 15 years mentioned their current spouse as the abuser (Kenya National Bureau of Statistics, 2015). This high rate of domestic violence indicates the ineffectiveness of the social and legal structures put in place to contain the social vice. This study examines how the social and legal structures permit perpetrators of domestic violence to get away with the crime despite there being clear-cut legal provisions against the social vice.

EMPIRICAL LITERATURE

Predictors of Domestic Violence

Cultural Norms and Values

Cultural ideologies have also provided the legitimacy of violence at the domestic level in some certain circumstances. There are historical and religious traditions that have sanctioned the beating and chastising of wives and children by the men in the family. In most cases, men are in control of their family wealth and this invariably places the decision-making authority in their discretion. The sexuality of women is closely associated with the concept of family honour under which women condone domestic violence (Kaluyu, 2007).

Domestic violence is normally ignored, disguised, minimised, covered up or denied for the sake of protecting cultural traditions and family privacy. In most patriarchal societies, domestic violence is considered an acceptable way of disciplining and controlling women. In such societies, women are encouraged to consider, tolerate, and rationalise domestic violence as an integral component of their culture. This is supported by cultural beliefs that are deeply entrenched and women who go against them risk facing embarrassment and guilt (Bhattacharjee et al., 2020). It has therefore become increasingly difficult for data regarding the prevalence of domestic violence to be collected in Kenya, largely because the vice is still accepted as a cultural practice or considered a private affair that should not be reported to the authorities (Otolu, 2020).

In Kenya, the customary marriage laws, or rather the traditional marriage institutions, allow men to achieve control over the productive and procreative capabilities of their women. Through these marriages, men acquire rights over their women while the women become their responsibility at the same time. The gender roles are therefore affected by factors such as whether the women can own property such as land, manage their income or work away from their husbands (Mutuku, 2007).

The patriarchal traditional African society invariably placed the woman in a position that is subordinate to the man. Even today, this inequality is still institutionalised through the African customary laws. For instance, in many customary

systems, women do not have the right of inheriting from their husbands; neither are they considered to share ownership of the marital property. These powers that are entrenched in the African customary system have provided leeway for the operation of domestic violence. Due to this, there are some contexts where wife battery is considered a normal practice and even expected of a marriage interaction between couples. Some of the Communities where it is expected of men to beat their wives include the Kalenjin, Luhya, Kamba and the Maasai (Kaluyu, 2007).

Alcohol and Drug Abuse

Drugs and substance abuse is a key contributor to domestic violence incidents. This is largely attributed to the fact that the use of drugs and substances significantly reduces inhibitions and impulse control of the users, causing them to instigate violence in their households (Ngutu, Iteyo, & Kassilly, 2018). This is evident in households where one of the spouses is heavily dependent on drugs or substances and is, therefore, unable to perform their roles and responsibilities fully. The ensuing conflict based on the negligence of roles and responsibility may result in the affected person either being victimised or being the abuser in the quest for power and control in their family (Bhattacharjee et al., 2020).

Even though there are cases where domestic violence is perpetrated by teetotallers, men who abuse alcohol are violent at a more frequent rate and also inflict more serious injuries on their victims as compared to men who do not take alcohol. There are also incidents where men have been pushed by marital pressure to seek solace in alcoholism and drug abuse, which have, in turn, worsening their relationships at home, leading to domestic violence (Kaluyu, 2007).

Economic Hardships

The increasing poverty levels is another significant contributor to domestic violence. The increase in poverty level is characterised by unemployment, economic hardships and income inequality, which have separately or in combination raised the vulnerability of women and children and at the same time encouraged men to adopt violent behaviour in resolving domestic conflict. Poverty, coupled with

its accompanying frustration, has pushed men to alcoholism and drug abuse, income dependence on their women and the breakdown of their social support system, all of which are highly likely to manifest in terms of violence against children and women (Chepkwony, 2016).

In low-income households where the mainstream sources of masculine identity such as stable employment and educational achievement are difficult to access, the men in question are highly inclined to use violent behaviour as a tool of control and to also prove their manhood (Kaluyu, 2007). In households where men are jobless or unless as compared to their spouses, the dimensions of power and control may favour the woman, leading to conflict that manifests in terms of domestic violence. This is likely particularly in cases where the man will still seek to demonstrate their power and control over the affairs of their households, attempts that are highly likely to be rebuffed by their spouse due to their economic clout (Bhattacharjee et al., 2020).

The lack of economic empowerment has ensured that women remain vulnerable to violence at the domestic level and also lack a way of liberating themselves from it. On the one hand, the fear and threat of violence keep women from looking for economic productivity avenues and also forces them to accept the law paying, home-based exploitative jobs. On the other hand, economic dependence on their male partners has left women with no escape from abusive relationships (Ngutu, Iteyo, & Kassilly, 2018).

Prior Exposure to Domestic Violence

Witnessing violence is another crucial cause of domestic violence. Children who are exposed to domestic violence perpetrated by their parents are highly likely to become abusers when they are adults and are in charge of their own households. About one-third of children that are exposed to or are victimised by domestic violence end up becoming violent adults and may become sexual offenders, particularly amongst men (Ngutu, Iteyo, & Kassilly, 2018). This is largely attributed to the fact that the children grow up knowing that violence is one of the ways that disputes at the domestic level can be resolved. In some communities, women brought up in abusive families are highly likely to

consider the violence perpetrated by men as a sign of love and care over them and end up condoning it in their own families as adults.

Lack of Legal Protection

Domestic violence is also perpetuated by the lack of legal protection, and more particularly at the domestic level. This is evident in the sense that both the community and the law enforcement officers expect that domestic violence will happen and have, therefore, normalised its occurrence (Bhattacharjee et al., 2020).

Hindrances in Prosecuting Domestic Violence Cases

Domestic Violence Legal Framework

In Kenya, the legal framework is significantly limited by the legislation associated with domestic violence. The police arrest the perpetrators of domestic violence; they have, sometimes, urged the victims to resolve domestic conflict with their abusers at home. Ngutu, Iteyo and Kassilly (2018) note that, for instance, most cases of domestic violence that are reported to the police in Emuhaya Sub-County in Vihiga County are referred to the assistant chiefs who do not have any knowledge of the laws associated with domestic violence offences.

The Protection against Domestic Violence Bill 2015 recognises and criminalises all forms of domestic violence. The law specifies that police officers do not need a warrant to arrest anyone suspected of victimising members of their family. The law also provides that victims of domestic violence are liable to compensation at a rate that is determined by the court. In doing this, the court is required to consider the pain and suffering of the victim, the nature of their physical or emotional injuries, the cost of medication, the value of properties damaged or destroyed, and any losses accruing from the loss of earning capacity. The victims are also entitled to payment for the cost of moving houses such as transportation and rent. However, even with these progressive provisions in the law, victims of domestic violence have continued to condone the vice and do not press any charges against their abusers. Condoning abuse is largely associated with social expectations as many victims are afraid of

what people will say about them or their spouses if they come out (Chepkwony, 2016).

Prejudice against Domestic Violence Victims

The prejudice that the police subject the victims of gender violence makes them not willing to report the violence subjected to them (Ngutu, Iteyo, & Kassilly, 2018). Domestic violence laws are crafted in such a manner that they tend to favour women more as compared to men. This is because the general assumption or perception is that men are the perpetrators of domestic violence while women are the victims of the vice. However, there are instances where women are the instigators of domestic violence, which makes both genders responsible for domestic violence in their households. Even in cases where the women are victimised through physical violence, there is always a likelihood that they too participate in domestic violence in the form of sexual violence (denying sex to their partners for unspecified reasons) or emotional violence (by, for example, belittling or degrading their spouses).

Social and Economic Dependence on the Abusers

Most victims are economically dependent on their abusers and therefore, prosecuting them proves to be a futile effort, as it will expose them to further severe victimisation (Ngutu, Iteyo, & Kassilly, 2018). Mutuku (2007) argues that domestic violence perpetrated against women is the manifestation of male power to establish an inferior position for women in society. Therefore, in most cases, domestic violence occurs due to the domination of men over the women in their lives. It expresses economic, social, and sexual inequality that exists in society.

The dependence of women socially, economically, and politically on men provides a favourable environment for abuse by their spouses. This has made domestic violence generally interrelated and accepted, therefore complicating the chances of bringing perpetrators of the vice to book.

Under-resourced Police Service

Besides, the police lack the training necessary for helping the victims of domestic violence not only to report the aggression committed against them but also to cope with their predicaments as they wait for

the justice system to take its course (Bhattacharjee et al., 2020). The police officers themselves do not have sufficient labour force to assign some of the officers to deal with domestic violence, which would go a long way in curbing cases from escalating. In most cases, the police only respond to cases that have been reported, which leaves many domestic violence victims at the mercy of their abusers (Ngutu, Iteyo, & Kassilly, 2018).

Apart from a shortage in manpower, the police have many other duties to play regarding maintaining law and order and domestic violence cases are not of priority to them; they consider them trivial until they involve physical harm, homicides, or suicides. Besides, the police lack the forensic facilities or capacities for investigating the reported cases of domestic violence. This makes it increasingly difficult for the police to collect evidence particularly related to the abuse of minors by members of their families (Bhattacharjee et al., 2020).

Ignorance of the Public about Criminalisation of Domestic Violence

The ignorance of the domestic violence law is another contributor to perpetrators going scot-free. Many people consider domestic violence to be a crime only when it results in physical injuries to the victims (Ngutu, Iteyo, & Kassilly, 2018).

The unwillingness of Victims and the Public to Report Incidents of Domestic Violence

There are also instances where witnesses are unwilling to assist the law enforcement officers during investigations under the pretext of not wanting to meddle in other people's family issues (Ngutu, Iteyo, & Kassilly, 2018). For example, victims of sexual offences withdraw their cases due to coaxing or coercion by the family members or the fear of family breakups. Most victims of domestic violence stay in their marriages for long without reporting their abuser in the interest of keeping the family together to protect the welfare of the children (Bhattacharjee et al., 2020). There are cases in which the victimised spouses resist the arrest of their abusers.

Interference of Investigations by Victims and other third-parties

In some cases, the victims also contribute to the lack of prosecution and conviction of the abusers. This is evident in cases where the victims pursue prosecution of their offenders to seek redress but then end up withdrawing the cases or fail to cooperate with the investigating officers; they also may delay or withhold information that is critical in pressing charges (Ngutu, Iteyo, & Kassilly, 2018). There are cases where the perpetrators collude with law enforcement officers to interfere with witnesses, tamper with evidence, records, and reports. This makes it increasingly difficult for victims to get redress when their cases eventually reach before the judge (Bhattacharjee et al., 2020).

The Public Apathy

The other factor that curtails efforts to bring the perpetrators of domestic violence includes the attitude of society to domestic violence incidents. In most cases, people know neighbours who abuse their family members but do not intervene because societal norms frown upon delving into other people's family matters (Ngutu, Iteyo, & Kassilly, 2018). There are many instances, in the aftermath of a homicide in which either women or children are victimised, where neighbours testify to the press that they knew the couple as having a troubled marriage. This normally reflects the lack of initiative by the public to intervene in domestic violence, a problem that could also be coupled with the lack of a framework to report such incidents to authorities that could intervene with partiality.

There is an apparent lack of social support system for helping victims, which is particularly a function of the social norms and mores. For instance, in some cultures, a married woman is considered a de facto property of the husband, particularly in cases where the dowry has been paid. She, therefore, cannot go back nonetheless; she also cannot only speak out about her spouse's abuse within her community for fear of reprisals from relatives on her husband's side (Bhattacharjee et al., 2020).

Notably, police response to cases of domestic violence is normally enhanced when they are collaborating with community services to provide the victims with advocacy, counselling, legal advice, medical treatment, and comprehensive public education forums. Therefore, police response effectiveness varies based on the support that is

provided to the victims by their community (Ngutu, Iteyo, & Kassilly, 2018).

The Cultural Issues

Cultural and traditional practices are a significant hindrance to law enforcement regarding domestic violence. This has made many consider domestic violence not as a crime, and most especially based on the patriarchal system of their culture, such as evident in the Luhya community (Ngutu, Iteyo, & Kassilly, 2018). Due to this, domestic violence is largely considered as a private affair in families, a perception that has entrenched gender violence in the patriarchal structures as a mechanism or ideology of controlling women in society. Since it is woven into cultural practices, it becomes increasingly difficult to help victims and prosecute the perpetrators of domestic violence.

Besides, male perpetrators are hardly remorseful or apologetic of their harmful actions to the victims. In some cases, the abusers believe that they were playing their social role of reigning in their victims to remain subservient to them as expected of the role that women should play in their culture (Ngutu, Iteyo, & Kassilly, 2018).

However, gender issues also complicate the possibility of reporting and prosecuting perpetrators of gender violence. This is evident in cases where men are victimised and are ashamed to report that their wives have battered them. In most instances, the police will further victimise them by questioning their masculinity or doubt their reports altogether. Male victims will also keep their abuse undercover to protect themselves from the public shame of being referred to as henpecked men (Ngutu, Iteyo, & Kassilly, 2018). Male victims of domestic violence have opted to abandon their families to escape verbal and physical abuse rather than seeking redress through the legal channels available. Other men who do not leave their families resort to drowning their frustration in alcoholism and drug abuse (Kaluyu, 2007).

Loopholes in the Criminal Justice System

The criminal justice system is heavily reliant on the effective coordination of police officers, court personnel, and judges to provide victims of domestic violence with the address. Though the

courts may have the will to prosecute abusers, they will fail if the police remain indifferent and ineffective in their quest to provide the required evidence (Bhattacharjee et al., 2020).

The legal system is also criticised for its slow processes, which implies that it may take longer than necessary for the victims to get redress when they opt for legal action against their abusers. The court process may also further victimise the victims who have to appear in person to testify against their abuser and face any stigma or discrimination associated with prosecuting their spouses or parents, particularly from their close relatives (Ngutu, Iteyo, & Kassilly, 2018).

THEORETICAL FRAMEWORK

Teleological Ethical Theory

A teleological ethical theory holds that "...the basic or ultimate criterion or standard of what is morally right, wrong, obligatory is the value that is brought into being." The rightness or wrongness of an action is judged by the consequences of such an action, "...thus, an act is 'right' if and only if or the rule under which it falls produces, will probably produce, or is intended to produce, at least as great a balance of good over evil as any available alternative; an act is 'wrong' if and only if it does not do so." Teleological ethical theories, then, make the right, the obligatory, and the morally good dependent on the consequences of action; hence they are often called consequential theories (Agnew, 1992).

There are hedonist teleological ethical theorists and non-hedonist teleological ethical theorists. Hedonists identify the 'good' with 'pleasure' and 'evil' with pain'. To them, the right course of action or rule of action is that which produces at least a great balance of pleasure over pain as an alternative would. Non-hedonists identify the "good with power', 'knowledge', 'self-realisation', 'perfection', among others. Both of these teleologists provide some views about what is good or bad and determine what is right or obligatory by asking what is conducive to the greatest balance of good over evil.

The practice of spousal violence evaluated from the hedonistic teleological ethical theory shows that it

is either moral or immoral depending on who is performing it or on whom it is performed. When a spouse uses violence on his or her partner, he or she wants to achieve something or to get certain consequences. The perpetrator of violence may get pleasure out of practising it. To him or her, since the action gives him or her pleasure, he or she can call it a moral action. The action produces a greater balance of pleasure over pain. The victim of violence is likely to get pain. When the consequence of an action is pain, then it is an immoral action from a hedonistic teleological point of view. To the perpetrator of spousal violence, therefore, the action is moral or ethical since it produces pleasure or gives him or her power and dominance. To the victim of spousal violence, the action is immoral or unethical since it produces a greater balance of pain over pleasure (Kalmuss and Straus, 1982).

Evaluated from a non-hedonistic teleological point of view, the practice of spousal violence is either moral or immoral depending on who performs the action and to whom it is exercised. When the perpetrator of spousal violence feels that he or she has achieved power and dominance according to the dictates of the society or self, then he or she will say that the action is moral or ethical. However, to the victim, the consequence is negative. It results in powerlessness and subordination and therefore, it is immoral or unethical.

Deontological Theory

Deontological ethical theories deny what teleological ethical theories affirm. They deny that the right, the obligatory, and the morally good are whole, whether directly or indirectly, a function of what promotes the greatest balance of good over evil for self, one's society, or the whole world. They assert that other considerations may make an action or rule right or obligatory besides the goodness or badness of its consequences. A deontologist contends that it is possible for action, a rule of action, to be morally right or obligatory even if it does not promote the greatest possible balance of good over evil for self, society, or the universe. It may be right or obligatory simply because of some other facts about it or because of its nature.

There are Act-deontological ethical theories, which maintain that the basic judgment of obligations is all

purely particular ones. A particular action is right or wrong, given the situation in which it is performed (Cohen and Felson, 1979). Extreme act-deontologists maintain that we can and must see or somehow decide separately in each particular case what is the right or obligatory thing to do without appealing to any rules and also without looking to see what will promote the greatest balance of good over evil for oneself or the world (Felson and Lane, 2010). This was at least suggested by Aristotle when he said that in determining what the golden mean is "the decision rests with perception." Butler also says, "...any plain honest man. Before he engages in any course of action, ask himself; is this am going about right or is it wrong... I do not in the least doubt but that this question would be answered agreeably to truth and virtue without any general rule. In less extreme form, act deontologists allow that general rules can be built based on particular cases and may then be useful in determining what should be done on later decisions. It, however, emphasises that a general rule can never supersede a well-taken particular judgment as to what should be done.

Rule-deontologists hold that the standard of right and wrong consists of one or more rules: either fairly concrete ones like, "We ought, to tell the truth, or very abstract ones like Henry Sidgwick's principle of justice; "It cannot be right for A to treat B in a manner in which it would be wrong for B to treat A merely on the ground that they are two different individuals and without there being any difference between the natures or circumstances of the two which can be treated as a reasonable ground for difference of treatment"/ 8 Rule-deontologists include W. D. Ross, Immanuel Kant and Joseph Butler. The philosophers who take "conscience" to be our guide or standard in morality are either rule-deontologists or act-deontologists depending on whether they take conscience primarily as providing us with general rules or as making particular judgments, in particular, situations (Johnson, 1996).

Kantian Principle Theory

Immanuel Kant presents another example of a monistic kind of rule-deontological theory. This is what he calls the first form of the categorical imperative. It says, "act only on the maxim, which you can at the same time, will be a universal law. He says that when one acts voluntarily, one always

acts on a formalisable maxim or rule. Secondly, that one is choosing and judging from the moral point of view if and only if one is or would be willing to universalise one's maxim, that is, if he is or would be willing to see, his rule acted on by everyone who is in a situation of a similar kind. Thirdly, that an action is morally right or obligatory if and only if one can consistently will this. He says that it is morally wrong to break promises, commit suicide, and do other evil things since these cannot be universalised (Gottfredson and Hirschi, 1990). He says that we ought to cultivate our natural gifts and that we ought to help others who are in trouble.

For Kant, "...the universal basis of morality in people lies in their rational nature since this alone is the same in everyone." To him, a moral principle must be such that one can that all people, including oneself, should act upon it. He uses the test of consistency as the core of the fundamental law, which he calls 'categorical imperative;' "...those actions are right which conform to principles one can consistently to be principles for everyone, and those actions are wrong which are based upon maxims that a rational creature could not will that all persons should follow." Through the categorical imperative, therefore we are enabled to distinguish right from wrong actions. The categorical imperative is also, "...the unconditional directive of behaviour. It is binding upon everyone because each rational being acknowledges an obligation to follow (Hope and Trickett, 2008).

METHODOLOGY

In this study, detection of trends is a challenge for the survey data, where observed increases may or may not be statistically important. This is a symbol of being within the sampling variability of data. The researcher suggests two approaches to this study: to liken two closest years or to adopt a methodology that studies a longer trend. The Office for National Statistics (ONS) takes an approach that offers statistics that gives a comparative estimate for the adjacent years for differences in pairs of years using selected beginning up to the end start. This choice of methodology provides a choice of comparison of the years that can make a substantial difference to the end about the path and rate of change.

However, the research design was adopted from the Kenya Demographic and Health Survey (DHS) study that was done from Kenya at large. DHS research is a projection and represents the findings from the whole of Kenya. It was mixed research using both qualitative and quantitative formats. Such information is normally considered for further action by the government and its stakeholders. The data collection tools used were the questionnaire, Interview schedule, and observation guide.

RESULTS AND DISCUSSION

The analysis of the finding is based on the report generated by the DHS, which gives the summary of the statistics of the finding carried out before in the year 2016.

Table 1: Percentage of Women who have Experienced Physical Violence

Background		Women who have Experienced Physical Violence from the age of 15 years old	Women who have Experienced Physical Violence in the Past Year	
			Often	Sometimes
Age	15 – 19	31.6%	1.4%	16.4%
	20 – 24	43.9%	14.2%	18.1
	25 – 29	47.7%	17.2	22.5
	30 – 39	47.5%	15.7	22.2
	40 – 49	31.6%	12.0	19.2
Residence	Urban	43.9%	5.7%	12.6%
	Rural	45.3%	4.5%	17.0%
Marital Status	Never Married	13.7%	0.6%	11.0%

Background		Women who have Experienced Physical Violence from the age of 15 years old	Women who have Experienced Physical Violence in the Past Year	
			Often	Sometimes
	Married/ Living Together	47.2%	5.9%	17.6%
	Divorced/Separated/Widowed	64.3%	10.9%	13.5%
Employment	Employed (for cash)	50.4%	6.4%	15.1%
	Employed (not for cash)	49.3%	5.4%	18.4%
	Not employed	33.6%	2.4%	14.2%
Education	No education	38.1%	6.4%	15.6%
	Primary (incomplete)	50.9%	7.8%	18.3%
	Primary (complete)	47.8%	5.0%	16.4%
	Secondary (plus)	40.2%	2.9%	12.6%
Wealth Quantile	Lowest	42.9%	7.6%	16.4%
	Second	51.3%	5.9%	20.3%
	Middle	49.3%	4.7%	17.8%
	Fourth	46.8%	3.5%	13.5%
	Highest	35.6%	4.0%	15.2%
	TOTAL	44.8%	5.0%	15.2%

Table 2: Percentage of Women (Aged between 15 – 49) who agree that Husband is justified to Beating Wife

Rationale	Percentage
Percentage who agrees with at least one reason	41.80%
She refuses to have sex with him	15.10%
Neglect the children	33.30%
He goes out without telling him	21.81%
Argues with him	21%
Burns the food	7%

The DHS data shows that 41% percent of women aged between 15 and 49 agree with at least one of these reasons for wife-beating; if she burns the food, argues with her husband, goes out without telling him, neglects the children, or refuses to have sexual intercourse with him (*Table 1*).

However, for men, just 36% of them agree with at least one of these reasons. For both men and women, acceptance of wife-beating decreases with education and wealth. Poorer, less educated men and women are more likely to agree with at least one of the five reasons proposed by the researcher. Still, education and wealth do not fully dismantle mental justifications for wife-beating with 23-31% of this demographic supporting at least one of the five reasons proposed by DHS researchers. The most common reason that women overall give as a

justified reason for wife-beating is “if she neglects the children” (33%). The lowest has to do with burning the food (7%). Still, 16% of women with no education and 14% of those in the lowest quintile saying that burning the food is a justified reason for a husband to hit his wife. Food burning is serious business in a poorhouse hold (*Table 2*).

The reason given by men are similar but with lower rates of approval, from a high of 27.4% of them saying neglecting the children is a justified reason a man to beat his wife, to a low of 4.5% for whom burning the food is a reason enough (*Table 2*). The biggest regional divergence according to DHS is in the western province; the data shows where 52.2% of women support at least one of the five reasons, but just 25% of men do. In the analysis, it is a simple case of political correctness (*Table 2*). Men seeking

to protect their reputation and social standing may simply hide their true beliefs when asked by researchers about their attitudes on domestic violence. But there may be something else there. The divergent attitudes on domestic violence may be grounded in how we socialise boys and girls and the expectations we give them as adult relationships.

CONCLUSION

Most societies perceive domestic violence as an acceptable behaviour. Some view it as an expression of love, while others view it as a way of disciplining errant spouses. However, the practice of domestic violence fails the test of morality from the ethical theories with which it is analysed and evaluated because of its negative tendencies. Both the teleological and deontological ethical theories, which are the classical or traditional moral theories, have shown that the explanations for the practice of domestic violence have no moral basis. The practice of domestic violence is the ultimate expression of dominance and subordination. A close examination for the reasons of the practice of domestic violence shows that they exist to impose the societal unequal sex relationship. The adverse effects of domestic violence show that it is immoral from these ethical theories. They result in psychological and physical harm and even death. This is a gross violation of human rights. The autonomy, dignity and value of human beings are devalued by this practice.

Feminist ethical theories also show that the practice of domestic violence is morally unjustifiable. Confining family issues to the realm of the private contributes to the oppression and exploitation of some family members by others. There is a need, therefore, to take family matters seriously as any other public matter to avoid gross violation of human rights within it. All human beings being rational should be treated humanely. No human being, therefore, should be treated as “a means to some end but as “an end itself”. This Kantian principle appears to be the overriding principle in all of these ethical theories. When this is done, the moral principle of equality, freedom and justice will be realised in society. It is important to note that these ethical principles are based on reason. Rational principles find their expression in experience through the practice of ethical principles.

RECOMMENDATIONS

The 2010 Kenya constitution provides for legislation to eliminate gender discrimination and gender violence. Therefore, there is a need for the government to come up with new legislation that will strengthen the previous statutes regarding domestic violence and result in the increased prosecution of perpetrators of domestic violence.

There is a need for providing the law enforcement officials who include the police and community leaders with training on the best way to handle victims of domestic violence and also providing them with guidelines on enforcement of the law regarding the vice. This will go a long way in helping the police and community leaders to determine whether a particular case requires arresting or there are other alternative means of dissolving the matter or helping the victims. Since community intervention is essential for providing victims of domestic violence, there is a need for training community workers as paralegals on domestic violence affairs so that they can raise awareness about the vice in communities, identify victims of domestic violence and support them to seek redress

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