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„WHEN AND HOW A HUSBAND MAY BEAT HIS WIFE, AND IN WHAT MANNER". ASPECTS OF VIOLENCE AGAINST WOMEN IN *ÎNDREPTAREA LEGII* (1652)

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Abstract: „Îndreptarea Legii" (1652), known under various titles such as The Great Pravila or Matei Basarab's Pravila, is regarded as a genuine code of laws of seventeenth-century Wallachia. Printed with ecclesiastical approval as a „guide to faith," it represents an organic blend of canon and secular law. Although based on Byzantine legal sources transmitted through Slavic channels, the code was adapted to the economic, social, and political realities of the time. It regulates civil, penal, and religious matters, reflecting social stratification and inequality before the law. Within this framework, women were considered inferior to men due to the perceived „frailty of their nature." Notably, Chapter 185 dedicates an entire chapter to „When and how a man may beat his wife and in what manner. The analysis of Chapter 185 of the „Îndreptarea Legii" (1652) reveals a legal framework that formally legitimizes domestic violence under the concept of conjugal correction. The legislator differentiates aggression, considered corrective and acceptable, from „hostile" violence („vrăjmășie"), which could attract sanctions only under certain conditions. The husband's right to physically punish his wife was upheld even in the presence of a written agreement („zapis") to the contrary, reinforcing the supremacy of male authority within that era.

Keywords: *Îndreptarea Legii*, domestic violence, social norms, patriarchal authority, Wallachia, gender inequality, legal history, hostility

Resumé : La « Correction de la Loi » (1652), connue sous divers noms tels que « Grande Règle » ou « Règle de Matei Basarab », est considérée comme un authentique code de lois de Valachie du XVIIe siècle. Imprimée avec l'approbation de l'autorité ecclésiastique comme « guide de la foi », elle représente une synthèse harmonieuse du droit canonique et du droit séculier. Bien que fondée sur des sources juridiques byzantines transmises par voie slave, la règle fut adaptée aux réalités économiques, sociales et politiques de l'époque. Elle régit les affaires civiles, pénales et religieuses, reflétant la stratification sociale et l'inégalité devant la loi. Dans ce contexte, les femmes étaient considérées comme inférieures aux hommes, en raison de leur prétendue « faiblesse de nature ». De manière significative, le chapitre 185 est entièrement consacré à la question : « Quand, comment et de quelle manière un homme peut-il battre sa femme ?» L'analyse du chapitre 185 de la « Correction de la Loi » (1652) met en lumière un cadre juridique qui légitime formellement la violence

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conjugale sous le couvert de la correction conjugale. Le législateur distingue l'agression considérée comme corrective et acceptable de la violence « motivée par l'inimitié », laquelle ne pouvait entraîner de sanctions que sous certaines conditions. Le droit du mari de punir physiquement sa femme était maintenu même en présence d'un écrit (« zapis ») contraire, consolidant ainsi la suprématie de l'autorité masculine à cette époque.

Mots-clés : *Correction de la Loi*, violence domestique, normes sociales, autorité patriarcale, Valachie, inégalités de genre, histoire du droit, inimitié

Rezumat: „Îndreptarea Legii” (1652), cunoscută sub diverse denumiri precum „Pravila cea Mare” sau „Pravila lui Matei Basarab”, este considerată un veritabil cod de legi al Țării Românești din secolul al XVII-lea. Tipărită cu aprobarea autorității ecleziastice ca „îndreptar de credință”, aceasta reprezintă o îmbinare organică între dreptul canonic și cel laic. Deși întemeiată pe izvoare juridice bizantine transmise pe filieră slavă, pravila a fost adaptată realităților economice, sociale și politice ale epocii. Ea reglementează chestiuni civile, penale și religioase, reflectând stratificarea socială și inegalitatea în fața legii.
În acest cadru, femeile erau considerate inferioare bărbaților, din cauza presupusei „slăbiciunii firii”. În mod semnificativ, Glava 185 este dedicată în întregime temei „Când și cum poate bărbatul să-și bată muiarea și în ce chip”. Analiza Glavei 185 din „Îndreptarea Legii” (1652) evidențiază un cadru juridic care legitimează formal violența domestică sub conceptul de corecție conjugală. Legiuitorul diferențiază agresiunea considerată corectivă și acceptabilă de violența „din vrăjmășie”, care putea atrage sancțiuni doar în anumite condiții. Dreptul soțului de a-și pedepsi fizic soția era menținut chiar și în prezența unui înscris („zapis”) contrar, consolidând astfel supremația autorității masculine în epocă.

Cuvinte-cheie: *Îndreptarea Legii*, violență domestică, norme sociale, autoritate patriarhală, Țara Românească, inegalitate de gen, istorie a dreptului, vrăjmășie

1. Introduction

Nine separate categories of violence and abuse can be identified: physical violence, sexual violence, emotional violence, psychological violence, spiritual violence, cultural violence, verbal abuse, financial abuse, and neglect (Newfoundland and Labrador-Canada, 2018). For a long time — extending into the modern era — women's subordinate position in both the family and wider society has contributed to various forms of abuse, such as domestic violence, marital rape, and coerced marriage. Legal frameworks frequently reflected gender bias, providing insufficient safeguards for women while sustaining structural inequalities between men and women (Rughiniș et al., 2024).

Dominant social norms and cultural expectations have often limited women to conventional gender roles, reducing their independence and contributing to the persistence of violence (Dahal et al., 2022; Vyas and Jansen, 2018; Sedziafa et al., 2019). Violence against women represents a type of gender-based violence that involves „acts that cause, or have the potential to cause, harm” (Krantz, & Garcia-Moreno, 2005), perpetrated, as a rule, by men against women.

In addition to the aforementioned challenges in definitions previously reviewed, the magnitude of this phenomenon can be understood by analyzing regional statistical estimates. Data provided by the *World Health Organization*

offers a robust perspective on the prevalence of intimate partner violence, highlighting significant variations based on geographic and socio-cultural contexts (Devries et al., 2013; Sardinha et al., 2022); for instance, for Eastern Europe, data estimate a lifetime intimate partner violence prevalence of 21%.

While the European-level estimates provide an essential framework for understanding the phenomenon on a broad scale, they may mask the profound particularities of the national context. To understand how regional averages translate into the daily reality of Romanian society, it is necessary to shift from macro-social numbers to a detailed, specific forms of abuse. To observe how these trends manifest concretely within the Romanian family environment, the following section will analyze the data provided by Rada's (2014) study, which deconstructs the spectrum of violence based on the severity and typology of aggressive behaviors (Table 1).

Table 1. Prevalence of selected manifestations of violence against the wife or partner within the family of procreation (FOP)

Manifestation of violent behaviour	Total Frequency %
Insults, swearing, humiliation	45.1
Withholding sexual activity or affection	19.2
Slapping, kicking, pushing	18.3
Hitting with a stick or other objects	6.4

Note: FOP = Family of Procreation Source: Adapted from Rada, C., (2014). *Violence against women by male partners and against children within the family: prevalence, associated factors, and intergenerational transmission in Romania, a cross-sectional study.*

Referring to data strictly pertaining to the family of procreation (FOP) (Rada et al., 2014) is essential for the objectives of our work, as it isolates partner (conjugal) violence from other forms of historical abuse within the family of orientation. Since the study clearly distinguishes between these two environments, focusing on the FOP allows us to analyze the aggressive behavior of the current partner; the broadest definition of family of procreation is the family created through and following marriage or consensual union (Rada et al., 2014).

The most reported forms of abuse are insults, swearing, and humiliation, which were together identified by 45.1% of respondents: 392 subjects reported this type of violence, of whom 76 stated that this had occurred often and 316 that it had taken place occasionally. In terms of frequency, this form of abuse was followed by withholding sexual activity or affection (19.2%), and slapping, kicking, and pushing (18.3%) (Table 1) (Rada, 2014).

According to Art. 219 of the Romanian penal code, sexual aggression is defined as: „act of sexual nature, other than those mentioned in art. 218 with a person, accomplished by coercion, by rendering the victim not able to defend or to express his or her will, or by taking advantage of this state, and is punished with imprisonment from 2 to 7 years and with the prohibition of the exercise of certain rights" (Codul Penal din 2009 – Legea nr. 286/2009).

Physical violence receives greater attention since it is frequently accompanied by official evidence (e.g., doctors' and police reports) and it tends to be considered „out in the open". Less attention received the psychological and sexual abuse because it is not easy to identify at first sight (Rada, 2020). Violence against women is rejected by most people in Romania, although attitudes are not entirely uniform. Overall, lower levels of disapproval tend to be found among men and among individuals with less formal education, reduced household income, and higher levels of religious engagement (Rughiniș et al., 2024; Serrano-Montillo et al., 2020).

2. General considerations on *Îndreptarea Legii* (1652)

Îndreptarea Legii (1652), known in contemporary writings under various titles ("Pravila cea Mare" / „The Great Pravila" or „The Great Code of Laws"; Pravila de la Târgoviște / „The Târgoviște Pravila"; „Pravila lui Matei Basarb" /„Matei Basarab's Pravila"), is regarded by historians as a genuine code of laws for Wallachia. Mention should be made on the fact that English translation of its title is problematic from several reasons; the Romanian term „îndreptare" is manifold, both in the actual, as well in the 17th century language. It suggests a „correction", a „guidance" or a „moral and juridical adjustment"; therefore, throughout this paper, we preferred to maintain the genuine Romanian title to avoid altering of the substantial sense. *Îndreptarea Legii* served as a „guide to faith," printed with the approval of ecclesiastical authorities, and represents an organic blend of canon and secular law. The drafting of the code relied on Byzantine legal sources transmitted through Slavic channels; however, it is not merely a straightforward translation of Byzantine sources, but rather a reworking adapted to the complex economic, social, and political realities of seventeenth-century Wallachia.

The work includes provisions criminalizing numerous reprehensible acts, with norms of civil law interspersed alongside penal law norms; it also encompasses canon law provisions about certain acts and social relations. Beyond these aspects, the legal norms in the *Îndreptarea legii* address collateral issues related to the condition of the peasantry, the differential legal regime based on social estates and ranks, and the inequality among social estates.

Regarding inequality before the law, a special place is occupied by the situation of women in society, who were regarded as inferior to men (due to the „frailty of their nature"). Based on this inferior perspective, it was not difficult for the legislator to allow the husband the right to beat his wife, even if a written agreement to the contrary existed. The Great Pravila indeed recommends beating „with gentleness, and not with hostility" („cu blândețe, iar nu cu vrăjmășie"), yet it hastens to add that striking with the palm or the fist, „no matter how much or how often he might beat her" („de o ar bate cât de mult și cât de des"), is not regarded as an act of hostility (Rădulescu, 1962; Șerban, 2007).

In the earlier historical periods, the primary reasons for the dissolution of marriage included: adultery („preacurvia"), fornication („curvia", essentially

repeated adultery), situations in which one spouse committed theft or robbery, mistreatment of the wife, the husband's „hostility," the husband's nocturnal erotic „fantasies," material disagreements/financial disputes, the husband's disappearance for five years (or shorter time during wartime conditions), cases where one spouse offended the Lord/God („Domnul"), the entry of a spouse into a monastery, the crime of heresy or apostasy, the loss of the original interest existing at the time of the marriage contract, or in the case of marriages established for political advantage (Rădulescu, 1962; Şerban, 2007).

Apparently, the woman benefits from an extensive legal capacity: she may file a complaint (*jalbă*), defend herself, and invoke the same grounds for separation as her husband. In divorce, seduction, or rape proceedings, she appears personally before the court, presents arguments, produces witnesses, and may take an oath when required. The trial cannot take place in her absence, as her presence is mandatory. However, although these provisions may appear protective at first glance, the prevailing perception of women as morally and intellectually inferior compelled them to adopt complex strategies in order to use these rights effectively to their advantage (Vintilă-Ghițulescu, 2011).

The husband could also had the authority, in certain situations, to place his wife in chains and confine her „as if in a dungeon" („cum ar fi în temniță") in certain cases (Glava 185, zac. 10; Glava – chapter; zac. is abbreviated from Slavonic „zacon" – article), and at times could cast her out and separate from her even without a judgement (Glava 187, zac. 1). Conversely, based on the aforementioned considerations, women often received more lenient punishments for committing certain offenses (Rădulescu, 1962; Şerban, 2007).

The religious conception of marriage was perceived as a hierarchical relationship in which the man had the role of moral leader of the family. In this sense, the punishment of the wife could be interpreted as a form of moral correction („cînd o va fi bătut pre vina ei"). Both major mistakes, such as attempted murder or adultery, and minor ones were considered major offenses not only against the husband, but also against the social and religious order. The rules promote the legal legitimization of violence against women, but also the attempt to control them. The woman appears as a limited subject whose protection depends on the evaluation of her moral behavior (Table 2).

Traditional Romanian society generally promoted and encouraged gender differences and the roles of men and women, which was reflected in family life, women's access to education, politics, and freedom of expression. Therefore, this further promoted forced silence and minimized and ignored abuses against them (Mihaiu, 2013).

Table 2. Comparison/Analysis of legal and social provisions regarding marital relations and domestic violence against women (*Îndreptarea Legii*, Glava 185).

Glava (chapter) 185	Conviction/Principle	Manifestation
Zac. (article) 2: „when he strikes her for her fault; when he strikes her only slightly. For if he beats her without fault or with hostility, he shall be punished, especially when her offense is minor…if the offense is serious, such as adultery or plotting his death, even if he beats her with hostility, he shall not be reproached or punished by the judge."	Husband's authority and moderate violence	The husband may correct or admonish his wife for genuine faults, but only moderately and without hostility („fără vrăjmășie").
Zac. 3: „It must be determined whether the beating was so severe and carried out in such a manner that the woman's life was placed in danger; however, if the beating was minor, the spouses shall not be separated."	Severity of violence justifying the separation/dissolution of marriage	Separation is allowed only if the violence endangers the wife's life; minor violence does not justify divorce.
Zac. 8: „A man is not called an enemy of his wife if he beats her only once; however, if he beats her constantly and repeatedly without fault, then is said to bear hostility toward her."	Repeated vs. occasional violence	Repeated unwarranted beating is considered hostility, a single blow is not.
Zac. 9: „If a man beats his wife with his fist or palm, this is not considered hostility toward her, even if he strikes her repeatedly and frequently."	Acceptance of moderate physical aggression	Beating with the fist or palm, even frequently, is not considered hostility.

3. The Image, role and status of women in the 17th-18th centuries

The concept of „patriarchy" has been integrated into British socio-political discourse since the 17th century and has been used to draw an analogy between monarchical absolutism and the hierarchical structure of the traditional family. In

the modern era, this notion has served to present a system in which political authority comes from male preeminence in the domestic sphere. Historically, the term designated the discretionary power exercised by the man, seen as the head of the family (*pater familias*), over his wife, descendants, and subordinates.

In many memoirs of the era, women articulated with striking sincerity the existence of domestic instability, especially in the context of arranged marital unions. These marriages were often marked by the absence of communication, the recurrence of violence, alcohol abuse, daily threats, and a permanent state of women' fear and vulnerability. The complex dimension of female sexuality, situated at the intersection of „ignorance" and the contestation of the known „domestic order„ („ordine casnică"), is also explored. This „order", constantly invoked, seems to have been more than a simple moral conduct; it functioned as a calendar of restrictions that, through sexual prohibitions on holidays, could play the role of indirect birth control. The roots of this discipline were also found in Matei Basarab's Pravila (*Îndreptarea Legii*), which formalized the rules by which both spiritual and family life in 17th-century Romanian society were to be guided (Mititelu, 2013).

The evaluation of sexual conduct in the social space was marked by a gender difference. While the moral integrity of the wife was conditioned by rigorous fidelity, the male reputation was not subject to the same constraints; men's extramarital escapades were often seen as proof of virility and attributes of social prestige. This „double standard" granted men a vast sexual autonomy, while for women, any deviation was tantamount to an irreparable collapse of their social status. This discrepancy was also reflected in the legislation: impotence, defined as the physiological impossibility of maintaining sexual relations, was sanctioned with the dissolution of the marriage, while sterility was accepted in both secular and canon law. The major objective was not necessarily procreation, but the rigorous regulation and supervision of the sexual behavior of the community, carefully directed by the Church (Vintilă-Ghițulescu, 2011).

In the economy of the traditional Romanian household, the role of the mother was fundamental, even though, from a legal point of view, her status was clearly inferior to that of the man. The woman ensured the functioning of the household through a remarkable versatility: in addition to the functions of reproduction and care, she was responsible for the food, clothing, and primary education of the children. This involvement, however, went beyond the strictly domestic sphere, as she was an active participant in agricultural work. Symbolic for the plain area is the figure of the woman who managed to simultaneously combine various activities, such as supervising grazing animals, spinning wool, and caring for the baby carried on her back (Deca, 2004).

From a sociological perspective, marital selection was governed by the principle of homogeneity, with partners usually coming from the same social status. While women had the opportunity to move up the hierarchy through marriage, men preferred to maintain their status or to partner with people from lower categories. At the same time, the legal and moral framework imposed by the

Orthodox Church in Wallachia prohibited any form of religious mixing (Gheorghe, 2025).

The legal codes of the 17th century operated with a total disregard for women as autonomous beings, their position and status being defined exclusively by the relationship of obedience to male figures. The perception of feminine nature as intrinsically limited, both physically and intellectually, placed her outside the sphere of equality, in a position of dependency similar to a child. Any attempt to reconfigure the roles of power within marriage implied a reassessment of female dignity. However, this new recognition was conditional: social respect was granted exclusively to the extent that women adhered strictly to the roles of mother and wife, functions considered indispensable pillars for the stability of the family order and, implicitly, for the state order (Gheorghe, 2025).

A woman is seen as a deeply internal component of humanity. Her social role is limited only to household activities, being deprived of access to political authority, excluding her from the rigorous space of exact sciences and philosophical reflection. She is placed in a universe – the home and the bedroom – where her power is one of moral influence, not of public domination, where she knows when to be silent and when to speak (Smith-Rosenberg & Rosenberg, 1973).

The feminine archetype described in these hypothetical conceptions attempts to transform biology into a mechanism for limiting women's autonomy. The identity of women is reduced to their hormonal functions, which induces a state of physical and economic precariousness in relation to masculine „vigor." This ideology of the era creates a relationship of systemic dependence, in which physical vulnerability and limitations subordinate women to male authority, seen as a source of protection and stability, from an economic and physical point of view. The pressure of social taboos transforms biological mechanisms, such as menstruation and menopause, into humiliation and shame. The result is a paradoxical figure: a being with a spiritual and moral superiority, who is denied intellectual capacity and decision-making autonomy, being considered, ultimately, captive to her own physiology (Smith-Rosenberg & Rosenberg, 1973).

4. Methodology

This paper uses a qualitative methodology, based on the text analysis of the normative document *Îndreptarea Legii* (1652). The choice of this method is justified by the need to decipher not only the specifics of the law, but also the spirit of the times and the way in which state and religious authority in 17th-century Wallachia affected the status and way of life of women in relation to men.

In the text analysis of the main source, the study focused on Glava 185 *„Cînd și cum poate bărbatul să-și bată muiarea și în ce chip" – When and How a Husband May Beat His Wife, and in What Manner* of *Îndreptarea Legii* (1652), following the way in which the normative text legalizes and imposes the physical „correction" of the wife when she makes mistakes. The specific terminology was analyzed to understand the concept of absolute male authority. To provide context

for these norms, we used a diverse range of secondary bibliographic sources based on the history of mentalities during the 17th and 18th centuries, historical sociology, and gender studies, highlighting the character and consequences of these laws on women.

The research was structured around several key directions: the legitimization of violence as an instrument for maintaining „domestic order" (*ordine casnică*); („când o va fi bătut pre vina ei"; „când o va bate puținel" – „when he strikes her for her fault"; „when he strikes her only slightly"), the difference between repeated „accepted" violence, with a „moral" purpose, and the violence considered excessive that could lead to the dissolution of marriage.

Through this methodology, the paper aims to demonstrate that violence against women was not just an individual accident, but a structural component of the patriarchal hierarchy regulated by the state and the Church.

5. Results and discussions

Îndreptarea Legii devotes an entire chapter (Romanian, *Glava*), 185, to this subject – „When and how a man may beat his wife, and in what manner." Overall, the analysis of Glavas 185, 211, and 364 of the *Îndreptarea Legii* highlights a legal structure in which domestic violence is accepted under the pretext of a necessary correction. Qualifying the term hostility („vrăjmășie"), by defining punches as compatible with „gentleness" („cu blândețe"), the 1652 legislator creates a space of power and freedom for the husband, subordinating the physical integrity of the woman to absolute male authority.

The status of woman is regarded as inferior to the man, based on how „the frailty and weakness of nature" (of woman – „neputința și slăbiciunea firii" – gl. 364) is used as a justification for the social limitation of women. Just as Smith-Rosenberg (1973) discusses medical views in the 19th century, so in the 17th century, the biological perception of women was used to limit women's civil rights and to highlight the superior status of men in terms of physical and cognitive abilities with the premise that „she is simpler" („mai proastă") than the man (Glava 211, zac. 6).

To what extent can this be considered an expression of the abuse of patriarchal authority and the marginalization of women vulnerability during that period?

The lawgiver recognizes the man right to beat his wife, even if a written agreement („zapis") had been issued to the contrary (gl. 185); thus, if a man were to sign a written commitment (zapis) solemnly promising never to hit his wife, this document becomes invisible if the woman commits an act for which, according to the norms of the time, she deserves punishment, *Îndreptarea Legii*(1652) restores the right of the man to apply „physical corrections", considering that no private agreement can cancel the role of „corrector" of the man considered the head of the family (*pater familias*). „Even if the husband had given a written bond (zapis) to his wife that he would never beat her, should she do anything deserving of

chastisement, he is permitted to beat her" („De-ar fi dat și zapis bărbatul muierii sale că nu o va bate niciodată, iar ea de va face vreun lucru de certare, are voe să o bată" – Glava 185).

The legal protection of women depends on the severity of the assault and the risk to her physical integrity. The rule sets out the legal criteria by which the severity of marital violence could justify marital separation („..de va fi fost bătaia așa de mare și într-acela chip, cît să stea lucrul în cumpănă, d-abia de va fi vie; iară de va fi bătaia micșoară, nu se vor despărți" – „.. whether the beating was so severe and carried out in such a manner that the woman's life was placed in danger; however, if the beating was minor, the spouses shall not be separated") (Glava 185 zac. 3). This legal framework that tolerates domestic violence to the point where it threatens the wife's life highlights the conditioning and protection of marriages of that era, due to moral and religious reasons.

A distinction is expressed between occasional conjugal violence and repeated violence, the latter being interpreted as an expression of marital hostility („Nu se chiamă bărbatul vrăjmaș muerii sale de o va bate numai o dată, iar de o va bate de pururea și mai de multe ori fără de vină, atunce să zice că iaste cu vrăjmășie asupra ei" – „A man is not called an enemy of his wife if he beats her only once; however, if he beats her constantly and repeatedly without fault, then is said to bear hostility toward her") (Glava 185, zac. 8). The fragment reflects the juridical and social mentality of the period, in which male authority could be accepted, yet systematic or repeated abuse was subject to condemnation.

The extent to which such behavior was condemned will be further examined in the following excerpts. *The Great Pravila* recommends that the beating be „with gentleness, and not with hostility" ("cu blândețe, iar nu cu vrăjmășie"); however, it further specifies that striking with the palm or the fist, „no matter how much or how often he should beat her, it is not considered to be with hostility" („de o ar bate cât de mult și cât de des, nu se consideră ca fiind cu vrăjmășie"); (Glava 185, zac. 9).

The husband is exonerated when the aggression is committed without „hostility" ("vrăjmășie") and when the wife is guilty of adultery or plotting against his life. At the same time, the *Pravila* specifies that aggression exercised without reason or out of excessive hostility may attract sanctions, especially if the wife's mistake was minor. However, the provision introduces a major exception: in the case of acts considered justifiable, such as adultery or attempted murder against the husband, male violence was tolerated, even if it was manifested with intensity or hostility. This reality outlines the circumstances under which conjugal violence was tolerated or sanctioned. „Îndreptarea Legii" identifies two conditions under which a husband would not be punished for beating his wife: when she was considered at fault and when the violence was moderate: „Doauă lucruri sprijinesc pre bărbat să nu se pedepsească cîndu-ș va bate muiarea: întîi, cînd o va fi bătut pre vina ei; a doa, cînd o va bate puținel…de o va bate fără vină, sau cînd o va bate cu vrăjmășie, atunce se va pedepsi; de va fi vina mare, ce să zice de o va afla în vreun lucru de preacurvie, sau de o va găsi făcînd vreun vicleșug de moartea lui, atunce

măcară cu ce vrăjmășie o va bate, nu se va certa cu nemica de la judecătoriu" – „Two circumstances support a husband in avoiding punishment when he beats his wife: first, when he strikes her for her fault; second, when he strikes her only slightly… he beats her without fault or with hostility, he shall be punished, especially when her offense is minor….if the offense is serious, such as adultery or plotting his death, then even if he beats her with hostility, he shall not be reproached or punished by the judge" (Glava 185. zac. 2). The husband is punished when he beats her without cause or with excessive cruelty ("cînd o va bate cu vrăjmășie" – Glava 185, zac. 2).

The careful analysis of „Îndreptarea Legii" allowed us to outline a clear typology of how the 17th-century legislator treated domestic violence. As illustrated in Table 3, based on our analysis, we suggest a system classification of the types of physical aggression against women, as reflected in regulations from „Îndreptarea Legii". This complex classification was not made only according to the act of violence itself, but it was determined by specific factors, such as the presence or absence of the woman's fault, the level of violence, and the hostile intention (*vrăjmășie*).

Table 3. Categorization of Domestic Violence Types: Fault, Intent, and Judicial Sanctions in *Îndreptarea Legii* (1652)

Categorization of Domestic Violence Types	**Profile-Causes-Circumstances**	**Legal Position – Punishments – Dissolution of Marriage**
Type A – Incriminates the woman, exonerates the man	Due to her own fault He shall beat her „little" (*o va bate puținel*)	Supports the man to avoid punishment
	Minor beating	Does not constitute grounds for the dissolution of marriage by the woman
	Single episode of violence	The man is not considered „hostile" (*vrăjmaș*) toward his woman
	Beating with the fist or palm is not considered an act of „hostility" (*vrăjmășie*), regardless of frequency or intensity	The man is not deemed to act with hostility toward his wife – exonerates the man (?)
Type B – Incriminates the man, exonerates the woman	Without fault / Minor fault / hostility (*cu vrăjmășie*)	The man shall be punished/sanctioned
	Hostile (*vrăjmaș*) and cruel toward his woman; beating without fault	The man shall be sanctioned – loses a portion of the gifts (dowry) provided by the wife
	With hostility (*cu vrăjmășie*) and excessive/immeasurable violence	The woman may petition the judge for the dissolution of marriage

Categorization of Domestic Violence Types	Profile-Causes-Circumstances	Legal Position – Punishments – Dissolution of Marriage
	Frequent beating without fault	The woman may separate from her husband by her own accord/authority (?), in which case the man is obligated to provide her with clothing and food
	Excessive beating with hostility (*cu vrăjmășie*), using blunt objects (staff, wood – an aggravating form if the wood breaks) capable of causing wounds, hemorrhages, or blows to vital areas (the head).	The man shall be sanctioned perpetually for his hostility
Type C – Incriminates the woman, exonerates the man, but distorts/ negates the meaning of „hostility," which otherwise would have been an aggravating circumstance for the man	A woman caught in adultery or plotting (the husband's) death, even if he beats her with hostility	The man shall not be sanctioned in any way by the judge
	A woman caught in adultery or plotting (the husband's death)	The man may put her in irons or imprison her

5.1. The Romanian term „vrăjmășie" (*hostility*)

The basic significance of this term may refer to:

a. A strong feeling of antipathy, aversion, or hatred towards someone or something; an offensive or unfriendly attitude; enmity, inimicality, hostility, hatred.

b. (Archaic): The quality of being wicked, cruel, or ruthless; mercilessness; the attitude or behavior of a wicked person.

In *Îndreptarea legii* (1652), „vrăjmășia" (*hostility*) within marriage was often framed as both a moral failing and a social disorder, reflecting the broader Orthodox legal culture of the time. The text suggests that a husband's hostility toward his wife could become a motivating cause of domestic violence, which was addressed through a mixture of religious admonition and legal regulation. Rather than viewing violence solely as a private matter, the code linked aggressive behavior to spiritual imbalance, emphasizing restraint, repentance, and communal stability. This perspective illustrates how early modern Wallachian law attempted to interpret marital conflict through the lenses of hierarchy, morality, and social control, revealing historical attitudes toward gender relations and the roots of violence against women.

In the frame of our discussion, it appears to be an aggravating circumstance for the husband (when it underlies or accompanies the act of aggression), with only one exception (if the woman is caught in an act of adultery – *preacurvie* – or is

plotting a deadly snare – *vicleşug de moarte* – against him; thus, even if he beats her with hostility, the husband is not sanctioned).

From psychological point of view, it may imply an advanced state of anger and frustration in the man (Norlander & Eckhart, 2005), stemming from multiple causes, while also suggesting a predisposition or a psychopathological state, having many causes and implications.

5.2. The definition of aggression (beat, *bătaie*)

Although present and recognized, the definition of the beat (*bătaie*) is somewhat unclear and ambivalent in relation to: method, object, (the man) motivation. Thus, striking with a fist or palm, regardless of frequency, appears to be „normal" (?) or „normatively legitimized"; contrarily, when blunt objects are used, it is considered condemnable.

Analyzing domestic violence in *Îndreptarea Legii* (1652), the distinction between hostile and instrumental aggression provides a framework for understanding how the 17th-century legislator justified or punished physical aggression. Referring to instrumental aggression ("Punishment"), where physical pain is not the ultimate goal, but a means to another end: maintaining the family hierarchy, ensuring obedience, or „correcting" the woman's behavior. The law (Type A) validates this form of aggression, considering it a functional necessity for domestic and social order (Bushman & Anderson, 2001).

In the case of hostile aggression ("vrăjmăşie"), the main goal is to cause harm and express hatred (harm as an end in itself). This aligns with the legal concept of hostility/enmity (Type B). The law only sanctions the husband when the aggression loses its correctness ("correction") character and becomes purely hostile, manifested by excessive cruelty or the victim's lack of fault (Bushman & Anderson, 2001).

In the case of Type C, the law even forgives hostile aggression and gives to man the right to place his wife in chains and confine her „as if in a dungeon" ("cum ar fi în temniță") in certain cases (Glava 185, zac. 10). Basically, the gravity of the woman's act transforms again any aggression by the man into an act of „justice" in the eyes of the legislator, annulling the distinction between the mode of action and the purpose.

This paragraph further expresses the concept of conjugal violence by distinguishing between forms of aggression socially tolerated and those interpreted as manifestations of marital hostility ("De-ş va bate neştine muiarea cu pumnul sau cu palma, aceaia nu se chiamă că iaste cu vrăjmăşie asupra ei, de o ară bate cît de mult şi de des" – „If a man beats his wife with his fist or palm, this is not considered hostility toward her, even if he strikes her repeatedly and frequently") (Glava 185, zac. 9). Therefore, violent behavior was not sanctioned according to the existence of aggression, but in relation to the intention and moral significance attributed to it. Violence was considered reprehensible only when it was associated with hostility or lack of moral justification ("o va bate de pururea şi mai de multe ori fără de vină, atunce să zice că iaste cu vrăjmăşie asupra ei" – if the man beats his

wife frequently or without reason, then it can be regarded as a case of hostility towards her"). This behavior was accepted as part of the family order, and sanctioning intervened only when this discipline exceeded the limits considered legitimate.

5.3. The difference between quarreling (to scold/to argue) and punishment (to punish)

Applying Barki and Hartwick's (2004) theory to the text of the Pravila, we observe a blurring of the distinction between cognitive and behavioral conflict. While modern theory argues that disagreement of ideas can lead to positive outcomes without resentment, the 1652 legislation starts from the premise that women, due to „the frailty and weakness of nature" ("neputința și slăbiciunea firii" – Glava 364), cannot participate in a purely cognitive disagreement.

Thus, any divergence is immediately moved into the sphere of corporal punishment. The crucial distinction between quarrel and punishment appears: the legislator does not encourage bilateral conflict (*scolding*), but institutionalizes punishment as an instrument of correction. Therefore, the beating „without hostility" – „fără vrăjmășie" (Glava 185) is not seen as an affective reaction (e.g. anger), but as an administrative necessity to maintain domestic order (*ordine casnică*).

The validation of beating, even in the presence of *a zapis*, is based on the idea that an aggressive act can be decoupled from the desire to hurt or the state of anger (Averill, 1982), transforming punishment into an instrument of domestic governance that ignores the obligatory relation between anger and violence (Berkowitz, 2000).

Conclusion

There is difficulty in differentiating aggression and hostility, since the boundary between the two is often arbitrary. In reality, a husband could create an instrumental purpose (discipline for a minor fault of the wife) to mask a purely hostile aggression. *Îndreptarea Legii* (1652) attempts to resolve this ambiguity by external criteria: the intensity of the beating or the instrument used (for example, if the wooden stick breaks, the aggression is reclassified as „hostile") (Rădulescu, 1962).

Îndreptarea Legii (1652) seems to construct a legal protection for the man precisely by disguising aggression as an instrumental act, without anger, in which hostile aggression is recognized and punished as „hostility" only when it exceeds the „practical" utility of correcting the woman's faults. Even a written obligation (zapis) by which the husband promises to renounce this right is annulled by the law, because the „disciplinary" (instrumental) objective is considered superior to these obligations.

In situations where the husband strikes cruelly, without reason, or with manifest anger, the law classifies the act as „hostility." The husband transforms from an „instrumental aggressor" (who controls his anger) to a „hostile aggressor" (*vrăjmaș*).

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