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## Greatest Hits: Domestic Violence in American Country Music\*\*

“The Dixie Chicks do not advocate premeditated murder, but love getting even.”<sup>1</sup> This parenthetical note appears in the compact disc liner under the lyrics to the hit tune “Goodbye Earl.” The ballad describes how a victim and her friend conspire to murder an abusive husband after he ignores a domestic violence protective order.<sup>2</sup> How did these tough women emerge in a country music CD, sandwiched between “Hello, Mr. Heartache”<sup>3</sup> and a song that begins, “The moon is full and my arms are empty”?<sup>4</sup> Wasn’t country music the genre that produced “Stand By Your Man”?<sup>5</sup> How did we get from standing by the man to standing over his grave? The answers lie in the history of domestic violence in the United States and the roots of country music. The songs have changed because our nation has changed.

This Article first examines the history of domestic violence in the United States. Domestic violence has moved from acceptable, legal behavior to unacceptable, criminal behavior. Next, the Article examines country music, its history, its position in our

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<sup>1</sup> DIXIE CHICKS, *Goodbye Earl*, on FLY (Sony Music Entertainment, Inc. 1999).

<sup>2</sup> *Id.*

<sup>3</sup> DIXIE CHICKS, *Hello Mr. Heartache*, on FLY, *supra* note 1.

<sup>4</sup> DIXIE CHICKS, *Cold Day in July*, on FLY, *supra* note 1.

<sup>5</sup> TAMMY WYNETTE, *Stand by Your Man*, on TAMMY WYNETTE’S GREATEST HITS (Sony/Columbia 1969). Country music junkies will recognize that in a strange time warp the Dixie Chicks recorded their version of *Stand by Your Man* on A TRIBUTE TO TRADITION, a 1998 Sony disc featuring current country artists singing classic country hits.

society, and what country music tells us about ourselves. Finally, the Article assesses the music itself and how progress can be measured in terms of women who are no longer exhorted to stand by their man.

## I

### THE RULE OF THUMB: A BRUISING HISTORY

Today's country music singers live in a world much different from the one in which their mothers were raised. Before the last thirty years, a victim of abuse had little choice but to endure her abuse. In 1970, there were no shelters to house battered women.<sup>6</sup> There were no comprehensive acts setting out a procedure for victims to obtain a court order to protect them.<sup>7</sup> But to understand the history of the law of domestic violence we have to go back much further in time.

In the United States, we have inherited much of our law from England, and England, in turn, inherited much of its law from ancient Roman law. One of those legal vestiges is associated with its own snappy phrase that is still a part of our vocabulary: the "rule of thumb." This phrase might not have been created in reference to wife beating,<sup>8</sup> but it has been used by some judges to express permission for a man to beat his wife with a rod no thicker than his thumb.<sup>9</sup> William Blackstone wrote early summa-

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<sup>6</sup> There is some dispute as to when the first domestic violence shelter began in the United States. According to a report of the United States Commission on Civil Rights, the first shelter was Rainbow Retreat in Phoenix, Arizona, in 1973. UNITED STATES COMMISSION ON CIVIL RIGHTS, UNDER THE RULE OF THUMB: BATTERED WOMEN AND THE ADMINISTRATION OF JUSTICE 77 (1982). But according to Terry Davidson, the first shelter in the United States was Women's Advocates, Inc., in St. Paul, Minnesota, which opened in 1974. TERRY DAVIDSON, CONJUGAL CRIME 17 (1978). The difference in bragging rights may be due to the nature of the shelter in St. Paul, which was first operated in a VISTA volunteer's apartment in 1972. UNITED STATES COMMISSION ON CIVIL RIGHTS, BATTERED WOMEN: ISSUES OF PUBLIC POLICY: A CONSULTATION SPONSORED BY THE UNITED STATES COMMISSION ON CIVIL RIGHTS 108-09 (1978).

<sup>7</sup> By 1976, when our country was 200 years old, the District of Columbia and Pennsylvania had enacted the first domestic violence legislation. Joan Zorza, *Symposium on Domestic Violence: The Criminal Law of Misdemeanor Domestic Violence, 1970-1990*, 83 J. CRIM. L. & CRIMINOLOGY 46, 62 (1992).

<sup>8</sup> Henry Ansgar Kelly, *Rule of Thumb and the Folklaw of the Husband's Stick*, 44 J. LEGAL EDUC. 341, 342 (1994).

<sup>9</sup> In *Bradley v. State*, a Mississippi Supreme Court decision from 1824, the court concluded that some limited violence by a husband to a wife should stay out of the courts, and one limitation discussed was that of "a whip or rattan, no bigger than my thumb, in order to enforce the salutary restraints of domestic discipline." 1 Miss. (1

ries of the common law that are given much credibility and serve as a reference for students of law. Blackstone wrote: “The husband (by the old law) might give his wife moderate correction. For, as he is to answer for her misbehavior, the law thought it reasonable to entrust him with this power of restraining her, by domestic chastisement . . . .”<sup>10</sup> So, thanks to old Roman and English legal traditions, limited wife beating was legal and associated with a phrase that is still used in daily conversation.

Slowly, the legal status of women has improved. In the mid-1800s, state legislatures passed laws that allowed married women to own property rather than be considered a piece of property themselves.<sup>11</sup> And gradually, states’ criminal statutes began to recognize that beating a wife could be a crime.<sup>12</sup>

Criminal courts also began to recognize the significance of domestic battery in terms of a defense to a crime.<sup>13</sup> What is often described as a “battered woman’s defense” is similar to self-defense.<sup>14</sup> Criminal law has recognized that some actions, even including killing another person, can be justified when there is immediate need for a person to protect himself or herself.<sup>15</sup> The battered woman’s defense extends the time frame for that self-defense.<sup>16</sup> Some women have successfully asserted a battered woman’s defense for acts that take place not just during a violent incident, but for acts that take place later, acts that are an attempt to eliminate future abuse.<sup>17</sup>

But what might be the most significant legal change in terms of domestic violence has been the passage of comprehensive statutes that offer civil protective orders that keep abusers away. Statutory schemes commonly include provisions for obtaining an

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Walker) 156, 156 (1824). In 1868, the North Carolina Supreme Court rejected a lower court ruling which held that a man had a right to whip his wife with a switch no larger than his thumb. *State v. Rhodes*, 61 N.C. (1 Phil.) 453, 453 (1868).

<sup>10</sup> 1 WILLIAM BLACKSTONE, COMMENTARIES \*445.

<sup>11</sup> D. KELLY WEISBERG & SUSAN FRELICH APPLETON, MODERN FAMILY LAW: CASES AND MATERIALS 258 (2002).

<sup>12</sup> *Id.* at 367.

<sup>13</sup> See *Ibn-Tamas v. United States*, 407 A.2d 626 (D.C. App. 1979). A useful timeline that puts legal developments in the context of a larger social movement can be found in PATRICIA GAGNÉ, BATTERED WOMEN’S JUSTICE: THE MOVEMENT FOR CLEMENCY AND THE POLITICS OF SELF-DEFENSE (1998).

<sup>14</sup> CHARLES PATRICK EWING, BATTERED WOMEN WHO KILL: PSYCHOLOGICAL SELF-DEFENSE AS LEGAL JUSTIFICATION 46-50 (1987).

<sup>15</sup> *Id.* at 46-47.

<sup>16</sup> *Id.* at 47-50.

<sup>17</sup> *Id.*

order in an emergency situation with no notice to the abuser.<sup>18</sup> The victim can have the abuser ordered not to abuse her,<sup>19</sup> to stay away from her,<sup>20</sup> to leave a shared residence,<sup>21</sup> and to pay support and compensate for expense due to the abuse.<sup>22</sup> The laws also allow a court to make decisions about child custody and visitation<sup>23</sup> and payment of child support.<sup>24</sup> Most recently, state and federal laws have combined to prohibit possession of firearms by the abuser.<sup>25</sup>

The combination of the end of the “rule of thumb,” the criminalization of domestic battery, and the availability of court protective orders means that women who are thirty years old or younger live in a different world from that of their mothers. Today, women can expect, based only on the changes in law, that domestic violence will be treated as a crime, a category of crime so repugnant that it has its own tools to protect victims from repeated abuse.

But not all changes in the legal system mean changes in people’s lives. Sometimes the law can be a force for change. This was the case when the Supreme Court of the United States decided *Brown v. Board of Education*,<sup>26</sup> ruling that “separate but equal” was unconstitutional. Schools across the country were forced to address the racial segregation that had been practiced for so long. When the law leads, the change may not be fast, but at least those seeking change have a tool to use.

More often, courts and legislatures are slow to change and are the last portions of our society to acknowledge what other insti-

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<sup>18</sup> *E.g.*, CAL. FAM. CODE ANN. § 6320 (West 1999 & Supp. 2004); 750 ILL. COMP. STAT. ANN. 60/217 (West 1999); N.Y. FAM. CT. ACT § 842 (McKinney 1999 & 2004 Supp.).

<sup>19</sup> *E.g.*, CAL. FAM. CODE § 6320; 750 ILL. COMP. STAT. ANN. 60/214(b)(1); N.Y. FAM. CT. ACT § 842(c).

<sup>20</sup> *E.g.*, CAL. FAM. CODE § 6320; 750 ILL. COMP. STAT. ANN. 60/214(b)(3); N.Y. FAM. CT. ACT § 842(a).

<sup>21</sup> *E.g.*, CAL. FAM. CODE § 6321; 750 ILL. COMP. STAT. ANN. 60/214(b)(2); N.Y. FAM. CT. ACT § 842(a).

<sup>22</sup> *E.g.*, CAL. FAM. CODE § 6342; 750 ILL. COMP. STAT. ANN. 60/214(b)(12), (13), (16); N.Y. FAM. CT. ACT § 842(f),(h).

<sup>23</sup> *E.g.*, CAL. FAM. CODE § 6323 (2002); 750 ILL. COMP. STAT. ANN. 60/214 (b)(5)-(7); N.Y. FAM. CT. ACT § 842(b).

<sup>24</sup> *E.g.*, CAL. FAM. CODE § 6341; 750 ILL. COMP. STAT. ANN. 60/214 (b)(12); N.Y. FAM. CT. ACT § 843.

<sup>25</sup> *E.g.*, 18 U.S.C. § 992(g)(8)-(9) (1994); CAL. FAM. CODE § 6304; 750 ILL. COMP. STAT. ANN. 60/214(b)(14.5); N.Y. FAM. CT. ACT § 842-a.

<sup>26</sup> *Brown v. Bd. of Educ.*, 349 U.S. 294 (1955).

tutions have accepted as given. For example, in 1986, in *Bowers v. Hardwick*,<sup>27</sup> the Supreme Court appeared to have purposefully framed its issue narrowly to uphold the constitutionality of a Georgia sodomy law. It is hard to reconcile this case with previous court rulings on privacy without perceiving an anti-homosexual bias on the Court's part.<sup>28</sup> Despite this ruling, the rest of the country began to take steps forward. The criminal law in Georgia, although still in the code,<sup>29</sup> was found unconstitutional by the Georgia Supreme Court in 1998.<sup>30</sup> Currently, most states do not identify consensual sodomy as criminal,<sup>31</sup> some states and municipalities prohibit discrimination based on sexual orientation,<sup>32</sup> and many businesses and governmental organizations recognize same-sex partners for employment benefits.<sup>33</sup> Finally, in the summer of 2003 the Supreme Court followed the lead of businesses, cities, states, and even the courts of other countries. In *Lawrence v. Texas*, the Supreme Court recognized that private, consensual sexual behavior is constitutionally protected.<sup>34</sup> So, law can lead in societal change, follow a change, or try to stand in the way of change.

The changes in the law of domestic violence seem to be leading, or at least reflecting, a change in our society. Court protective orders might actually help to reduce or prevent future abuse of a victim by the abuser.<sup>35</sup> And the changes in the legal system may be responsible for decrease in another category of crime—

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<sup>27</sup> *Bowers v. Hardwick*, 478 U.S. 186 (1986).

<sup>28</sup> *Id.* In *Bowers* the Court framed the issue so narrowly as to compel the particular result they sought. The Court wrote, "The issue presented is whether the Federal Constitution confers a fundamental right upon homosexuals to engage in sodomy. . . ." 478 U.S. at 191. Framing the questions more broadly in terms of privacy interests may well have produced the opposite outcome.

<sup>29</sup> GA. CODE ANN. § 16-6-2 (2002).

<sup>30</sup> *Powell v. State*, 510 S.E.2d 18 (Ga. 1998).

<sup>31</sup> WAYNE VAN DER MEIDE, NATIONAL GAY AND LESBIAN TASK FORCE, LEGISLATING EQUALITY: A REVIEW OF LAWS AFFECTING GAY, LESBIAN, BISEXUAL, AND TRANSGENDERED PEOPLE IN THE UNITED STATES 14, 25-82.

<sup>32</sup> *Id.* at 25-82.

<sup>33</sup> See, for example, the same sex or domestic partnership benefits offered by Ford Motor Company, at <http://www.mycareer.ford.com/ONTHETEAM.ASP?CID=19> (last visited May 14, 2003), and by the University of California, at [http://www.atyour.service.ucop.edu/employees/life\\_changes/family\\_changes/same\\_sex\\_partner/in-dex.html](http://www.atyour.service.ucop.edu/employees/life_changes/family_changes/same_sex_partner/in-dex.html) (last visited May 14, 2003).

<sup>34</sup> 539 U.S. 558, 123 S.Ct. 2472 (2003).

<sup>35</sup> Victoria L. Holt et al., *Civil Protection Orders and Risk of Subsequent Police-Reported Violence*, 288/5 JAMA 589, 591-94 (2002).

victims killing their abusers.<sup>36</sup> It is an odd way to measure success of change in the law, but it makes sense. If women have ways to keep themselves safe—options that they did not have before—a drop in the murder rate of abusers would be a logical result. Of course the law might not be leading or reflecting a uniform national attitude. Despite the generous provision of the Illinois Domestic Violence Act [IVDA], for example, one advocate in rural Southern Illinois was told, “I don’t know about IDVA law. We’ve got Pope County law here.”<sup>37</sup>

In the area of domestic violence, our nation and our laws have spun about face. Where we once officially accepted violence against women, it is now a crime. Where help was nonexistent, it is now available. Where there was no escape, now there are options. These changes are reflected in country music, an unofficial yardstick to measure where we are.

## II

### COUNTRY MUSIC: A BEAT BEHIND

Where does country music come from? That’s easy. It comes from a red pick-up truck driven by a white male who is blue because someone done him wrong. Who else would listen and sing along with lyrics like, “I made her the queen of my double-wide trailer with the polyester curtains and the redwood deck”?<sup>38</sup> Well, maybe that’s a generalization. To truly understand country music, we have to understand its history.

American country music, like American law, traces most of its roots to its English-speaking ancestors.<sup>39</sup> English and Irish tunes were mixed in with many other traditions in northern cities, but in the South, where people were often more isolated, the musical heritage was preserved.<sup>40</sup> The strongest non-Anglo-Irish influence on hillbilly music, as it used to be called, was African Amer-

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<sup>36</sup> Joan Zorza, *Woman Battering: High Costs and the State of the Law*, 28 CLEARINGHOUSE REV. 383, 388 (1994).

<sup>37</sup> Telephone Interview with Barbara Wingo (May 29, 2003), describing her testimony before Illinois Attorney General Roland Burris, Carbondale, Illinois (1991-1995).

<sup>38</sup> SAMMY KERSHAW, *Queen of My Double Wide Trailer*, on THE HITS—CHAPTER 1 (UMI/Mercury 1995). The author would like to note here that she lives in southern Illinois, just down the street from a single-wide trailer.

<sup>39</sup> BILL MALONE, *COUNTRY MUSIC USA 1* (2d ed. 2002).

<sup>40</sup> *Id.* at 2.

ican musical culture.<sup>41</sup> From its beginnings, then, country music has exhibited a tension between (or at least a mix of) preserving a folk heritage and remaking that tradition to reflect our changing nation.<sup>42</sup>

As radios and records allowed the spread of musical styles, country music became a recognized part of the commercial music industry.<sup>43</sup> *Billboard*, the trade magazine of the music industry, began tracking country music in 1942.<sup>44</sup> As our nation gradually moved from predominantly agrarian to predominantly urban, country music changed as well. And discerning the topic of a country song is never a problem. Country music comes in ordinary words that are easy to understand.<sup>45</sup> Even the double entendres are fully accessible.<sup>46</sup> The topics of the songs moved away from mountain cabins but never lost the focus on or appeal to ordinary working people.<sup>47</sup> When rock and roll sprung into popularity, country music stayed its course with minor adjustments, and soon some radio stations began all-country programming.<sup>48</sup> The music gained in commercial popularity but never lost its “real life” edge. According to country music historian Bill Malone, country songs describe life as it is, not as one might wish it might be.<sup>49</sup>

The lyrics of country music reflect its audience. The history of country music shows a presumption of male dominance in relationships.<sup>50</sup> During the 1960s, when the nation was reexamining its power structures, country music stayed true to its audience, a more conservative group than the society at large.<sup>51</sup> And as women moved into a more equal position in law and society, they started to become successful in country music.<sup>52</sup> But often, they were still singing about traditional male and female roles.<sup>53</sup> During the sexual revolution, country music remained a safe retreat

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<sup>41</sup> *Id.* at 4-5. In fact the banjo, which most people identify with white country music, is an instrument of African origin. *Id.* at 24-25.

<sup>42</sup> *Id.* at 27-29.

<sup>43</sup> *Id.* at 181.

<sup>44</sup> *Id.*

<sup>45</sup> JIMMIE N. ROGERS, *THE COUNTRY MUSIC MESSAGE: REVISITED* 13 (1989).

<sup>46</sup> *Id.* at 14.

<sup>47</sup> MALONE, *supra* note 39, at 211.

<sup>48</sup> *Id.* at 247-267.

<sup>49</sup> *Id.* at 298.

<sup>50</sup> *Id.* at 299.

<sup>51</sup> *Id.* at 300.

<sup>52</sup> *Id.* at 306-07.

<sup>53</sup> *Id.* at 307.

for those who did not want to let go of older value systems.<sup>54</sup> When other parts of the music industry took on the challenge of the Vietnam war, country music produced the hit song *Okie from Muskogee*, an anthem to accepting rather than challenging authority.<sup>55</sup> More recently, when Dixie Chicks singer Natalie Maines spoke out against the prospect of war against Iraq, some country music fans and radio stations reacted negatively, organizing sites for disposal of Dixie Chicks compact discs.<sup>56</sup> The anti-war statement was newsworthy because it is so contrary to the consistent conservative message of country music.<sup>57</sup>

The country music audience is one that takes its music at face value.<sup>58</sup> Fans are not looking for sophistication or complexity, either from the music or the lyrics.<sup>59</sup> The earliest country audiences were lower- to middle-class white southerners. As the music developed, and as ways to measure audience improved, the audience could more accurately be described as white, aged twenty-five to forty-nine, less educated, and in jobs perceived as having lower prestige.<sup>60</sup> The audience is drawn to songs they can appreciate, songs that feel as if they are being sung by a friend.<sup>61</sup> Country songs are about personal hard times, not larger societal problems or group solutions.<sup>62</sup> The audience is likely to identify country music singers as people who are from their own working class background.<sup>63</sup>

Today's country music is likely to reflect yesterday's values. The melodies borrow from old songs, which in turn were borrowed from older songs. The lyrics focus on the problems of individuals, and often seek solutions by looking backward, pining for some kind of tradition that may never have existed. Country songs can be expected to show us not where we are going, or even where we are now, but where we have been. Understand-

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<sup>54</sup> *Id.* at 316-17.

<sup>55</sup> *Id.* at 319.

<sup>56</sup> Charles M. Madigan, *Protest Songs Don't Play in Country Music Land*, CHI. TRIB., Mar. 23, 2003, zone C, at 8.

<sup>57</sup> Ann Patchett, *The Country of Country*, N.Y. TIMES, May 11, 2003, § 6 (Magazine), at 15.

<sup>58</sup> ROGERS, *supra* note 45, at 213.

<sup>59</sup> *Id.* at 213.

<sup>60</sup> *Id.* at 216.

<sup>61</sup> *Id.* at 217-26.

<sup>62</sup> CURTIS W. ELLISON, *COUNTRY MUSIC CULTURE: FROM HARD TIMES TO HEAVEN* xvii (1995).

<sup>63</sup> ROGERS, *supra* note 45, at 231.



ing these things about country music, we can now listen to how country music responds to domestic violence.

### III

#### COUNTRY MUSIC'S GREATEST HITS

Domestic violence is nothing new. Just as country music has examined other familial problems, country music has looked at domestic violence. Older songs show the traditions of domestic violence from the perspective of men who kill their victims. Current songs do more to show the women's perspective on violence. But most interestingly, two modern songs that achieved marked popularity show women who go beyond just complaining about domestic violence; they respond with their own lethal violence.

The Anglo-Celtic origins of country music contain at least one domestic violence song, *The Banks of The Ohio*. In this song, a man murders his love because she would not marry him. A 1936 recording by Bill and Charlie Monroe used these lyrics:

I asked my love to take a walk,  
Just a little ways with me.  
An' as we walked,  
Then we would talk  
All about our wedding day.

Chorus:

Darlin', say that you'll be mine:  
In our home we'll happy be,  
Down beside where the waters flow,  
On the banks of the Ohio.

I took her by her pretty white hand,  
I led her down the banks of sand,  
I plunged her in  
Where she would drown,  
An' watched her as she floated down.

Repeat Chorus

Returnin' home between twelve and one,  
Thinkin' Lord, what a deed I've done:  
I'd killed the girl  
I love, you see,  
Because she would not marry me.

Repeat Chorus

The very next day, at half past four,  
The sheriff walked right to my door;  
He says, "Young man,

Don't try to run.  
You'll have to pay for this awful crime you've done.

Repeat Chorus<sup>64</sup>

This song, like many traditional songs, has taken on different versions. When Joan Baez recorded this song in 1961, the man stabbed the woman instead of drowning her, and no mention is made of the sheriff's call.<sup>65</sup> No matter what version, the message is clear: the man decided to kill his would-be wife because she decided not to marry him. Far from fiction, actual abusers often tell victims, "If I can't have you, nobody will."<sup>66</sup> In fact, the time when a woman leaves an abusive relationship is one time when the most violence can be expected.<sup>67</sup>

A more modern version of the same story comes from country icon Johnny Cash. His song, *Delia*, reveals regret for having killed an almost-wife.<sup>68</sup> Cash sings, "If I hadn't—a shot poor Delia, I'd have her for my wife. Delia's gone, one more round, Delia's gone."<sup>69</sup> The only reasoning noted for the murder is, "She was low-down and travellin', and she was cold and mean, kind of evil make me want to grab my submachine."<sup>70</sup> In this song the murderer does wind up in prison, experiencing a sleepless regret.<sup>71</sup> Delia fares no better than the victim on the banks of the Ohio. Her story further illustrates that while men may choose murder and jail, the woman, if she chooses another man, has no options.

By the 1960s, more women were achieving commercial success as country singers, but the message changed little. Tammy Wynette's 1968 hit, *Stand By Your Man*, expressed a well-developed theme in country music.<sup>72</sup> The first lines of the song tell it all:

Sometimes it's hard to be a woman,

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<sup>64</sup> Lyrics transcribed at [www.geocities.com/nashville/3448/banks.html](http://www.geocities.com/nashville/3448/banks.html) (last visited June 5, 2003).

<sup>65</sup> Joan Baez, *The Banks of the Ohio*, on JOAN BAEZ VOL. 2, (Vanguard 1961).

<sup>66</sup> LENORE E.A. WALKER, *THE BATTERED WOMAN SYNDROME* 52 (2d ed. 2000). See *infra* note 79 for a sample description of how one abuser reacted to a woman's declaration that she was going to leave.

<sup>67</sup> Zorza, *supra* note 36, at 386.

<sup>68</sup> JOHNNY CASH, *Delia's Gone*, on THE MAN IN BLACK 1959-1962 (Bear Family 1991).

<sup>69</sup> *Id.*

<sup>70</sup> *Id.*

<sup>71</sup> *Id.*

<sup>72</sup> ROGERS, *supra* note 45, at 64-65.

Giving all your love to just one man.  
You'll have bad times,  
And he'll have good times,  
Doing things that you don't understand.<sup>73</sup>

Despite the woman's bad times at the expense of the man's good times, the exhortation of the song is to "stand by your man." After this hit, Tammy Wynette's songs continued the same message and continued to do well commercially.<sup>74</sup> Although the song does not refer specifically to domestic violence, it echoes traditional gender-based roles and does nothing to establish any hopes or expectations that women's lives could or should be free from pain.

In the late 1980s, women in country music finally heard a different tune. The new message was one of societal disapproval of domestic violence. In 1987, Reba McEntire, a country music star by any measure, recorded an album entitled, "*The Last One To Know*."<sup>75</sup> The album was on the *Billboard* Top Country Album chart, a measure of commercial sales, for fifty-one weeks.<sup>76</sup> The album included a song called *The Stairs*.<sup>77</sup> The song describes an incident of physical abuse, followed by this chorus:

And she fell down the stair again.  
But it hasn't happened since she don't know when.  
Was it in spring when she packed up the kids, or maybe in  
winter with his job on the skids.  
Oh but just like before she'll have to pretend that she fell  
down the stairs again.<sup>78</sup>

Although *The Stairs* is not a hopeful song, it is at least more realistic. It describes elements of domestic violence that many victims would be able to recognize. First, the song notes that the violence is not just one incident, but a repeat of a previous incident. The song also recognizes an unsuccessful attempt to leave the abusive situation, followed by promises from the man that he would not be abusive again. Advocates for victims recognize this pattern and label it "the cycle of violence."<sup>79</sup> Sadly, the lies about the source of injury are also common to victims of domes-

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<sup>73</sup> TAMMY WYNETTE, *Stand by Your Man*, on TAMMY WYNETTE'S GREATEST HITS (Epic 1968).

<sup>74</sup> ROGERS, *supra* note 45, at 65.

<sup>75</sup> REBA MCENTIRE, *THE LAST ONE TO KNOW* (MCA Records 1987).

<sup>76</sup> *Billboard Top Country Albums*, *Billboard*, Sept. 17, 1988, at 35.

<sup>77</sup> REBA MCENTIRE, *The Stairs*, on *THE LAST ONE TO KNOW*, *supra* note 75.

<sup>78</sup> *Id.*

<sup>79</sup> WALKER, *supra* note 66, at 126-38.

tic violence. Victims often feel pressure to make a relationship work, a theory that has been labeled “social entrapment.”<sup>80</sup>

In the same year when *The Stairs* was released, Rosanne Cash took aim at a similar message. *Rosie Strike Back* was part of an album, *King's Record Shop*, that was on the *Billboard* Top Country Album chart for 103 weeks.<sup>81</sup> Rosanne Cash is the daughter of Johnny Cash, and the change from *Delia* seems to be more than one generation's worth.<sup>82</sup> The song acknowledges the cyclical nature of violence against a victim named Rosie.<sup>83</sup> Sample lyrics include “You always come back, you always come back for more,” and “You think he's changing, weeks pass, his anger lies coiled like a snake in the grass.”<sup>84</sup> The song encourages Rosie to strike back at least in part by leaving, “Take the baby and the clothes on your back.”<sup>85</sup> But the new twist in this song is the acknowledgment that there are people who can help Rosie. “There's people out there who can help you, if you let them help you.”<sup>86</sup>

Rosie is similar to the victim in Reba McEntire's song. Both women have experienced repeated violence, both have children in common with the abuser, and both feel pressure to stay and hope that the abuse will end. The key difference for Rosie is that the song's narrator gives Rosie some direction: “strike back, hit the road and never look back.” It is not clear whether the “striking back” is intended to be use of force against the abuser, or simply the action of leaving. The other significant part of *Rosie Strike Back* is the reference to people who can help Rosie. By 1987, the network of shelters available for victims of domestic violence was large and interconnected. The Rosies of that time could indeed get some help in leaving a violent relationship. The song leaves open the question of whether Rosie is able to safely leave the relationship.<sup>87</sup>

Domestic violence songs in early country music showed wo-

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<sup>80</sup> JAMES PTACEK, *BATTERED WOMEN IN THE COURTROOM* 3-15 (1999).

<sup>81</sup> *Billboard Top Country Albums*, *BILLBOARD*, July 15, 1989, at 38.

<sup>82</sup> ROSANNE CASH, *Rosie Strike Back*, on *KING'S RECORD SHOP* (CBS Records 1987).

<sup>83</sup> *Id.*

<sup>84</sup> *Id.*

<sup>85</sup> *Id.*

<sup>86</sup> *Id.*

<sup>87</sup> It was during this time period that the author of this article composed her contribution to the field of domestic violence songs. *Eunice and Pablo* tells the story of a 1985 Jackson County, Illinois, case in which the Pablo Kenner Sr. was accused of

men as victims only. By the 1980s, country music recognized domestic violence as wrong, and women began to have an option.

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attempted murder and aggravated battery. He was convicted of aggravated battery. The lyrics were taken directly from the testimony at the trial:

This is the story of Eunice and Pablo,  
Two lovers living as one.  
Eunice she showed her love with a knife,  
Pablo showed his with a gun.  
Eunice and Pablo were drinking  
on a Friday afternoon.  
Eunice said, "Pablo I'm leaving you now."  
Pablo said, "Whoa, not so soon."  
Well Eunice and Pablo continued to fight  
Eunice insists she must leave  
Pablo says, "Honey, I'll kill you first.  
Look what I've got up my sleeve."  
It was a white handled revolver,  
Loaded and ready to go.  
He pointed it straight at Eunice's head  
And fired that near fatal blow.

Chorus:

She sings, "I cannot remember  
If I was shot in the head.  
And if I once had a memory  
That bullet killed it dead."

Well Eunice she ducked and the bullet glanced off.  
She gave the Sheriff a ring.  
But at Pablo's trial, on the witness stand  
She could not remember a thing.  
The lawyers kept asking her questions  
To freshen her memory  
But she never told them the truth that day  
She was trying to keep Pablo free.

Repeat Chorus

Well women, we love too hard  
And women, we love too long.  
I just hope for the rest of my days  
I will never sing Eunice's song.  
She sings, "I can't remember what my mother told me,  
Can't remember advice of a friend,  
And when they let old Pablo out of that jail  
I know that I'll love him again."  
Because I cannot remember  
If I was shot in the head.  
And If I once had a memory  
That bullet killed it dead.  
Yes if I once had a memory . . .  
that bullet killed it dead.

Sheila Simon, *Eunice and Pablo*, 5 GREEN BAG 2D 233 (2002).

The next major step came in the 1990s, represented by two songs: *Independence Day* by Martina McBride, and *Goodbye Earl* by the Dixie Chicks. Both songs were recognized as successes by the country music industry.<sup>88</sup> In each of these songs domestic violence is recognized as wrong, and it is frowned upon by the community, whether officially or unofficially. But the key difference is the response of the women to the crime. In each of these songs, the woman kills her abusive husband.

*Independence Day* is sung from the perspective of a child who knows that her father is abusive to her mother. In the song, the child goes to a fair on Independence Day, and her mother resolves the abuse by burning down the family home.<sup>89</sup> The lyrics include these two verses:

Well word gets around in a small, small town,  
They said he was a dangerous man.  
Mama was proud and she stood her ground,  
But she knew she was on the losin' end.  
Some folks whispered and some folks talked,  
But everybody looked the other way,  
And when time ran out there was no one about  
On Independence Day.

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Now I ain't sayin' it's right or it's wrong,  
But maybe it's the only way.  
Talk about your revolution,  
It's Independence Day.<sup>90</sup>

*Independence Day* portrays a woman who recognizes that there are no good options for her. Everyone in the small town recognizes the abusive nature of the relationship, yet apparently no help is available. The woman finds her resolution in killing her husband by burning down the house. In the chorus, the child recognizes the situation, not declaring the mother's actions right or wrong, but noting that it may have been the only way.

Even more direct, powerful, and current is the Dixie Chicks' 1999 commercial hit *Goodbye Earl*. While the subject matter of

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<sup>88</sup> *Independence Day* won the Music Video of the Year award from the Country Music Association. Martina McBride, in *Awards Database, 37th Annual CMA Awards*, at [http://www.cmaawards.com/2003/search\\_artist\\_111.htm](http://www.cmaawards.com/2003/search_artist_111.htm) (last visited Mar. 1, 2004). *Goodbye Earl* won the same award in 2000. Dixie Chicks, in *Awards Database, 37th Annual CMA Awards*, at [http://www.cmaawards.com/2002/search\\_artist/view\\_artist\\_sos.htm](http://www.cmaawards.com/2002/search_artist/view_artist_sos.htm) (last visited Mar. 1, 2004).

<sup>89</sup> MARTINA MCBRIDE, *Independence Day*, on WAY THAT I AM (RCA Records 1993).

<sup>90</sup> *Id.*

the song is extremely serious, the tone of the song is not. It is played and sung in a light, camp-humor style.<sup>91</sup> It is the story of best friends, Mary Anne and Wanda, growing up in a small town, separating after high school graduation.<sup>92</sup> Wanda remained in the small town, married Earl, and the abuse began just after the marriage.<sup>93</sup> Wanda eventually filed for divorce and a protective order.<sup>94</sup>

She let the law take it from there,  
But Earl walked right through that restraining  
order,  
And put her in intensive care.”<sup>95</sup>

Mary Anne and Wanda then decided that since the law had failed, they would kill Earl.<sup>96</sup>

*Goodbye Earl* is pure country music. It has old and new, tradition and progress, rural and urban. The banjo plays in the background as three women sing about two women killing a man. There are rural references, like to the FFA, the Future Farmers of America, a club found in many rural high schools. But the modern urban world of Atlanta is only a “red eye midnight flight” away. And as in many country songs, Earl is subjected to a wonderful play on words when Earl is declared “the missing person who nobody missed at all.”

But the key to Earl is the description of domestic violence and the legal response to domestic violence. In this brief song, the listener hears of violence that starts just after the wedding and the hiding of bruises reminiscent of *The Stairs*. But Wanda, the victim, has options, and she exercises them. She files for divorce and obtains a restraining order. It is only after Earl violates the restraining order that Wanda and her friend take matters into their own hands.

This song represents a new response, at least in the world of country music, to domestic violence. Not only is help available, it is granted by the court in the form of a restraining order. Of course, in the song the order is no guarantee of safety, something any good advocate will warn a victim. But Wanda used her options. Her first resort was not killing Earl because that was not

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<sup>91</sup> DIXIE CHICKS, *Goodbye Earl*, *supra* note 1.

<sup>92</sup> *Id.*

<sup>93</sup> *Id.*

<sup>94</sup> *Id.*

<sup>95</sup> *Id.*

<sup>96</sup> *Id.*

her only option. She ended the relationship and got a governmental stamp of approval for doing so. It was only after that option failed that she took the only option left and gave Earl a trip to the lake.

Domestic violence in country music has evolved. It started with a male perspective, acknowledging lethal violence, along with a bit of regret. Later the same topic is reviewed from a female perspective, recognizing the horror of the violence and the challenge of escaping it. Most recently, the songs, still from a female voice, reflect women killing their abusers.

#### IV

##### MISSING A BEAT

Why observe a society through song? Well, we do it all the time. When we have a difficult concept, we often describe it in terms of something more concrete, something that is more easily within our grasp.<sup>97</sup> Musical reference often fills that function. Have you ever met someone who is offbeat, or who marches to a different drummer? Have you ever tried to get in tune with your feelings, or to say something that resonates with others? Let's hope nobody has ever played you like a fiddle. In the same way that musical terms can help us fill the gaps in small parts of our expressive vocabulary, the music of our society can show in a practical way where we have been and where we are.<sup>98</sup>

Domestic violence is a part of our nation's history, an ugly part of our history that we aren't shaking off too well. Our laws have made a total change, from allowing domestic violence to making it a crime. In the process of that change, victims of domestic violence have gone from having no expectations of better treatment, to having expectations of better treatment but without any means to get there, to having expectations of better treatment that may be fulfilled through a network of shelters, court orders, and a willing law enforcement system.

Country music can measure at least part of our nation's re-

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<sup>97</sup> GEORGE LAKOFF, *WOMEN, FIRE AND DANGEROUS THINGS: WHAT CATEGORIES REVEAL ABOUT THE MIND* xiv-xv (1990).

<sup>98</sup> References to *Goodbye Earl* appear in publications ranging from an article by Professor Barbara Stark, *Domestic Violence and International Law: Goodbye Earl (Hans, Pedro, Gen, Chou, etc.)*, 47 *LOYOLA L. REV.* 255, 255 (2001), to a column by West Virginia Supreme Court Chief Justice Elliott Maynard, *Behind Closed Doors*, *THE WEST VIRGINIA LAWYER* (Nov. 26), available at <http://www.state.wv.us/wvsca/cj/column/novwvl.htm> (last visited July 21, 2003).



sponse to domestic violence, thanks in part to the open and accessible lyrics that are a continuing part of the country music heritage. Country music comes from and appeals to a segment of society that is predominantly white and predominantly working-class. Country songs reflect a tension between past and present, a respect for tradition even in the midst of examining the problems that the traditions can cause. Because of the expression of tradition, country music can be viewed as a lagging indicator, a measure to confirm for us where we, as a society, have recently been.

Country music has addressed domestic violence in the same series of developmental stages that our nation as a whole has undertaken. The oldest songs describe men killing women when the women declare the relationship over. There is regret and punishment for the man, but not much of a role for the woman. And for some time, the woman's role was to stand by her man. In the 1980s, more women became the makers of country music. Songs from this era reflect a recognition that domestic violence, while it is not to be tolerated, may be hard to escape. In the 1990s, the women at last kill the abusive men. Although this is not something to be admired or rewarded, it is a reflection of a developmental stage. The victims realize that they must protect themselves because nobody else can protect them from the abuser. This musical development reflects development in the law. Before the network of shelters and laws, and effective law enforcement response, killing the abuser was a more common response.

So where will we go from here? Country music, with a foot in the past, cannot make that prediction. We can hope that as more women have more effective options for leaving violent relationships, the new century will have fewer songs about men killing women and women killing men. We are not likely to hear ballads of people who are free from violence thanks to a protective order because that would take the drama out of the song. We can hope that this subject will become so dull and free of angst that country music will not have to address domestic violence again. Yeah right. At least we can dream about it. Sweet dreams.

