

FAMILY VIOLENCE

LEGAL, MEDICAL, AND SOCIAL PERSPECTIVES



HARVEY WALLACE



FAMILY VIOLENCE

Legal, Medical, and Social Perspectives

Harvey Wallace

California State University, Fresno

Allyn and Bacon

Boston • London • Toronto • Sydney • Tokyo • Singapore

*To my wife,
Randa F. Wallace*

Executive Editor: Karen Hanson
Vice President and Publisher: Susan Badger
Marketing Manager: Joyce Nilsen
Editorial-Production Service: Ruttle Shaw & Wetherill, Inc.
Composition and Prepress Buyer: Linda Cox
Manufacturing Buyer: Aloka Rathnam
Cover Administrator: Suzanne Harbison



Copyright © 1996 by Allyn & Bacon
A Simon & Schuster Company
Needham Heights, MA 02194

All rights reserved. No part of the material protected by this copyright notice may be reproduced or utilized in any form or by any means, electronic or mechanical, including photocopying, recording, or by any information storage and retrieval system, without written permission from the copyright holder.

Library of Congress Cataloging-in-Publication Data

Wallace, Harvey.

Family violence : legal, medical, and social perspectives / by
Harvey Wallace.
p. cm.

Includes bibliographical references and index.

ISBN 0-205-15387-9

1. Family violence—United States. 2. Family social work—United States. 3. Family violence—Law and legislation—United States.
4. Victims of family violence—Mental health—United States.
5. Victims of family violence—Health and hygiene—United States.
6. Victims of family violence—Legal status, laws, etc.—United States. I. Title.

HQ809.3.U5W35 1995

362.82'92—dc20

95-16966
CIP

Printed in the United States of America

10 9 8 7 6 5 4 3 2 00 99 98 97 96

Photo Credits: Chapter 2, Kempe Children's Foundation.



PREFACE

The study of family violence is a complex, multifaceted experience. By its very nature, family violence involves physicians, nurses, psychiatrists, psychologists, family counselors, educators, social workers, attorneys, judges, and law enforcement officials. All of these professionals have expertise in their own area of specialization. However, they may not understand or appreciate the difficulties experienced by others in their areas of interest. For example, a member of the medical profession may be able to diagnose physical injuries, but not understand the complexities of the court room.

As a nation we are becoming more aware of the extent and nature of family violence. Nationally broadcast trials have brought family violence into our front rooms. The William Smith and Mike Tyson rape trials forced us to confront date rape. The Bobbitt trial raised the issue of spousal assault. The Menendez brothers caused everyone to discuss sexual child abuse. And, finally, who can forget O. J. Simpson and the 911 calls that to many symbolized the horror of stalking.

Many states require students in certain fields of study to take courses in specific areas of family violence as a condition of receiving a license to practice. Law enforcement agencies are now required by statutes in some jurisdictions to respond in certain ways to domestic abuse cases. Many times, members of the medical profession are the first to come in contact with victims of family violence. They must not only recognize the physical and emotional symptoms of the victims, they must also understand how their role relates to law enforcement and the legal system. Criminal justice professionals, including law enforcement personnel, are becoming more involved in cases of family violence. Mandatory arrest of spousal abusers, temporary restraining orders, vertical prosecution teams, and victim impact statements are all recent developments that have appeared in response to a recognized need to protect the victim of family violence. In our society, many forces continue to allow violence to occur in the home. As will be discussed, there

is no single cause or factor that contributes to family violence. This, however, should not deter students and professionals from understanding the existing controversies in the field. These factors must be understood to fully appreciate the consequences of family violence.

Family violence courses are becoming more common at the junior and community college level. Many of these courses are offered in the areas of sociology, nursing, and law enforcement. They are providing students with a much-needed perspective on a topic that for too long has been left in the area of upper division courses or graduate study. The study of family violence does not belong only in the rarified atmosphere of select university classes. Rather it is a subject with which more people should become familiar.

A recent survey of law enforcement agencies indicated their desire for new recruits to receive formal training in family violence. Additionally, professionals are becoming more aware that they must adopt an interdisciplinary approach to this problem, and more and more seminars are being offered in the area of family violence. These developments are both a blessing and a curse. On one hand, as we learn more about family violence, we are better able to respond to it. At the same time, the more we learn the more we must be aware that there is increasing data in this field and that we can be overwhelmed with studies and their results. We are rapidly approaching an overload of information based on this research and yet have failed to agree on something as simple as a definition for the term *family violence*.

The study of family violence has many excellent texts that completely cover specific areas of this topic. There are comprehensive treatises on spousal abuse, child abuse, treatment, intervention, and legal issues of family violence. Because this area is so fragmented and complex, it presents the problem of finding one source that provides an overview or introduction, while at the same time supplying references that allow the reader to expand his or her knowledge in a specific area. This text is an attempt to examine the more commonly discussed topics of family violence from medical, social, and legal perspectives. It addresses specialized topics such as sexual harassment, stalking, and victim's rights that are normally not found within many family violence texts. The text is an introduction to this complex area, and yet it provides the reader with sufficient knowledge to understand the various dynamics that are involved in family violence.

Over the long period of time it has taken to complete this project, I have become indebted to many people who provided advice, support, resources, and encouragement. First and foremost, I would like to thank my editor, Karen Hanson, executive editor at Allyn & Bacon, who was always there whenever I needed her. Donna Simons, the Production Administrator, coordinated the many details of getting this text into print. My Project Manager, Peg Waltner at Ruttle, Shaw & Wetherill, Inc., did a wondrous job of correcting my feeble attempts to communicate correctly. My colleagues at California State University were especially helpful and supportive. Christine Edmonds of the National Victims Center furnished me with material and data on rape. Several reviewers provided me with invaluable suggestions and corrections that helped improve this text. Dr. Barbara A. Carson,

Mankato State University, Professor M. Jenise Comer, Central Missouri University, and Dr. Randy L. LaGrange, University of North Carolina at Wilmington. Finally and most important, I am indebted to my family and to my wife, Randa, for her loyalty, compassion, courage, and understanding in helping me put my thoughts down on paper. All of these people deserve the credit if any is given for this text. Any mistakes and inaccuracies, however, belong solely to me.

Harvey Wallace



CONTENTS

Preface ix

1	Characteristics of Family Violence	1
	<i>Introduction</i>	2
	<i>Nature and Scope of the Problem</i>	5
	<i>Factors That Contribute to Family Violence</i>	7
	<i>The Cycle of Violence Theory</i>	16
	<i>Summary</i>	20
	<i>Key Words</i>	21
	<i>Discussion Questions</i>	22
	<i>Suggested Readings</i>	22
	<i>Endnotes</i>	23
2	Physical Child Abuse	25
	<i>Introduction</i>	26
	<i>The Abusers and the Abused</i>	31
	<i>Indications of Physical Child Abuse</i>	34
	<i>Bruises</i>	37
	<i>Burns</i>	40
	<i>Fractures</i>	43
	<i>Head and Internal Injuries</i>	46
	<i>Summary</i>	50
	<i>Key Terms</i>	50
	<i>Discussion Questions</i>	51
	<i>Suggested Readings</i>	51
	<i>Endnotes</i>	51

3	Child Sexual Abuse	55
	<i>Introduction</i>	56
	<i>Indications of Sexual Abuse</i>	61
	<i>Sexual Abuse</i>	64
	<i>Expert Witnesses and Child Sexual Abuse</i>	74
	<i>Summary</i>	77
	<i>Key Terms</i>	77
	<i>Discussion Questions</i>	78
	<i>Suggested Readings</i>	78
	<i>Endnotes</i>	79
4	Child Neglect	81
	<i>Introduction</i>	82
	<i>Indications of Child Neglect</i>	85
	<i>Failure to Thrive Syndrome</i>	86
	<i>Emotional Neglect</i>	88
	<i>Other Types of Child Neglect</i>	91
	<i>Summary</i>	95
	<i>Key Terms</i>	95
	<i>Discussion Questions</i>	96
	<i>Suggested Readings</i>	96
	<i>Endnotes</i>	96
5	Sibling Abuse	99
	<i>Introduction</i>	100
	<i>Siblings as Perpetrators</i>	102
	<i>Serial Abuse of Siblings</i>	104
	<i>Summary</i>	108
	<i>Key Terms</i>	108
	<i>Discussion Questions</i>	108
	<i>Suggested Readings</i>	109
	<i>Endnotes</i>	109
6	Ritualistic Child Abuse	111
	<i>Introduction</i>	112
	<i>Types of Ritualistic Abuse</i>	117
	<i>Responding to Ritualistic Abuse</i>	122
	<i>Summary</i>	128
	<i>Key Terms</i>	129
	<i>Discussion Questions</i>	129
	<i>Suggested Readings</i>	129
	<i>Endnotes</i>	130

7	Professionals and Their Responses to Child Abuse	133
	<i>Introduction</i>	134
	<i>Reporting</i>	134
	<i>Interviewing</i>	139
	<i>Intervention</i>	149
	<i>Summary</i>	157
	<i>Key Terms</i>	157
	<i>Discussion Questions</i>	158
	<i>Suggested Readings</i>	158
	<i>Endnotes</i>	159
8	Spousal Abuse	161
	<i>Introduction</i>	162
	<i>Theories of Spousal Abuse</i>	166
	<i>Characteristics of Spousal Abuse</i>	169
	<i>Types of Spousal Abuse</i>	178
	<i>Spousal Homicide</i>	181
	<i>Summary</i>	185
	<i>Key Terms</i>	186
	<i>Discussion Questions</i>	186
	<i>Suggested Readings</i>	187
	<i>Endnotes</i>	188
9	The Criminal Justice Response to Spousal Abuse	191
	<i>Introduction</i>	192
	<i>Arrest and Other Alternatives</i>	196
	<i>Restraining Orders</i>	204
	<i>Courts and Spousal Assault</i>	206
	<i>Summary</i>	212
	<i>Key Terms</i>	212
	<i>Discussion Questions</i>	213
	<i>Practical Applications</i>	213
	<i>Suggested Readings</i>	214
	<i>Endnotes</i>	214
10	Elder Abuse	217
	<i>Introduction</i>	218
	<i>Theories of Elder Abuse</i>	225
	<i>Reporting and Intervention</i>	227
	<i>Summary</i>	232
	<i>Key Terms</i>	232
	<i>Discussion Questions</i>	233

	<i>Suggested Readings</i>	233
	<i>Endnotes</i>	234
11	Gay and Lesbian Abuse	237
	<i>Introduction</i>	238
	<i>Nature and Scope of the Problem</i>	240
	<i>Legal and Judicial Responses</i>	243
	<i>Summary</i>	245
	<i>Key Terms</i>	246
	<i>Discussion Questions</i>	246
	<i>Suggested Readings</i>	246
	<i>Endnotes</i>	247
12	Women and Sexual Violence	249
	<i>Introduction</i>	250
	<i>Theories of Sexual Violence</i>	256
	<i>Stranger Rape</i>	259
	<i>Marital and Acquaintance Rape</i>	263
	<i>Sexual Harassment</i>	268
	<i>Summary</i>	272
	<i>Key Terms</i>	272
	<i>Discussion Questions</i>	273
	<i>Suggested Readings</i>	273
	<i>Endnotes</i>	274
13	Stalking	277
	<i>Introduction</i>	278
	<i>Stalking Laws</i>	286
	<i>Antistalking Measures</i>	291
	<i>Summary</i>	294
	<i>Key Terms</i>	294
	<i>Discussion Questions</i>	295
	<i>Suggested Readings</i>	295
	<i>Endnotes</i>	295
14	Victim's Rights	297
	<i>Introduction</i>	298
	<i>Compensation and Restitution</i>	307
	<i>Victim Impact Statements</i>	309
	<i>Summary</i>	315
	<i>Key Terms</i>	315
	<i>Discussion Questions</i>	316

<i>Suggested Readings</i>	316
<i>Endnotes</i>	316
Epilogue: Family Violence and the Future	319
Index	321

1

CHARACTERISTICS OF FAMILY VIOLENCE

Chapter Outline

Introduction

Definitional Issues

Controversies in Family Violence

Nature and Scope of the Problem

The National Family Violence Surveys

Other Sources of Data on Family Violence

Factors That Contribute to Family Violence

The Psychiatric Model of Family Violence

The Social–Psychological Model of Family Violence

The Sociocultural Model of Family Violence

Common Features of Family Violence

The Cycle of Violence Theory

Definitions of the Cycle of Violence

The Cycle of Violence and Family Violence

The Cycle of Violence and Aggression

Summary

Learning Objectives

After reading this chapter you should be able to discuss the following concepts:

- The various difficulties in defining family violence.
- The problems inherent in attempting to measure the extent of family violence.

- The National Family Violence Surveys and other methods of measuring family violence.
- The various theories of family violence.
- The Cycle of Violence and the Cycle Theory of Violence.
- How violence in the home may cause later aggression.

Introduction

The study of family violence is still in its infancy. In our society there are numerous myths and misconceptions that surround this problem. Many lay persons, students, and professionals still remain skeptical regarding the dynamics involved in family violence. It is not uncommon to still hear, "Persons who molest children are mentally deranged" and "Women who stay with abusive partners must really like it." Otherwise knowledgeable individuals display an alarming lack of understanding regarding the various aspects of family violence.

Recent criminal trials brought the specter of family violence into our living rooms on a daily basis. The Menendez brothers shot and killed both their parents, alleging self-defense by claiming that the parents had physically and sexually abused them for years. The Bobbitt case involved a spouse who severed her sleeping husband's penis after he allegedly raped her. Mrs. Bobbitt testified that she was physically and sexually abused by her husband for years.

Numerous controversies in the area of family violence are discussed in this text. Because no definition for the term *family violence* is accepted by all scholars, researchers, and other professionals, its full extent and nature is still being debated. However, statistics gathered from independent research as well as projections from state and federal agencies clearly establish its widespread existence.

Definitional Issues

Simply defining the term *family violence* causes debate. Some argue that the use of the word *family* is too restrictive and should be replaced with the term *intimate*, since current research includes studies of couples that cohabitate but are not necessarily married. However, most professionals now accept the idea that a family unit may exist without any formal sanction such as a marriage ceremony. Therefore the term *family* will be used to include situations in which individuals are living together regardless of whether or not they are legally married.

Violence implies physical acts that result in injuries to the victim. As will be discussed, some forms of family violence involve the withholding of physical or emotional support and can have devastating long-term consequences on the victim. Therefore, violence within this context includes physical or mental acts or omissions that result in injuries to the victim. Violence may also be directed at restricting or denying another person certain rights or liberties.

The concept of family violence includes several subtopics, such as child abuse, spousal abuse, and elder abuse. It is therefore a wide-ranging concept that must remain flexible to adaption as we learn more about its scope and impact. The definition of *family violence* for purposes of this text is: *any act or omission by persons who are cohabitating that results in serious injury to other members of the family*. This definition includes those who live together or are married. The term *serious injury* may involve physical or emotional harm or a violation of another family member's rights and freedom of choice. As will be seen, the great majority of victims of family violence are females or children. This is not to say that men are not battered. However, they are in the minority, and the reasons for this disparity are discussed in detail in Chapter 8 that deals with spousal abuse. This definition is broader than Straus, Gelles, and Steinmetz's approach to family violence because their study did not include neglect.¹ It goes beyond Pagelow's definition in that it specifically applies to those who live with other persons.²

Family violence includes criminal offenses, behavioral acts, and medical problems. Each of these factors has its own proponents and advocates, and each defines family violence from its own perspective. Despite the need for an acceptable definition from which research and treatment can proceed, each of these interest groups claim their view or approach as the only true alternative. A quick review of the literature in the field highlights this disparate approach to family violence. Some texts deal with legal issues and child abuse, policing of spousal abuse, medical interventions for victims, and psychological treatment for survivors of abuse. While a few texts attempt to take a global approach to family violence, these are in the minority, and professionals continue to specialize within subgroupings of this form of aggression.

As the above discussion indicates, conflict exists among scholars, academics, and professionals regarding the definition of the term *family violence*. However, this should not hinder further study of this form of aggression. It simply means that we must remain flexible in evaluating all forms of aggression to determine if they fall within the realm of family violence. Defining the term *family violence* is only one of many controversies in this area.

Controversies in Family Violence

There are numerous other controversies in the study of family violence.³ Specific controversies are addressed in chapters that deal with specific forms or types of family violence. However, an overview of issues that affect the study of family violence provides a basis for understanding that this form of aggression requires additional research before we can determine all of its ramifications.

Family violence has several distinct subgroupings, such as child physical and sexual abuse, spousal abuse, and elder abuse. Many scholars have focused on these specific areas and ignored the broader view of family violence. Conversely, others have attempted to view family violence from a broad perspective by creating models of research that are so vague as to be difficult, if not impossible, to test or validate. How does one accurately study or research a phenomenon if a definition

cannot be agreed on because the definition of any act both sets limits and focuses research within certain boundaries? The lack of agreement in defining *family violence* has led to confusion and disarray in attempts to determine factors that cause or contribute to family violence.

Just as there are numerous definitions for the term *family violence*, so are there myriad competing and conflicting theories on the causes. The psychological approach, the social-psychological approach, and the sociocultural approach are but a few of the more popular models or theories of family violence. While feminist theories may fall within one of these models, some authors argue that this is another valid method of classifying family violence. These approaches are discussed later in this chapter, but it must be remembered that no one approach or theory has yet to gain universal acceptance within the field of professionals who deal with this phenomenon.

Intervention strategies vary widely in dealing with family violence. There is a widespread agreement that in many instances a child should be removed from his or her home immediately to prevent further harm or injury. However, there are situations in which some experts argue that removal from the family is a very traumatic experience for the child and should be avoided at all costs. Intervention may also be challenged by defense attorneys who claim some therapists have brainwashed or planted the thought of abuse in the minds of impressionable children. This is a common technique that is being used by a number of defense attorneys today, although it is unknown how effective this strategy is in convincing juries.

Reporting and law enforcement's mandated response to child abuse, elder abuse, and spousal abuse is a current topic of controversy. Some authorities argue that mandatory reporting of child abuse and elder abuse should be expanded. Others believe that mandatory arrest of spousal abusers leads to increased risk to the victim. Still other professionals would expand some laws to require terms of incarceration for those who abuse their spouses.

If there is no agreement on the cause of family violence, how can the factors be addressed that are present in a violent relationship? Depending on the study one reads, different factors are found to exist in family violence. This chapter examines four of the more common factors that have been present in families where violence has occurred. This does not mean that these are the only factors that may exist in every form of abuse, only that these factors are the most common.

Does ritual abuse of children really occur? Probably no subject in family violence has generated as much controversy as the topic of ritual abuse of children. Some critics have suggested that the symptoms are therapist enhanced, whereas others claim ritual abuse clearly exists and is more widespread than believed.

As the above discussion indicates, many controversies exist in the field of family violence. Where appropriate, these subjects are examined in more detail in the chapters that deal with the specific form of abuse. These controversies should not create anxiety or apprehension, but they present a series of exciting and stimulating ideas that should cause healthy discussion and debate among all those interested in this topic.

Nature and Scope of the Problem

The National Family Violence Surveys

Two of the most comprehensive studies of family violence were carried out by Murray Straus and Richard J. Gelles in 1975 and 1985.⁴ Both surveys involved interviews with a nationally representative sample of 2,143 respondents in 1975 and 6,014 respondents in 1985. The results of these landmark surveys continue to provide information and data for the study of family violence. These surveys are continually cited as authority in numerous texts, articles, and research projects.

In both surveys, violence was defined as an act carried out with the intention or perceived intention of causing physical pain or injury to another person. Acts of violence that had a high probability of causing injury were included even if injury did not occur. Violence was measured by using the Conflict Tactics Scale (CTS). This tool was developed at the University of New Hampshire in 1971 and is still used today in many studies of family violence. The CTS measures three variables: use of rational discussion and agreement, use of verbal and nonverbal expressions of hostility, and use of physical force or violence. Respondents were asked how many times within the last year they used certain responses that fell within one of the three classifications when they had a disagreement or were angry with family members.

FOCUS: An Epidemic of Family Violence

Violence is not only as American as apple pie, it is often as homemade.

- The majority of people who are murdered are not killed by a stranger during a holdup or similar crime but are killed by someone they know, 16 percent of the time by a family member.
- Twenty-five to fifty percent of homeless families headed by women left home to escape domestic violence.
- Half the murdered women in the United States are killed by a current or former partner. Women who are divorced, separated, or otherwise estranged from their partners are at highest risk of assault.
- A Texas survey found that 34 percent of domestic violence calls to police were repeat calls. A similar study in Kansas found that 85 percent of calls to police were repeat offenses. Fifty percent of the time it was the fifth or greater offense.
- Pregnancy is a particularly dangerous time for women. Approximately 37 percent are physically abused by their partners.
- In one recent study, nearly 1 million children experienced demonstrable harm as a result of abuse or neglect. Some 1,100 died from abuse or neglect.
- Another 40,000 children were sexually abused through rape by a caretaker, and a higher number were sexually molested without rape.
- Children who are abused or witness domestic violence generally are stunted in social and emotional development.

Source: Adapted from James O. Mason, Assistant Secretary for Health, "The Dimensions of an Epidemic of Violence." *Public Health Report* 108, January/February, 1993, pp. 1-3.

Both studies were judged to be reliable because of the sampling procedure, the large number of respondents, and the validity of the Conflict Tactics Scale as a measuring instrument. The studies surveyed families from all fifty states and assessed several different relationships: parent to child, child to parent, wife to husband, husband to wife, and sibling interactions. Interviews were conducted by trained investigators and lasted approximately one hour in the 1975 study and thirty minutes in the 1985 survey.

A comparison of the results of these studies indicated that physical child abuse declined from 1975 to 1985. Straus points out that there are several explanations for such a result. First is the increased awareness of child abuse from 1975 to 1985. During that ten-year period, child abuse became a common media topic. This knowledge, on the part of the respondents, may have lessened the likelihood of their reporting such acts of violence. Second, different data collection techniques were used in the two surveys: the 1975 data was obtained by telephone, and the 1985 results were collected through personal interviews. Finally, there may have actually been a decline in child abuse incidents from 1975 to 1985. Even if the last explanation is correct, as Straus points out, this still translates into one of every thirty-three children three to seven years old who are living with their parents being a victim of child abuse.

Other Sources of Data on Family Violence

Other social surveys have added to our knowledge of family violence. *Rape in America*, conducted by the National Victims Center, shed new light on this form of aggression, and a survey of Boston residents examined elder abuse. Both of these surveys are discussed in detail later.

Clinical studies are another source of information regarding family violence. These studies are carried out by practitioners in the field—medical professionals, psychiatrists, psychologists, and counselors—all of whom use samples gathered from actual cases of family violence. These researchers collect information from hospitals, clinics, and therapy sessions. Clinical studies normally have small sample sizes, and therefore caution must be used when drawing any conclusions. However, these studies provide valuable data on the nature of abuse and assist in evaluating the different types of interventions used in family violence, as well as pointing out areas for further research.

Many different types of official reports are compiled by private or public agencies in the form of statistical data. These provide a much needed resource for further research into family violence. The most commonly relied on are reports by local law enforcement agencies, the American Humane Society, the Uniform Crime Reports, and the National Crime Victimization Surveys.

Since adoption of the mandatory reporting laws for child abuse, and in some states mandatory arrest of those accused of spousal abuse, local agencies have been able to provide researchers with a wealth of information regarding family violence. This information is usually limited to a specific geographic location and therefore does not reflect any national perspective. However, a national overview of child