

# **Abuse of Women: Legislation, Reporting, and Prevention**

**Joseph J. Costa**



**Lexington Books**

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# **Abuse of Women: Legislation, Reporting, and Prevention**

*This effort, this work,  
this life  
for the greater honor and glory of God*

## Preface

The vast growth and development of this subject—abuse of women—in the past few years have brought to the public an awareness and a sharply honed interest of the highest priority. Likewise, the sources and resources have grown in leaps and bounds. The intent of this compilation is to put into some organized form the sources and resources that are available to women in need of this kind of information, service, and so forth and to make them aware that someone out there cares.

It is a very difficult task to assemble such information, knowing that as one is assembling same, changes are happening that make this effort outdated—for example, some resources are going out of existence, some are changing and developing to a different level, and some are combining their activities with others. Because of this aspect of growth and change, the readers must realize that this book cannot claim to be totally exhaustive, even though the attempt to that extent was made.

In all works of this nature, several people must be acknowledged for their support and efforts: Dr. Stephen R. Couch, sociologist, Schuylkill Campus, The Pennsylvania State University, for his moral support and writing and developing the introduction; Dr. Richard J. Gelles, for permission to reprint chapter 2; Karen Crist, editor, Center for Women Policy Studies, for permission to have several items reprinted, as well as for the availability of that organization's bibliographic resources; Fran Cable, Reference Department, Pattee Library, The Pennsylvania State University, for her assistance in establishing and completing the computerized literature search; Lorraine Stanton, library assistant, Schuylkill Campus, The Pennsylvania State University, for obtaining several resource items through the university's interlibrary loan and photoduplication services; Library Aides Diane Brower, Chris Dissinger, Joel Koch, and Debbie Pogash, for their assistance in this project in many ways; and Shenandoah Valley students Anne Ulicney, Regina Speaker, and Leslie Sienkiewicz for their services in proofreading.

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# 1

## **Research on Wife Abuse: A Scan of the Literature**

*Stephen R. Couch*

Abuse of women by their husbands is not a new phenomenon. Evidence indicates that throughout most of recorded history wife abuse in one form or another has been a common and accepted practice in even some of the most advanced civilizations. Our society is no exception. Terry Davidson (1977, p.4) states that “it is a shock to read laws for the 1800s which regulate wifebeating: not criminalized it, but permitted it.” To this day, cultural norms extolling the sanctity of the family and legitimizing husbands’ rights as heads of household act to encourage wife abuse and to shield it from the attention of outsiders.

Consequently, wife abuse has suffered what Louis Dexter (1958) called selective inattention in the academic world. While marriage and the family have been subjects of intense interest among social scientists for many years, wife abuse was virtually ignored as an area of research until recently.

However, since 1970, the subject has been receiving significantly increased research attention. Due in large part to accomplishments of the women’s movement, which has focused attention on all aspects of the degradation of women and has begun to effect a change in cultural norms supporting abuse, a large body of literature has developed that is beginning to erode our ignorance of the causes and consequences of wife abuse.

This chapter summarizes this body of literature—to determine what we know about wife abuse and what we still need to know. It is not a comprehensive review of the literature. Rather, it identifies the various strands of research that have developed, cites representative examples of each, and assesses what we know about wife abuse at this time.

Whatever conclusions are reached must remain tentative. Because of its nature, wife abuse is an elusive research topic, taking place behind closed doors and often unknown by anyone outside the immediate family involved. Most research has used small numbers of cases that have somehow come to the attention of social-service agencies or legal authorities. Therefore, generalizing findings to the entire population is full of difficulties. In addition, since most research has used data solicited from the victims of abuse, we have more-detailed information about the victims than about the abusers. Nevertheless, numerous suggestive conclusions have been reached thus far, and many of them hold consistently across different research studies.



## **Extent**

It is extremely difficult to measure the extent of wife abuse in our society. Prescott and Letko (1977, p. 72) state that in 1973, nearly 15,000 complaints went to family court in New York State alone. They suggest that unreported cases might double or triple that total, pointing out that “most women will not make public the conflict in their marriages.” Indeed, assault by relatives is estimated to be the most underreported crime covered by the National Crime Survey (Gaquin 1977–1978, p. 634). Even reported cases are often lost to the researcher since police use no uniform reporting procedures (Wisconsin Council 1980; Flynn 1977).

Nevertheless, it is becoming ever clearer that wife abuse is not a rare, isolated phenomenon but that it occurs in a strikingly large number of U.S. homes. In researching forty families suspected by social-service agencies of experiencing some form of family violence, Richard J. Gelles (1974) found that over one-half of the families reported at least one incident of spouse assault having occurred. Moreover, Gelles found that spouse assault was reported to have taken place in over one-third of a forty-family control sample used in the study. Murray A. Straus (1974) found that 16 percent of 385 college students sampled reported violence between their parents during the past year. On the basis of his research, John P. Flynn (1977) estimated that 10 percent of the families in and around Kalamazoo, Michigan, have experienced conjugal violence. After studying returns of a national sample of over two thousand families, Murray A. Straus (1980, pp. 11–12) reports: “Each year about sixteen out of every hundred American couples experience at least one incident in which either the husband or the wife uses physical force on the other.” He goes on to state that in 6 percent of U.S. families a serious act of violence was involved, “such as kicking, punching, biting, hitting with an object, beating up the other, or using a knife or gun.” Research is unanimous in concluding that the vast majority of cases of physical abuse is committed by the husband against his spouse.

## **Characteristics**

Incidents of wife abuse most often occur at home, at night, and on weekends and holidays (Gelles 1974; Flynn 1977). The fact that there are no witnesses except perhaps the couple’s children means that abuse can be easily kept secret and that community presence and response cannot act as an immediate restraint on the couple (Spiegel 1980). Numerous studies have exploded the myth that serious injuries seldom occur or that weapons are seldom used (for example, Carlson 1977; Flynn 1977). Multiple incidents in one family are not unusual either—if abuse happens once, it is likely to happen often (Bard and Zacker 1974; Carlson 1977; Flynn 1977; Gelles 1974).

People involved in spouse abuse often were abused by their parents and witnessed spouse abuse during childhood. This is true of both abusers (Carlson 1977; Flynn 1977) and abused (Gelles 1974; Wisconsin Council 1980). This suggests that a behavioral response pattern that legitimizes abuse and influences the ways in which both parties will behave toward one another is developed at an early age.

One interesting finding is that wife abuse often occurs when the educational level of the husband is lower than that of the wife (Gelles 1974; Carlson 1977). Researchers argue that this may create feelings of frustration and inferiority in the husband that contribute to his resorting to violence. In addition, the wife's education may make her more adept at verbal argument, leaving violence as the only recourse left for her husband if he is to win the altercation. The latter point receives support from Straus (1974) who found that rather than providing a safe outlet for family aggressions, verbal violence is more often linked with physical violence. Other studies have confirmed that physical violence is often preceded by verbal arguments (Flynn 1977; Gelles 1974).

Incidents of abuse are more likely to occur in families experiencing significant stress (Prescott and Letko 1977; Straus 1978; Flynn 1977). Problems dealing with family finances, employment, child rearing, or the marital relationship itself are consistently linked with cases of abuse. A picture emerges of pressures straining a marital relationship that, when combined with a history of family violence during childhood, is liable to lead to verbal and then physical abuse. Once the barrier has been broken, acts of abuse are likely to be repeated.

Regardless of early psychological studies and speculation to the contrary, women do not enjoy being abused (Wisconsin Council 1980). Many try to defend themselves against their husbands, only to find that the severity of the attack against them increases (Carlson 1977). A good number of abused women do seek outside help. Those who do are more likely to seek aid from the police or talk to a friend rather than to approach a social-service agency (Carlson 1977). Agency help is more likely to be sought if children are in the home (Prescott and Letko 1977) or if abuse is severe and recurrent (Gelles 1974). Abuse is also linked with separation and divorce that are both results of abuse and causes of further abuse (Gaquin 1977–1978; Carlson 1977; Flynn 1977). The added frustration and hostility created by the break-up of a marriage contributes to the pattern of family violence that continues to occur in significant numbers of cases well after the family is no longer a legal unit.

While evidence drawn from numerous studies suggests these characteristics, conflicting evidence concerns several other relationships. For example, statistics are inconclusive concerning whether men or women are more likely to become homicide victims as a result of fighting with a spouse (Wolfgang 1956; 1958; Breiter 1979; Flynn 1977). Conflicting evidence also

exists concerning the social-class background of abusers and their spouses. Are they primarily persons from lower social classes or are they spread relatively evenly throughout the class spectrum (Bloch 1980; Carlson 1977; Flynn 1977; Straus 1980)? Another area of controversy deals with the role of alcohol in family violence. Opinion differs as to whether alcohol problems are significant causes of marital violence, or if they are contributing factors, or unrelated parallel problems, or relatively unrelated altogether (Carlson 1977; Flynn 1977; Bard and Zacker 1974).

These then, are some of the characteristics and controversies that emerge from literature on wife abuse. The bulk of the remainder of this chapter examines the research perspectives used to discover wife-abuse characteristics and attempts to use them to explain the causes of abuse.

### **Research Perspectives**

There have been a number of stages in research on spouse abuse. The first stage has been called by some authors the blame-the-victim stage (Prescott and Letko 1977; Wisconsin Council 1980). Scholars argued that wives were to blame in some measure for their own abuse because of women's submissive nature, the masochistic pleasure received from being dominated, and so on.

Then, around 1970, attention shifted from blaming the victim to blaming the offender. Research began to focus on abusers and to explain abuse in terms of psychopathic deviance or character disorder of the perpetrators of abuse (Wisconsin Council 1980, pp. 1–2; Straus 1980, p. 9). Such a shift in focus provided a necessary corrective to earlier work by breaking down the myth that the abused were the causes of their own problem. However, like the earlier research, this work also emphasized the individual psychological aspects of the problem, ignoring social, cultural, and situational factors.

More-recent work has shifted away from psychological and pathological explanations and has focused instead on social and cultural reasons for conjugal violence. Even recent work by psychologists has been more concerned with the influence of social factors and transmission of cultural traits that cause abuse to take place. The remainder of this section of the chapter discusses some of this more-recent work.

In its more-extreme manifestations, the perspective that focuses on the social and cultural context of abuse has been called the societal-blame perspective (Wisconsin Council 1980)—that is, the structure and norms of society are seen as causing abuse by perpetuating male dominance. The sexist society encourages the maintenance of male dominance at all costs, with males resorting to physical violence when necessary (Wisconsin Council 1980; Straus 1980). Cultural values that teach and legitimize traditional

sex roles are diffused throughout the society (Straus 1976; Gelles 1974) and are transmitted not only through face-to-face interaction with parents and peers but also through games, sports, literature, the media, and even fairy tales. As Gates (1978, p. 22) suggests, "What American girl, under the influence of a Disney production of these stories, has not dreamed of being a pure, pretty and pitiable victim?"

Linked with socialization to traditional sex roles is socialization to attitudes about the use of violence. Again, literature, the media, and sports are viewed as culprits (Wisconsin Council 1980), helping to socialize children to views of violence as normal and acceptable under a wide variety of circumstances (Wolfgang 1976). The fact that many spouses who are involved in the conjugal violence were abused as children and/or witnessed their parents engaged in spouse abuse is seen as a link between societal norms about sex roles and violence and specific internalized norms concerning behavior in marriage. Moreover, in this way, family violence becomes linked with love, justified in certain circumstances even (or especially) against a loved one (Straus 1980).

These cultural factors are perpetuated and reinforced by structural conditions. For example, women are economically vulnerable, experiencing financial and occupational constraints that often force dependence upon their husbands for financial support and that make protesting abuse or leaving home extremely difficult (Gelles 1977). Even when a woman does leave, she is unlikely to be able to remove herself entirely from her husband's presence and possible abuse, especially where children are involved and fathers are given visitation rights (Fields 1977–1978).

Other important structural problems lie within the male-dominated legal system. Our laws reflect what Goodman (1977, p. 141) calls "the attitude of the legislature, police and judge . . . that they are dealing not with a public crime, but with signs of a 'troubled marriage.'" Neither laws nor the criminal-justice system treat wife abusers harshly. The development of legal codes has consistently favored men (Shainess 1977, pp. 111–112). The police and courts do not encourage reporting of abuse cases (Gelles 1974). Policemen identify with the husbands and take abuse cases lightly (Martin 1978). Some operate on the basis of a so-called stitch rule whereby, unless injuries are serious enough to require a certain number of stitches, no one is arrested (Straus 1980).

Some observers argue that treatment in the courts is also biased against the victim. For example, prior to 1977, all abuse complaints in New York State were referred to family court, not criminal court. The abuser cannot be remanded to jail by family court for his original misbehavior but only for violating a court order. Since 1977, women in New York have had the option of having abuse cases handled by criminal court. Problems still exist, however. Even if the husband is arrested on an abuse complaint, he usually is

released and given a future date for court appearance, allowing him to return home to the woman who lodged the complaint (Goodman 1977). These factors imply that the structure and operation of the legal system fail to operate as a deterrent to wife abuse and, in some cases, unwittingly encourage it.

In summary, then, those who argue from the social-and-cultural-context perspective see the problem of wife abuse as stemming from sexist institutions and cultural norms in our society that perpetuate male superiority and dominance and female inferiority and submissiveness and that justify the use of violence by husbands in a family setting. Wife abuse, then, appears to be a logical, understandable outcome of these societal conditions.

This approach is not without its critics. Among them are Dobash and Dobash (for example, 1976a and 1976b) who see this perspective as too general and therefore not really an explanation of how conjugal violence comes to occur. They urge the adoption of a context-specific approach that focuses on delineating the specific characteristics and causes of wife abuse as a particular form of behavior.

Others also have been concerned with the generality of much of the social-and-cultural-context work, asking why wife abuse is not nearly universal in our society if we are all socialized to sexist norms and dominated by sexist institutions. Insistence is placed on examining the specific mechanisms and conditions that result in some people engaging in or accepting abuse but not others. Shainess (1977) discusses the conditions under which various Freudian personality types may commit conjugal violence. She views people who are likely abusers to exhibit infantility and to have a low level of tolerance of frustration and of impulse control. While emphatically refuting the notion that women enjoy being beaten, she does argue that the personality of the wife contributes to the problem, since excessively submissive women are more likely to choose to marry overly dominant men. From a similar perspective, Bloch (1980) links wife abuse with characteristics such as authoritarianism, rigidity, low self-esteem, and a limited interpretive repertoire.

## **Evaluation of Research Perspectives**

The study of wife abuse has advanced a long way from the time when the victims themselves were blamed for their fate and when internal personality disorders of the abused or abusers were advanced as the sole cause of the problem. These simple explanations have given way to more-fruitful attempts to develop multicausal models for the occurrence of abuse. This makes the study of this problem much more difficult and complex but promises to provide meaningful results that are well worth the effort.



The social-and-cultural-context perspective has called attention to the role of sexual inequality and institutionalized violence in creating conditions that breed family violence. It is absolutely necessary to ground all studies in this context. The work of proponents of this perspective has gone far in debunking the myth that most family abuse is psychologically pathological behavior, divorced from the influences of the mainstream of our society. Indeed, as many studies point out, we are all at least potential abusers or victims of some form of family violence.

At the same time, not all of us abuse or are abused. Blaming society's values and institutions is insufficient. Research must specify what conditions and personality types make abuse more likely to occur. While not falling back on solely psychological explanations, scholars should continue work on personality characteristics and situational factors that make abuse more or less likely and should attempt to link these characteristics with the social and cultural context in which they are produced. Indeed, a number of the proponents of the social-and-cultural-context approach recognize this, as chapter 2 by Richard Gelles indicates. Murray Straus (1980), while eschewing psychological explanations and arguing that abuse in the family is normal social behavior, points to many specific factors that influence the likelihood of abuse, like witnessing parental abuse as a child (which presumably influences the personality development of that child).

Reductionism in either direction, toward individual psychopathology or toward the culture or structure of society, should be avoided. What is needed is a synthesis that uses the growing social, cultural, situational, and psychological factors into a unified, grounded theory. Given the short life span of research in this field to date, it is premature to expect such a theory to have emerged. Yet good research, provocative analysis, and healthy controversy are taking place and should be preparing the way for a better understanding of wife abuse that can be used to help prevent and treat the problem more effectively.

### **Areas for Further Research**

A number of areas involving the study of wife abuse are in need of further research. Additional studies are needed by which to verify the characteristics of abuser and abused that have emerged from studies done this far and to clear up areas in which evidence is conflicting. It would be extremely beneficial if information could be collected from large representative national samples of the population to supplement the work done with smaller samples of victims. Also it would be helpful (though difficult) to develop methodologies by which the abusers (as well as the victims) could be studied in depth, not in an attempt to return to seeing the problem as mainly pathological but to gain evidence from the other side of the problem and to

attempt to understand the causes and consequences of abuse from the perspective of the perpetrator. This is not so we can justify abuse; but only if we understand it fully can we work to eliminate it.

Another area in which much work needs to be done is the cross-cultural study of wife abuse (Spiegel 1980; West 1980). We need to look both at subcultural variance in abuse within societies and at abuse (or lack of it) in different societies. Concerning the latter, a vast amount of data already exists in the form of anthropological ethnographies collected on various societies. Studying these data and collecting new cross-cultural material should help us to specify more precisely the social and cultural mechanisms that influence the scope and form of wife abuse.

Finally, to complement cross-cultural studies and large-scale surveys, additional research into the specific conditions that lead to abuse is necessary. We must attempt to discover why, within the same general social and cultural context, some couples experience abuse while others do not. Here, it is important to study nonabuse situations as well as their counterparts. For example, a study of couples that possess characteristics indicating a high probability of the occurrence of abuse, but that have not engaged in abuse, would help to uncover some important characteristics or conditions that have been overlooked or undervalued to this point.

### **Implications for Deterrence and Treatment**

A detailed consideration of deterrence and treatment strategies is beyond the scope of this chapter. However, it may be helpful to point out some broad implications for those areas that are suggested by the research that has been done to date on wife abuse.

Two central problems concerning all attempts at deterrence and treatment are cultural values and social structures that reinforce the continuance of sexual inequality and the sanctity of the family unit and its private dwelling place. The former point has been discussed at some length. As for the latter, the legal, and especially cultural, inviolability of the family in our society inhibits attempts by public agencies to deal with wife abuse. Family business, even abuse, is too often considered to be a private, not a public, concern. Added to this is the belief that the family home is a private, shielded place in which abuse can take place in secret. A man's home may be his castle, but a woman's home too often is her dungeon. And yet, to open the home to easier public access and scrutiny would increase the potential of violations of individual human and constitutional rights.

Within this context deterrence and treatment strategies must be developed and implemented. In the long run, it appears that large-scale changes



toward equality of the sexes and toward a less-violent and -stressful society are the only ways to reduce wife abuse significantly. Institutionalized inequality and violence appear to be the root causes of the problem. However, in the meantime, we must develop effective ways to deal with the symptoms.

The effort must be carried out on two fronts: (1) through the legal system and (2) through social-service agencies. In the first place, laws must be reformed so that abused women will gain adequate protection and legal recourse. Courts and law-enforcement officials should be educated to view abuse not only as a family problem but also as violent crime. Stricter laws and enforcement procedures will do little to deter initial acts of abuse since they are not by and large premeditated crimes. However, legal and enforcement reform would be likely to help deter repeated or secondary offenses and certainly would provide victims of abuse with added protection and recourse.

Social-service agencies can aid law-enforcement and court personnel in several ways. For example, agencies can educate them as to the nature of the problem and help to develop viable effective reforms. They can train police officers to deal compassionately and effectively with cases of domestic violence. Agency personnel might even accompany police responding to abuse complaints to offer their expertise and services.

In addition, it falls upon social-service organizations to provide education to the general public about wife abuse and to give counseling, shelter, and other aid to those involved. The content of such programs, and who should bear responsibility for administering them, are matters of debate within the field of social work. What is clear is that, to date, social-service programs have been inadequately funded and have had to spend much of their time fighting the old myths about wife abuse, myths that have been dispelled by research but that carry on in the minds of much of the public including many public officials. Researchers and social-service personnel alike should view the educating of the general public about wife abuse to be a major part of their professional function. Only then can treatment strategies become effective and can we move toward the time when wife abuse will only be a rare, pathological occurrence and not a horrible fact of life for thousands of families in the United States.

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