

Etiology of Domestic Violence in Mauritius

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ABSTRACT

The Convention of the Elimination of Discrimination Against Women and other international conferences on women have paved the way for providing for women rights as human rights thereby advancing the advocacy against domestic violence. However, the main explanation put forward to account for violence against women by feminist has been seriously challenged by family conflict researchers and some feminist researchers in the 1990's. Women also perpetrate violence and the feminist paradigm by focusing exclusively on male violence has ignored female violence. The analysis of violence whereby women can be both a victim and a perpetrator has led to the emergence of the concept of intimate partner violence and several typologies have been constructed to analyze the dynamics of violence between intimate partners. These typologies allow researchers to fine tune their data collection tools, to develop more realistic theories, and design more effective intervention strategies.

Keywords: Domestic violence, feminist movement, intimate partner violence.

Introduction

A review of the feminist movement shows that feminism¹ does not refer to a unitary theory but rather a set of perspectives on inequalities faced by women that may involve different assumptions about the source of gender inequality and women's oppression. During the second-wave feminism, one question which divided feminists sharply was whether women are essentially similar to men such that the sexes should be treated equally or do women have distinctive characteristics that require special treatment to overcome their gender-based discrimination? However, radical feminists writing at the beginning of the third wave consider that theoretical paradigms such as the sameness and difference models fail to place gender relations in the context of patriarchy. Radical feminists argued for the adoption of a dominance approach to studying gender. The dominance approach recognizes how patriarchy shapes gender relations and considers gender differences within the context of power and oppression.

Proponents of the dominance approach have been instrumental in pressuring the legal system to define wife battering as criminal. At the same time, the dominance approach has been criticized by many third-wave feminists for essentializing women that is, it is reductionist, as it assumes that all women are oppressed by all men in exactly the

same ways or that there is one unified experience of dominance experienced by women. Not all feminists agree with each other on the etiology of domestic violence and although some feminist claims that patriarchy is the root source of women's victimization, recent feminist literature on woman abuse does not view patriarchy as the only determinant. This paper firstly accounts for the emergence of the concern over violence against women as a public issue which States need to address. Secondly, the major contribution of feminist thinking on the analysis of the etiology of domestic violence will be discussed. Lastly, the work of third wave feminists and family conflict researchers will be outlined to account for the establishment of typologies of intimate violence to account for violence by women and violence against women.

Problem Statement

Domestic violence is also known as domestic abuse, spousal abuse, battering, family violence or intimate partner violence (IPV). Most definitions of domestic violence refer to a pattern of abusive behaviors by one partner against another in an intimate relationship such as marriage, dating, family, or cohabitation. No single theory can be singled out to provide a comprehensive understanding of the phenomenon and the theories put forward include psychological theories that consider personality traits and mental characteristics of the perpetrator, social theories which consider external factors in the perpetrator's environment, such as family structure, stress, social learning and feminist theories which attribute the violence to the patriarchal values passed on from generation to generation. However, although no specific theory can be singled out, yet it is important to note that most legislation in most countries as well as international law has been influenced by the feminist perspective.

An important question in the study of criminology is who sets the rules? Who decides that domestic violence is a criminal offence? Consensus theorists believe that the law represents the consensus of the people in a society that is the law is the codification of the values shared by its members. On the other hand conflict theorists consider that laws are enacted and enforced by those who hold power. Feminists have indeed built their advocacy campaigns on the fact that patriarchal values promote gender inequality and since women were absent in the public sphere the sufferings experienced by women victim of domestic violence has not been of a concern for the State as the violence was treated as a private concern. The most widely influential, explanatory and utilitarian feminist model of domestic violence is "The Power and Control Wheel" developed in Duluth, Minnesota which places physical violence within the context of other forms of abuse (emotional/psychological, economic and sexual). In line with the feminist perspective the model places male domination at the centre of any consideration of abusive and battering relationships.

However, in the 21st century, the emerging family violence literature on female violence present some challenges to traditional feminist explanatory models of domestic violence and indicates the need for further integrated study. For instance, some survey data (Straus 1993) show that the rate of wife-to-husband assault is about the same, or

even slightly higher, than husband-to-wife assault rates, and that wives initiate violence in a large proportion of cases. Lenton (1995) using data from the Statistics Canada Violence Against Women Survey to test the power and feminist explanatory theories of wife abuse concluded that the interpersonal power model provides a more comprehensive explanation of wife abuse and family violence than do feminist models. Abuse within lesbian and/or homosexual relationships, also constitutes a challenge to traditional feminist explanatory models of domestic violence (Dutton, 1994). In view of providing a genesis of the turning points on the definition of what counts as domestic violence? and who are the perpetrators, a literature review on domestic violence has been conducted to document the evolution of discussions among researchers and in the international community.

Methodology

According to Keller (2005) discourse research is interested amongst others in:

- (a) The historical genealogy, the emergence and disappearance of discourses,
- (b) The social actors, practices and resources which constitute a discourse,
- (c) The relationship between these elements and their transformation through time and space,
- (d) The fields of knowledge constituted by (competing) discourses,
- (e) Key events in the emergence of a discourse.

Discourse research has to be considered as a process of data construction and interpretation. The literature review conducted uses a time line approach to identify the discourse held on what counts as domestic violence and what factors account for its occurrence. Debates held in the public sphere by policy makers and researchers in the field have been identified on a chronological basis characterized by the three phases of feminism: first phase-late 19th and early 20th centuries, second phase-the 1960s and continued into the 90's and third phase- the mid-90's to date) of feminist approach.

Findings

Emergence of the concern over violence against women

Throughout history women have been subjected to man's violence. For instance in year 753 BC during the reign of Romulus in Rome, wife beating was accepted and condoned under The Laws of Chastisement. These laws confined rights to the husband to physically discipline his wife as the husband was held liable for crimes committed by his wife. The husband was allowed to beat his wife with a rod or switch as long as its circumference is no greater than the girth of the base of the man's right thumb, hence "The Rule of Thumb" (Lemon Nancy K D 1996). For more than one century, this tradition has been perpetuated in English Common Law and throughout most of Europe. Early British rape laws stipulated that when a woman was raped, restitution should be paid to her husband. In cases where the woman was not married restitution was to be paid to the father (Siegel 1989). This law on rape provides evidence on the status of women as

a property owned by the male. With the enlightenment period, in the 1870s, courts in the United States stopped recognizing the common-law principle that a husband had the right to “physically chastises an errant wife” (Calvert, 1974). Over the European continent, in the UK, the right of a husband to inflict moderate corporal punishment on his wife in order to keep her “within the bounds of duty” was removed in 1981 (Encyclopedia Britannica, 1911).

The emergence of the women’s movement of the mid-to late 1800s following the Seneca Falls Convention of 1848 marked the start of the use of conventions to defend women’s rights. The Declaration of Sentiments written by Elizabeth Stanton asserts that throughout history men have controlled women. This fight will be revived in the 1960’s as a new feminist movement gained momentum. This movement focused not only on the right to vote of women in the public sphere as it was the case formerly, but questioned equally the subordination of women also in the private sphere including all forms of inequality in marital relationships. The publication of the influential book *Scream quietly or the neighbours will hear* (1974) by the founder of the Chiswick Women’s Aid who opened the first shelter for battered women, Erin Pizzey, attracted media attention thereby increasing public awareness of the issue of domestic violence. In 1972, the UN General Assembly proclaimed 1975 as International Women's Year (IWY) and this event was the result of centuries of feminist writing, national women organizations and international women's organizations such as the International Alliance of Women. International mobilization against domestic violence gained momentum with the declaration of a UN Decade for Women (1976-85). Women's conferences held in Copenhagen, Denmark in 1980 in Nairobi, Kenya in 1985, in Beijing, China in 1995, the drafting of the Convention on Elimination of All Forms of Discrimination against Women (CEDAW) all contributed to engage the fight against domestic violence.

It can be observed that throughout the world that male violence against women is a cultural constant: (1) it can take different forms such as forced marriages, female genital mutilation or rape as a weapon during wars--it happens in different contexts and under different guises in all cultures all over the world, and (2) over centuries, the State did not take specific actions to protect women. One explanation could be that as women were excluded from the public sphere the development of laws reflected only the concerns and experiences of men. Another explanation is that international law by nature has been in the past century state-centered and individualistic in its content. In the 1990’s the issue of violence against women, emerged as a very important issue on the international agenda. At the Vienna Conference on Human Rights in 1993, after fierce lobbying by several women's groups, women's rights were acknowledged to be an “inalienable, integral and indivisible part of universal human rights.” Since its inception, the international law reinforced the division between the public world and private life thereby insulating private life such as the family from public scrutiny. It was implicitly condoned that the state and the international system should not intervene in the private sphere and it ensured that community and private life were not subject to international standards. The absence of legal intervention to protect women in the community and in

the home devalued women and kept intact the traditional male-dominated hierarchy of the family. As Radhika Coomaraswamy (1997) claims, "A revolution has taken place in the last decade. Women's rights have been catapulted onto human rights agenda with a speed and determination that has rarely been matched in international law.

The analysis of violence against women

The feminist movement has drawn the attention of the international community that violence against women is a concern both in the public and the private sphere. In fact the violence is perpetrated in the broad context of social, economic political and cultural norms which reflect and reinforce inequalities between men and women. The gendered character of interpersonal power relationships does not develop in a vacuum. It takes various forms and is experienced in diverse domains or settings, including intimate relationships, family, education, workplace, community, leisure and sports media, religious and political institutions, State-sponsored violence; war and conflict to name the most salient domains. Given the pervasive nature of offence Liz Kelly has developed the concept of a continuum of violence against women (VAW) in *Surviving Sexual Violence* (1988). Instead of analyzing VAW as episodic, she considers that VAW should be recognized as normative and functional. The everyday context for the lives and experiences of women and girls all over the world cannot be analyzed as isolated concerns as this approach leads investigators to seek explanations in individual pathology and abnormality (of perpetrator and/or victim) when in fact VAW is deep-rooted in patriarchal societies. The idea of a continuum does not mean that there is a hierarchy of seriousness or severity based on physical force/harm. Rather, it reflects the continuum of complex and interlinked experiences of harassment, violation, abuse, constraint for individual women, and operational to a greater or lesser extent depending on social, legal and cultural sanctions.

Using this line of thinking feminists consider that when research, policy and practice categorize and investigate diverse events' and settings of VAW (domestic abuse, female genital mutilation, dowry practices, rape and sexual assault, commercial sexual exploitation, etc.) in distinct 'silos'; they fail to recognize their commonalities. All these events' are instrumental forms of coercion, and abuse which function to control and limit the status, movement, integrity, and rights of women. Among the variants of feminist thought, radical feminists contend that the most prominent set of social relations in any society is found in patriarchy. All other social relations, such as class, are secondary and originate from male-female relations (Beirne & Messerschmidt, 1991).

This differentiation between patriarchy and other sources of inequality has led to the feminist sociological conceptualization of women's oppression in two models: the additive and the intersectional approach. The additive model approaches considers violence as an accumulation of oppressions (poverty + gender discrimination, poverty + racial/ethnic discrimination, etc.). On the other hand, intersectional analysis approaches sources violence or oppressions as a nexus in which poverty cuts across gender, race, sexuality and/or other categories. According to some feminists the additive model

fragments the analysis of VAW and overlooks the important fact that “women” as an analytical category is intersected by simultaneous and multiple sources of identity which go “beyond gender”, such as race, class or sexuality.

Elizabeth Spelman (1988) and Patricia Hill Collins (2006) who have endorsed the intersectional model have criticized US mainstream feminist scholarship (the additive model) for failing to consider the salience of race and class in their theories on patriarchy, gender and sexual discrimination. Similarly, Valerie Purdie-Vaughns and Richard P. Eibach (2008) who have re-examined the concept of intersectionality argue that people with multiple subordinated identities will endure more prejudice and discrimination than those with a single subordinate identity. This approach to VAW is in line with the founder of the intersectional paradigm namely Kimberlé Williams Crenshaw (1995). She was inspired by two conceptual frameworks – “multiple jeopardy” and “interlocking factors of oppression” which had been introduced in US feminist circles by black women scholars of the second black women’s renaissance. Drawing on the situation of that women of colour and migrant women in the United States Crenshaw argued that these women suffered simultaneous racial and gender oppression. A distinction is made between structural and political inter-sectionality: structural inter-sectionality refers to the convergence of systems of race, gender and class discrimination resulting in women being subjugated in particular ways while political inter-sectionality highlights the points of intersection of multiple oppressions relative to the positioning of the subordinated groups, and the conflicting political agendas of the multiple groups to which oppressed subjects belong.

It is widely acknowledged that radical feminists have played a vital role in breaking the silence’ on the multidimensional nature of male-to-female victimization and female-to-female victimization (Kelly, 1988). However, other feminists have criticized radical feminists on several grounds, including that they tend to see all men as being equally likely to victimize female intimates (Messerschmidt, 1993). Abuse against women occurs in all classes and occupations, and a large body of literature shows that some groups are more likely than others to produce batterers and other types of woman abusers (Schwartz, 1988). Some critics point out that by not listening to men, but rather talking to women exclusively about their experiences with men, radical feminist researchers do not verify the accuracy of information about men’s motives for violence (LaFlame, 2009; Liddle, 1989). According to Scully (1990) by studying the social construction of male offenders the nature of patriarchy would have been better analyzed. Dutton (2006) refers to radical feminist theories of woman abuse as single that have little explanatory value in social science. Some social scientists discuss the relevance of the analysis made by radical feminism- that is man has a political agenda- is difficult to verify (Levinson, 1989). Some researchers also reject that violence is the sole domain of men. Women also perpetrate violence and the feminist paradigm by focusing exclusively on male violence has ignored female violence.

Dutton (1994) presents some data sets which have been ignored by radical feminists and these data can be interpreted as contradictory to the feminist view: (1)

unidirectional ‘severe’ female intimate violence was more common than male unidirectional intimate violence (Straus, 1992); (2) lesbian abuse rates were higher than heterosexual male–female abuse rates (Lie et al.1991); (3) only a small percentage of males were violent over the life course of a marriage (Straus et al., 1980); (4) as many females as males were violent (Straus et al., 1980); (5) very few males approved of the spouse abuse (Stark 1980) and (6) only 9.6% of males were dominant in their marriage (Straus & Gelles, 1986). Dutton (1994) considers that intimacy, the impact of attachment and related anxieties produce anger and abuse and psychopathology rather than gender generate relationship violence. The ‘intimacy problem’ which is an alternative to gender explanations posits that abusiveness in intimate relationships occurs for both genders and that certain psychological features increase risk for individuals independent of gender.

Holtzworth-Munroe et al. (1997) list several factors which account for intimate abuse: psychopathology, attachment, anger, alcohol abuse, skills deficits, head injuries, feelings of powerlessness, lack of resources, stress, and family of origin as sources for male intimate violence. One strong methodological reservation raised by critics of radical feminism is that research on violence has in many cases been done on samples drawn from those shelters (woman-victims) or court-mandated treatment groups (male-perpetrators). The nature of the sample selection and the prevailing ideology of feminism contributed to the paradigm that violence was exclusively male perpetrated and the initial dogma has persevered despite data presented above showed that violence is not the preserve of male. Social psychologists (Janis 1982), refer to this type of error as ‘biased assimilation’ or ‘confirmatory bias’ that is when research subjects have a strongly held belief and are exposed to research findings inconsistent with the belief, the subjects reconcile the contradiction and maintain the prior belief by discounting the research methodology.

The analysis of violence by women

The main criticisms Dutton address to feminism are that (1) women are as violent as men in intimate relationships, (2) feminist research is political and given the ideological nature it cannot be taken as scientific, (3) feminism consider patriarchy as the main reason for the abuse of women, but this not likely to be the case (4) In some cases women use violence. However, feminism tends to either ignore this fact or attribute the use of violence as self defense. According to some researchers Adelene Africa (2012) feminists tend to be ill at ease with the image of women who go against societal conception of femininity or the constructed view of women as nurturing, peace-loving and vulnerable to abuse herself. According Adelene Africa (2012) three types of discourses of women’s violence can be identified in the literature on women who kills: (i) violent women as pathological- for instance the image of the mentally disordered woman draws on a discourse of madness (Ussher 2005, Comack & Brickey 2007) and filicidal mothers are not to be blamed as their acts are constructed as unintentional thereby maintaining the idealization of motherhood. Some studies have focused on identifying the personality traits (Putkonen et al. 2001) and in this profiling exercise, the literature

concludes that masculine traits among these women. This construction of the masculinised woman reinforces the masculine-feminine binary and violence remains within the masculine realm. (ii) The violent woman is a victimized person, a battered woman: this discourse reinforces the stereotypical notions of women as helpless, weak, passive and unable to exercise any agency in their lives.

The battered woman construct has been criticized (Ferraro 2003) for picturing women as impotent. Similarly, some researchers (Dasgupta 2002) have construed women violence as serving a protective function towards their children or themselves. Swan and Snow (2003) indicate that the term 'abused aggressor' has been used to describe women who engage in violence following the deleterious effects of battering on women's psychological functioning. The battered woman discourse cements stereotypical ideas of femininity and implies that the violent response is the result of a loss of control following a provocation. This loss of control goes in fact against the image of woman as being submissive. The construction of the battered woman which draws on discourses of victimization and psychopathology promotes the view that normal women are not engaged in violence and obscures an understanding of women's violence. (iii) Violence by woman is the result of women's position in social structures: structural factors such as class, criminogenic environments, race are identified as the causal mechanism predisposing women to be violent. Some studies (Scott & Davies 2002; Gauthier & Bankston 2004) posit that a discourse of deviance has been used to account for women's violence.

However, these studies which focus on structural factors are to be regarded with caution: (a) they run the risk of stigmatizing marginalized women implying that all women who face unemployment, poverty or are Black are prone to become violent, (b) the subjective experience of woman is not taken in consideration, and (c) the woman is assumed to be unable to exercise agency in their lives. Rather than reinforcing the three types of discourses there is a need to challenge constructs which picture women as passive, submissive, non-violent, helpless or having no agency.

Resolving the difference between family conflict researchers and feminist researchers

The work carried out by Donald G. Dutton questions the idea that women are not violent. Dutton's work has lent support to several researchers known as family conflict researchers (Richard Gelles, Jennifer Langhinrichsen-Rolling, JE Stets, Murray Strauss, Suzanne Steinmetz) These researchers indicate that contrary to feminist researchers, domestic violence is not asymmetry. Rather, women are as violent as men. It has to be highlighted that the ontological and epistemological position of feminist researchers and family conflict researchers differ: what constitutes domestic violence? Family conflict researchers are primarily concerned with measuring incidents between partners in the private sphere and compared to the feminist approach their definition of domestic violence is rather narrow as it tracks violence between current partners over a specific period of time and exclude acts such as sexual assault, stalking and homicide.

On the other hand feminist researchers consider domestic violence as taking place in the wider context of gender equality linking men's use of violence in the relationships institutionalized in structures of society that legitimize male privilege and male aggression whereby men's greater use of violence outside the home is replicated inside the home. In terms of the causal factors of domestic violence, feminist researchers, consider that the violent behavior of men is instrumental that is men try to control their partner for a potential benefit. This implies that behaviours which are one-off such as an expression of anger, self-defense, retaliation or frustration would not be considered as domestic violence. (Stark 2010). On the other hand family conflict researchers do not draw such a distinction and include expressive violent behavior such as conflicts over disagreements, bad mood or tiredness and do not consider that domestic violence is an expression of a desire to control one's partner. More importantly they consider that the motivations for men and women's violence are the same. (Dutton & Nicholls 2005; Straus 2008).

The method used by the family conflict researchers and feminist researchers to collect data on domestic violence also differ. While family conflict researchers use the Conflict Tactics Scale (CTS) and community sample surveys which are more likely to yield quantitative data, feminist researchers use interviews and focus group interview with victims and perpetrators. Although feminist research also draws on official statistics, however, their analysis is mostly of a qualitative nature. Some researchers M. Strauss (1990) and M. Johnson (2010) have hypothesized that it could be that because family conflict studies and feminist researchers are sampling different groups of people they might be capturing different types of violence. For instance M. Johnson (2010) considers that minor partner violence is likely to be more common in the general population and perpetrated by both genders equally while more severe forms of violence is rarer and asymmetrical in gender. On the one hand, CTS data which will portray mostly minor forms of violence and qualitative data from interviews and clinical studies can reveal the severe forms of violence. However, Dutton (2012) has disputed the argument of different samples and Strauss (2011) claims that family conflict researchers assert gender symmetry on the basis of perpetration rates while feminist researchers assert gender asymmetry on the basis of victimization.

The most recent attempt to uncover the phenomena of domestic violence is the use of typology research as a way to integrate gender-by-sample disparate findings about intimate partner violence (Holtzworth-Munroe and Stuart 1994; Jacobson and Gottman 1998; Cavanaugh and Gelles 2005; Johnson 2006; Kelly and Johnson 2008). The typologies formulated by these authors have evolved over the years and some authors such as Capaldi and Kim (2007) have argued that current typologies may have only limited utility for explaining the cause and the developmental course of violence in couples. Rather they propose that dyadic models of couples' aggression can be more relevant in an understanding of the development of violence over time, its persistence and its desistence. For instance, Johnson and Ferraro (2000) have developed a four-group solution: violent resistance, common couple violence, intimate terrorism, and mutual

violent control). The descriptions of these subtypes are now more dyadic in focus and take into account the relationship-wide context of control (or lack of it) in which the intimate partner violence is embedded. From his research Johnson (2008) concludes that domestic violence is not a unitary phenomenon and he delineates three major, dramatically different, forms of partner violence: intimate terrorism, violent resistance, and situational couple violence. The work of two of the best-known scholars on IPV and batterers typologies now reflects the dyadic focus as well as the wider social environment of those involved in domestic violence dynamics.

According to Johnson & Ferraro (2000) the first type, FO, corresponds to situational couple violence (SCV) and the second two of these are subtypes of intimate terrorism (Johnson & Ferraro, 2000). In both typologies of intimate partner violence the differences among the types are defined not by the nature of violence itself, but by the interpersonal dynamics that produce the violence. Two of the major types are rooted in issues of power and control, the third in the dynamics of conflict management. Johnson shows that the failure to make these basic distinctions among types of partner violence has produced a research literature that is plagued by both overgeneralizations and ostensibly contradictory findings. The interest of the typology of Johnson is that with the distinction between intimate terrorism and situational couple violence, disparate gender-related findings about intimate partner violence that have been gathered from diverse settings can be reconciled.

Secondly, it has pushed the field to consider the interaction between the perpetrator and the victim when making a classification decision. Thirdly, if differences are not made between the major types of intimate partner violence researchers might be faced with what appear to be major contradictions in findings (e.g., the gender symmetry debate) and incorrect conclusions about the causes of intimate partner violence can be reached. Fourthly, ignoring these distinctions in interventions might lead one to treat violent resisters as if they were intimate terrorists, mandating them into programs to address their power and control issues when what they need is support for non-violent responses to their intimate terrorist partner. These distinctions allow researchers to fine tune their data collection tools, collect data likely to assist us to develop more realistic theories, and design more effective intervention strategies.

Conclusion

Since the 1970's, social policy toward female victims of domestic assaults has focused on improving legal responses to protect women and punish offenders. The primary focus has been the mobilization of societal institutions to increase the range of formal and informal controls to deter wife battering. Legal sanctions through arrest and prosecution of perpetrators or the threat of legal sanctions through civil legal remedies have been widely advocated and endorsed by States in their legislation on domestic violence. The institutionalization of law and policy to criminalize domestic violence have been based on the assumption that domestic violence is a unitary phenomenon and patriarchal values were held to be the cause of men perpetrating violence against women.

However, data collected on violence show that both men and women perpetrate violence and violence exist in both same sex couples and heterosexual couples. The use of typologies by several researchers' highlights the fact that although much of the domestic violence literature still treats violence between partners as if it were a unitary phenomenon, it is useful, if not necessary, to distinguish among types of perpetrators or types of violence. Nowadays there is a need to engage in qualitative research on the interpersonal processes that produce the different types of intimate partner violence to develop adequate theories of these types of violence. Furthermore, it will enhance the effectiveness of interventions on domestic violence as not all types of violence are of the same nature and the motives are diverse and do not stem necessarily from patriarchal values. Progress achieved in the development of a theory on the types of domestic violence can also lead States to revisit their legislation on domestic violence.

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