ACHIEVING BETTER RESEARCH ON FAMILY VIOLENCE

The Need to Address Definitional Issues

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Revised draft
April 12, 1991

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The Importance of Research

Family violence is a serious national problem. Each year, hundreds of thousands of wives are abused by their husbands and over a million children suffer various forms of physical, sexual, or emotional maltreatment.[1]

In the last decade, programs to deal with family violence have been greatly expanded and, as a result, many victims who would have suffered further harm have been protected by timely intervention. Yet, major gaps in protection remain. For example, depending on the community, from 25 to 50 percent of child abuse fatalities involve children previously known to the authorities.[2] And the ability of public and private agencies to break deep-seated patterns of family violence is limited, at best.[3]

Extreme cases of intrafamilial brutality make society anxious to take effective--and immediate--action against family violence. But, in the absence of a strong knowledge base, this emotionally-charged desire to do "something" often outruns society's ability to act intelligently, making it likely that society will do the wrong "something." For example, impatience with unsuccessful therapeutic treatment interventions has lead to such draconian proposals as the automatic removal of abused children from the home and a return to criminal prosecution of more parents. One Legislator in Maine went so far as to introduce a bill authorizing the castration of sexual abusers.[4]

Although many factors combine to compromise society's response to family violence, one of the most serious has been the weakness of research on the subject. As Jeanne Giovannoni and Rosina M. Becerra note: "The importance of adequate research lies in the relationship between research and social policy. Social policy regarding social problems can begin to take on a rational stance only when informed by valid data."[5] Weak research deprives policy makers of the knowledge needed to mobilize and channel social action.

Research on family violence has been widely criticized for being often poorly performed and largely irrelevant to the serious problems facing the field. In a 1977 survey of research on child abuse and neglect, for example, Monica Holmes concluded that "the majority of studies are so poorly designed that no

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[1]Though of equal severity, the abuse of the elderly by family members is beyond the scope of this paper.

[2]Jose D. Alfaro, "What Can We Learn From Child Abuse Fatalities? A Synthesis of Nine Studies," in Douglas J. Besharov, Protecting Children from Abuse and Neglect: Policy and Practice (Springfield, Ill.: Charles C Thomas, 1988).

[3]See, e.g., Michael S. Wald and Sophia Cohen, "Preventing Child Abuse--What Will It Take?" in Besharov (1988), supra note 2.

[4]Bangor Daily News, Jan. 6,7 and 10, 1979.

[5]Jeanne M. Giovannoni and Rosina M. Becerra, Defining Child Abuse (New York: The Free Press, 1979), pp. 13-14.

generalizations should be made from the 'findings.'"[6] Little has changed since then.[7] In 1989, Joseph G. Weis wrote that: "Insufficient attention has been given to methodological issues that need to be investigated and resolved before more valid and reliable estimates of the prevalence and correlates of family violence can be expected."[8] Similarly, Karen Colvard has described how many of the proposals on family violence received by the Harry Frank Guggenheim Foundation "seemed weak in theory and methodology."[9]

Too much of society's past response to family violence has been based on incomplete, hastily drawn conclusions about the nature of the problem and the best way to deal with it. As Richard Gelles observes:

> Unfortunately, when a topic is as emotionally charged as is the topic of the abuse of children, most people have little patience when it comes to waiting for answers to these questions. The clear mandate is that we "must do something about child abuse right now!" Consequently, researchers who answer the key questions by saying "we don't know yet," or "we need more time," or "we need more resources" are brushed to the side by

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[6]Monica B. Holmes, Child Abuse Programs: Practice and Theory (Rockville, Md.: U.S. National Institute on Mental Health, 1977), p. 113. See also C.G. Simpkins et al., Child Abuse and Neglect in Families: An Analysis of Family Focused Projects on Child Abuse and Neglect Funded By HEW'S Administration For Children, Youth, and Families, (Washington, D.C.: National Center on Child Abuse and Neglect, DHEW, June 9, 1979); Edward Zigler, "Controlling Child Abuse in America: An Effort Doomed to Failure," in Richard Bourne and Eli H. Newberger, eds., Critical Perspectives on Child Abuse (Lexington, Mass.: Lexington Books, 1979), p. 178; Norman Polansky et al., Profile of Neglect: A Survey of the State of Knowledge of Child Abuse (Washington, D.C.: Community Services Administration, DHEW, 1975); Richard J. Gelles, "Child Abuse As Psychopathology: A Sociological Critique and Reformulation," Am. J. of Orthopsychiatry 43(4):611-21 (July 1973).

[7]See, e.g., Sally A. Lloyd, "Asking the Right Questions about the Future of Marital Violence Research," in Douglas J. Besharov, ed., Family Violence: Research and Public Policy Issues (Washington, D.C.: American Enterprise Institute, 1990), pp. 93-94. Washburn and Frieze evaluated the methodology of several major studies of spouse abuse. They found that many of the studies did not use a control or comparison group. They also compared the subjects of various studies noting the differences in sampling techniques; they found that the various sampling techniques attracted very different types of women. [C. Washburn and Irene H. Frieze, "Methodological Issues in Studying Battered Women" (1980) quoted in Irene H. Frieze and Angela Browne, "Violence in Marriage," in Lloyd Ohlin and Michael Tonry, eds., Family Violence, (Chicago: University of Chicago Press, 1989), pp. 171-73.]

[8]Joseph G. Weis, "Family Violence Research Methodology and Design," in Lloyd Ohlin and Michael Tonry, eds., Family Violence (Chicago: University of Chicago Press, 1989), p. 117. Bolton et al., (1981) quoted in Weis at p. 142, report that less than five percent of empirical research studies on family violence use control or comparison groups.

[9]"Afterword," in Besharov (1990), supra note 7, at p. 234.

> those who feel they cannot wait for the orderly progress of research and believe that time and resources are needed to do more than engage in research.[10]

Better research is essential, if policy makers--and the general public--are to make informed judgments concerning child abuse and spouse abuse.

The Social Construction of Family Violence

Many of the problems plaguing research on family violence are endemic to social science research generally. Key methodological obstacles, for example, although exacerbated by the legal and social issues involved, are shared with other fields.[11] These more general problems are not discussed in this paper because they are already well described elsewhere[12] and because they are best addressed though a systematic insistence on the highest standards of scientific rigor.

Instead, this paper seeks to raise an issue which has more fundamentally undermined efforts to understand and deal with family violence: The absence of reasonably precise and widely accepted definitions of "child abuse" and "spouse abuse." The failure to recognize this problem has placed an added burden on research in the area, aggravating the impact of more general methodological problems.

Since child abuse and spouse abuse are against the law in all states, one would expect the legal definitions of these acts to be specific and uniform. But they are not; even the best provide only limited guidance on how they should be applied. The definition found in the Federal Child Abuse Prevention and

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[10]Richard J. Gelles, "Overview of Research Into Child Abuse and Neglect," Hearings Before the Subcommittee on Domestic and International Scientific Planning, Analysis and Cooperation of the Committee on Science and Technology, U.S. House of Representatives, February 14-16, 1978, pp. 276, 278.

[11]See, e.g., Colvard, supra note 9, at p. 234, stating: "Some of the methodological problems in this field are shared with other research in social science--problems in collecting reliable long-term data and refining quantitative measures--compounded by the sensitivity of and sanctions against its subject matter. Other problems--such as the dilemma of singling out a control group among people in need of intervention and the tension between the requirements of scientific validity and the pressure for responsible action--are special to this young discipline. Problems of recruitment and personality; questions of denial and reliability in respondents; ethical issues involved in such research, such as long-term commitment to treatment and follow-up in the study group; the relationship of economic, educational, and welfare issues to family violence problems and policy; and the legal and ethical positions of social workers [are also involved]."

[12]See, e.g., Carol H. Weiss, Using Social Science Policy Research in Public Policy Making (Urbana, Ill.: Policy Studies Organization, 1977); Alice Rivlin, Systematic Thinking for Social Action (Washington, D.C.: Brookings Institution, 1971).

Treatment Act, adopted in whole or in part by many states (and research projects), is merely the most prominent example of how existing definitions avoid basic issues. It provides that:

> "child abuse and neglect" means the physical or mental injury, sexual abuse or exploitation, negligent treatment, or maltreatment of a child under the age of eighteen by a person responsible for the child's welfare under circumstances which indicate that the child's health or welfare is harmed or threatened thereby. . . [13]

This seemingly specific formulation defines child maltreatment as: (1) parental conduct which (2) harms a child or 'threatens' to do so. But a closer reading reveals how this phraseology leaves unclear--and open to widely differing interpretations--the definition's scope and, hence, its applicability to diverse child rearing situations. First, the definition does not specify the proscribed parental conducts, even though society permits many types of parental conduct which are harmful to children. ("Reasonable" corporal punishment is a prominent example.) In fact, it tautologically defines "child abuse and neglect" to include "negligent treatment and maltreatment."

Second, the definition does not specify the degree of harm, even though there are many different levels of harm to children, and people necessarily differ about how much harm constitutes child maltreatment. And, of course, it gives no inkling at all of what it means for a child to be "threatened" with harm.

Broad and imprecise legal definitions are sometimes defended on the ground that child protective personnel and courts need freedom to exercise their sound judgment in determining, on a case-by-case basis, whether particular child rearing situations should be considered child maltreatment.[14] For example, many reported court decisions take the position that, since "neglect" is the failure to exercise the care that a child needs, and since such care must vary with the specific facts of the case and the context of the surrounding circumstances,[15] the word "neglect" can have no fixed or measured meaning, and each case must be judged on its particular facts.[16]

These courts are saying that, although they cannot define child

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[13]P.L. 93-247, section 3 [codified at 42 U.S.C. section 5102 (Supp.V 1975).]

[14]See, e.g., Sanford Katz, When Parents Fail: The Law's Response to Family Breakdown (Boston: Beacon Press, 1971).

[15]See, e.g., In the Interest of E.L., 152 Ill. App.3d 25, 504 N.E.2d 157, 161 (1987); In re Stilley, 6 Ill. Dec. 873, 363 N.E.2d 820 (Ill. 1977).

[16]See, e.g., In the Interest of Harpman, 146 Ill. App.3d 504, 496 N.E.2d 1242, 1246 (1986); In the Interest of Nitz, 11 Ill. Dec. 503, 368 N.E.2d 1111 (Ill. 1977).

maltreatment, they know it when they see it.[17] The noted authority Dr. C. Henry Kempe reflected the feelings of most child protective professionals when he asserted that: "Child abuse is what the courts say it is."[18] But the resulting potential for arbitrary application--and the evidence that injustices frequently occur--are the reasons why existing definitions have been so harshly criticized. They do nothing to discourage unwarranted intervention into private family life.

The vagueness of existing definitions of "child abuse" and "child neglect" are widely recognized.[19] It is not that the types of conduct, the degree of harm, and the meaning of threatened harm cannot be described with greater specificity, but, rather, that people--even "experts"--cannot agree on how to do it. For, family violence is a social construct; the concept has no intrinsic meaning and its definition is shaped by contemporary social and political forces. Richard Gelles described why he decided not to attempt the "impossible task" of defining "child abuse" for his study of violence in the home:

> The term "child abuse" is a political concept which is designed to attract attention to a phenomenon which is considered undesirable or deviant. As a political term, "child abuse" defies logical and precise scientific definition. Malnourishment, sexual abuse, failure to feed and clothe a child, beating a child, torturing a child, withholding medical care from a child, allowing a child to live in a "deprived or depraved" environment, and helping a child stay out of school have all been defined at various times and in various laws as "child abuse." The definition of child abuse varies over time, across cultures, and between different social and cultural groups.[20]

Besides the health and safety of children, at stake are conflicting views concerning the rights of children versus parents, disagreements about what is "proper" child rearing, legitimate fears about governmental intrusion into areas

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[17]Cf. Jacobellis v. Ohio, 378 U.S. 184, 197 (1964), Stewart, J., concurring.

[18]C. Henry Kempe, "Child Protective Workers: Where Have We Been? Where Are We Going?" in M.C. Lauderdale et al., eds., Child Abuse and Neglect: Issues In Innovation and Implementation, Proceedings of the Second National Conference on Child Abuse and Neglect (Washington, D.C.: U.S. National Center on Child Abuse and Neglect, DHEW, 1978), p. 19.

[19]See, e.g., Michael S. Wald, "State Intervention on Behalf of 'Neglected' Children: A Search for Standards," Stan.L.Rev. 25:985 (1975); Richard J. Gelles and Claire P. Cornell, "International Perspectives on Child Abuse," Child Abuse and Neglect 7:375-86 (1983).

[20]Richard J. Gelles, "A Profile of Violence Towards Children In the United States," pp. 1-2, unpublished paper presented at the Annenberg School of Communications Conference on "Child Abuse: Cultural Roots and Policy Options," Nov. 1978.

of parental discretion in child rearing, and the deep social implications of proscribing parental conduct that has been endorsed or tolerated for centuries. As Chris Mouzakitis and Raju Varghese comment: "Societies still struggle in defining (a) the limitations of parental authority, (b) the minimum expectations of parents, and (c) the parameters of acceptable parental behavior in society."[21] Existing definitions paper over such disputes with imprecise and vague terminology.

Definitions of spouse abuse tend to be even broader and more imprecise than those of child abuse (in part because there are few specific laws on the subject, since spouse abuse is covered by the general law of assault). "There still remain serious problems in defining the various forms of family violence in terms of the seriousness of the assault, the amount of physical injury, sexual molestation, or neglect, and the extent of psychological trauma," comment Lloyd Ohlin and Michael Tonry. "The simple question of what constitutes a 'family relationship' is complicated by the diversity of intimate nonmarital relationships in relatively stable arrangements. Consequently, the lack of consensus on definitions of the object of study and measures of violence makes it difficult to compare or validate results from different studies."[22]

Although there is some disagreement over whether to include emotional abuse within the concept of spouse abuse,[23] the following is a fairly typical definition:

> Battering is physical force used by one person against another, to coerce, demean, humiliate, punish, or simply to release tension or demonstrate power. A battered woman is one who has been subjected to battering by her intimate partner on more than one occasion. An abused woman is one who has been subjected to physical assault, or emotional abuse, or both, by her intimate partner on more than one occasion.[24]

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[21]Chris M. Mouzakitis and Raju Varghese, eds., "Perspectives on Child Abuse and Neglect," in Social Work Treatment with Abused and Neglected Children (Springfield: Charles C Thomas, 1985), p. 5.

[22]Ohlin and Tonry, supra note 7, at p. 8.

[23]Jeffrey Fagan, "Contributions of Research to Criminal Justice Policy on Wife Assault" in Besharov (1990), supra note 7, at p. 59.

[24]Mildred D. Pagelow, Family Violence (New York: Praeger Special Studies, 1984), p. 303, quoting Ginny NiCarthy.

The Effects on Research

Definitions of "child abuse" and "spouse abuse" are the basic building blocks of research studies in the field, upon which all subsequent analysis is based. However, the harmful effects of inadequate definitions on court and agency decisions to intervene into private family life has obscured the devastating effects they have on research. As Jeanne Giovannoni and her colleagues point out: "If one cannot specify what is meant in operational terms by abuse and neglect, how does one specify what it is that is being studied? How are populations to be selected and how are crucial variables to be measured?"[25]

Faced with the inadequacy of existing definitions and the failure of any particular definitional approach to win wide acceptance in the field, researchers, as well as anyone else needing to use a definition, have been free--indeed, impelled--to develop their own idiosyncratic definitional measures and variables.[26] Jeffrey Fagan has described how, starting in 1978, four congressional hearings dealing with spouse abuse were held within 18 months. No consensus emerged out of these on the definition of the problem, let alone its causes or ideas for solutions. Seven federal agencies became involved, and each developed its own definition.[27]

There are almost as many definitions as there are research projects. Some definitions describe family violence in terms of proscribed conduct; some focus on harm to the victim; and many are couched in terms of both. They can have either legal, social work, medical, or sociological orientations. And while many definitions share common approaches, elements, and even phraseology, the different combinations and permutations seem endless. The situation is as if 100 carpenters, working in different parts of the country and with no means of communication, were trying to build a cabinet together--but had no idea what the cabinet should look like or what size it should be.

Unfortunately, even the slightest difference can include or exclude large numbers of situations. Comparability of research studies is thus the first major victim of definitional inadequacy.[28]

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[25]Jeanne M. Giovannoni et al., What Harms Children? (Washington, D.C.: DHEW, 1980). p. 44.

[26]Researchers do not even have the luxury of claiming that case-by-case decision-making is beneficial. Definitions that cannot reliably distinguish between situations that are and that are not maltreatment permit unpredictable, ad hoc decision-making by individual coders, thereby undermining the study's internal reliability.

[27]Fagan, supra note 24, at p. 61

[28]See, e.g., Richard J. Gelles, "An Exchange/Social Control Theory," in David Finkelhor et al., eds., The Dark Side of Families: Current Family Violence Research (Beverly Hills: Sage (continued...)

> Valid results may thus be rejected on the ground that they are not corroborated by similar work, when in fact the studies were not comparable in the first place because the populations being studied were different. Thus research intended to inform policymakers as to the nature of the problem may simply be exasperating to them because of the unexplained, conflictual findings.[29]

Without basic agreement about what is being discussed, research findings can neither be meaningfully shared nor accurately evaluated. In fact, past research, with its "unexplained, conflictual findings" has been more harmful than helpful--because, by obscuring what we really know about family violence, it has contributed to the paralysis of policy and program development. As Mouzakitis and Varghese describe, definitional problems "have contributed to a confusing understanding of the problem and fragmentation in assessment, reporting, and treatment approaches."[30]

Inadequate definitions do not cause amorphous weaknesses in research. Their effects are obvious upon any careful review of past studies. After providing a brief overview[31] of how inadequate definitions undermine three major categories of research--prevalence, sequelae, and etiology--this paper describes what can be done by institutions such as the Harry Frank Guggenheim Foundation to improve research on the subject.

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[28](...continued)
Publications, 1983), p. 155, stating: "Because of the wide variation in nominal definitions of violence, there is a resulting lack of comparability among the various types of domestic violence. A study that examines hitting children cannot be directly compared with another study of child abuse that defines abuse as sexual, psychological, emotional, and physical exploitation of children. The lack of comparability means that a large base of knowledge has not been, and is not being, developed"; Simpkins et al., supra note 6, at p. 133: "Objective operational definitions of child maltreatment are badly needed. Currently, researchers and programmers are dependent upon service provider's definitions of abuse or neglect which differ greatly across agencies. Depending upon the agency purposes from which samples are drawn, there may be little comparability across projects." For a more recent statement see, e.g., Mouzakitis and Varghese, supra note 22, at p. 8, complaining that: " A major problem in understanding child abuse and neglect is the lack of a common definition. The absence of such a definition has impacted on professionals' ability to comprehensively study the problem in terms of its incidence, prevalence, etiology, and treatment."

[29]Giovannoni and Becerra, supra note 5, at p. 15.

[30]Mouzakitis and Varghese, supra note 21, at p. 9.

[31]This paper is necessarily limited to the major issues in the field. No attempt has been made to be comprehensive. There are, for example, now over 11,000 entries in the research database of the National Center on Child Abuse and Neglect.

Prevalence Studies

Prevalence studies are important because they help establish the seriousness of a social problem and the scope of the needed response--by documenting how widespread it is. (The other element of seriousness, the effect on victims, or "sequelae," is discussed in the next section.)

In the absence of a widely accepted and reasonably precise definition of child maltreatment, studies have been free to adopt their own definitions. Since the number of instances a study finds is a direct function of the definition it uses, it should come as no surprise that estimates of the number of abused and neglected children range from 700,000 to 4.5 million.[32] (See Chart 1.)

Actually, there is a further complication: The terms "prevalence" and "incidence" tend to be used interchangeably. For example, the Federal Child Abuse Act requires that the National Center on Child Abuse and Neglect conduct an "incidence" study, but the National Center actually conducts prevalence studies, which, of course, are a preferable approach to determining the extent of a phenomenon that tends to present itself as a continuing behavioral pattern.[33] However, methodological limitations of other studies (such as being unable to discern whether the same child has been reported more than once) often dictate that the incidence of specific acts be measured. The importance of distinguishing between the two concepts is illustrated by studies conducted by Murray Straus and Richard Gelles (1980 and 1986). They found that while men and women engaged in spouse abuse at about the same rates, men had a higher rate of using the most serious forms of violence and they showed a higher frequency of violence.[34]

* * * Table 1 About Here * * *

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[32]See generally National Center on Child Abuse and Neglect, 1977 Analysis of Child Abuse and Neglect Research (Washington, D.C.: 1978).

[33]See, e.g., Polansky et al., supra note 6, at p. 17.

[34]Frieze and Browne, supra note 7, at p. 181.

Table 1
THE PREVALENCE OF CHILD ABUSE
Selected Studies[35]

Study	Definition of Countable Situation	Estimate in Millions
Gil (1970)	abuse resulting in some degree of injury	2.53-4.07
Light (1973)	re-analysis of Gil's data	.2-.5
Light (1973)	neglect and other forms of maltreatment excluding abuse	.465
Gelles (1977)	parent-to-child violence	1.4-1.9
NCCAN (1988)	demonstrable harm to children	1.0+
NCCAN (1988)	demonstrable harm to children or at risk of harm	1.5+
NCCAN (1988)	prevalence of substantiated abuse/neglect known to social agencies	1.66
AHA (1988)	incidence of abuse/neglect reports to social agencies (whether or not substantiated)	2.09

[35]David Gil, Violence Against Children (Cambridge, Mass.: Harvard University Press, 1973); Richard Light, "Abused and Neglected Children In America: A Study of Alternative Policies," Harv. Ed. Rev. 43:556 (1973); Richard J. Gelles, "Violence towards Children In the United States," 1st Session on Examination of the Program for the Prevention, Identification, and Treatment of Child Abuse and Neglect, 95th Congress, April 7, 1977, pp. 10-33; American Association for Protecting Children, Highlights of Official Child Neglect and Abuse Reporting (Denver: American Humane Association, 1988), p. 6 (statistics are for 1986); National Center on Child Abuse and Neglect, Study of National Incidence and Prevalence of Child Abuse and Neglect: 1988 (hereinafter NCCAN)(Washington, D.C.: 1988), p. xii (statistics for 1986).

Yet, the impact of a study's definition on its count of child maltreatment is hardly ever emphasized. Only if one appreciates the substantial differences in the definitions can one understand why the estimates vary so much. Comparing their findings is, indeed, like comparing apples with oranges. Jeanne Giovannoni and Rosina Becerra comment: "Estimates of the incidence of child abuse have been based on work using no further definition of 'abuse' than that it was the label assigned to the act. There is no way of knowing whether the cases being counted represent similar or diverse phenomena, and hence no way of knowing what the numbers actually mean, save for an indication of the volume of cases being processes under particular labels through various reporting and protective systems."[36]

David Gil's ground-breaking 1965 national study of the extent of "physical abuse" illustrates how the definition adopted affects its findings. For his study:

> Physical abuse of children is the intentional, nonaccidental use of physical force or intentional, nonaccidental acts of omission on the part of the parent or other caretaker interacting with the child and its care, aimed at hurting, injuring, or destroying the child.[37]

As Gil himself noted, his definition avoided a prime definitional question, i.e., the degree of "hurt" or "injury." Gil purposefully adopted this broad approach because it "reduces ambiguity by including all use of physical force and all acts of omission . . . , irrespective of the degree of seriousness of the act, the omission, and/or the outcome. Thus the relativity of personal and community standards and judgments is avoided in the definition." As a result, his estimate of 2.53 to 4.07 million abused children "includes all kinds of injury from minimal through serious to fatal."[38] What Gil gained in simplicity, he lost in validity. Many of these "hurts" and "injuries" are simply of insufficient magnitude to warrant the label "child maltreatment."

Without a widely accepted definition of "child maltreatment," the findings of prevalence and incidence studies can be subtly manipulated--by altering the study's operational definition. For example, when the feasibility

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[36]Giovannoni and Becerra, supra note 5, at p. 14.

[37]Gil, supra note 35, at p. 11, emphasis added. Recognizing the different role of a definition for social policy, for that purpose, Gil proposed an even more sweeping definition of child abuse and neglect: "... any act of commission or omission by individuals, institutions, or society as a whole, and any conditions resulting from such acts or inaction, which deprive children of equal rights and liberties and/or interfere with their optimal development, constitute, by definition, abusive or neglectful acts or conditions." (p. 9, emphasis added).

[38]Ibid., p. 69.

study for the first National Study of the Incidence and Severity of Child Abuse and Neglect defined child maltreatment in terms of parental conduct without specifying a minimum level of harm, it estimated that 30 percent of America's children were maltreated.[39] Later, the study's definition was limited to parental conduct whose harm to the child could be documented. For example, a physical injury had to leave a mark on the child for at least 48 hours. Consequently, the estimate went down to 1 percent of children. Which of these estimates one deems to be correct depends on the degree of harmfulness one considers sufficient. The National Study could just as easily have selected 24 hours or 72 hours as the cut off point.

Similarly, in the second National Incidence Study, the federal government revised its definitions to include parental conduct which indicated a risk of harm to the child as well as demonstrable harms that had already been suffered by the child. This seemingly minor change resulted in an estimate of prevalence that was 50 percent higher. Fortunately, the Study provided estimates using both definitions, allowing readers to choose which definition to rely on.[40]

It is not overly cynical to suggest that one could back into an estimate of prevalence. If, for example, one arbitrarily decided that child maltreatment was the worst (i.e., most harmful, however defined) 1 percent of child rearing situations (it could just as easily be the worst 2 percent or 4 percent or 10 percent, for that matter), then one could determine the prevalence of child maltreatment without undertaking any expensive field research. Instead, one could find out how much child maltreatment there is in America through a simple mathematical formula:

Percent of child rearing practices defined as "maltreatment"	X	Number of children under eighteen	= Number of maltreated children

Estimates of the prevalence of spouse abuse show even greater discrepancies. They range from a high of 50 or 60 percent of all couples to less than 1 percent of them. (See Table 2.) There are studies that show whites with higher rates, others showing blacks with higher rates, and some showing no difference according to race.[41]

Again, a key issue is the study's definition. Lenore Walker estimated that as many as 50 percent of all women would be victims of battering at some

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[39]Burt Associates, Report and Plan on Recommended Approaches For Determination of National Incidence of Child Abuse and Neglect, Volume II, November 27, 1975, pp. 124-25.

[40]National Center on Child Abuse and Neglect, supra note 35.

[41] Weis, supra note 8, at pp. 119-20.

point in their lives,[42] but she defined a battered woman as "a woman who is repeatedly subjected to any forceful physical or psychological behavior by a man in order to coerce her to do something he wants her to do without any concern for her rights."[43] On the other hand, Diana Russell came up with an estimate of 21 percent based on a sample of 644 women in San Francisco who were asked the much narrower question: "Was your husband ever physically violent with you?"[44]

Research by Murray Straus shows how even this 21 percent figure can be misleading. He separated cases of family violence into two categories: minor violence and severe violence. Minor violence was defined as: "threw something; pushed, grabbed, or shoved; and slapped or spanked." Severe violence was defined as: "kicked, bit, hit with fist; hit, tried to hit, with something; beat up; threatened with a gun or a knife; used a gun or a knife." About 16 percent of a random sample of 3,520 respondents reported some violence in the year preceding the survey. But the rates for what Straus called "severe" violence was only 5.8. (The rate was 3.0 percent for assaults against wives and 4.4 percent for assaults against husband.)[45]

Even narrower definitions result in even lower estimates. Deirdre Gaquin defined spouse abuse as: "assault without theft in which the offender was the victim's spouse or ex-spouse."[46] Using data from the National Crime Survey of 60,000 households conducted between 1973 through 1975, she found that just a little more than five (5.2) per thousand women who had ever been married had experienced spouse abuse. (In 1984, Klaus and Rand reviewed the data from the National Crime Survey for the years 1973-1981. Their count was closer to 3 women per thousand.)[47]

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[42]Lenore E. Walker, The Battered Woman (New York: Harper and Row Publishers, 1979), p. ix.

[43]Pagelow, supra note 24, at p. 40.

[44]Diana E.H. Russell, Rape in Marriage (New York: MacMillan, 1982), p. 96.

[45]Murray A. Strauss and Richard J. Gelles, "Societal Change and Change in Family Violence from 1975 to 1985 As Revealed by Two National Surveys," Journal of Marriage and the Family 48(3):465-79. The total is lower than the sum of wife and husband assaults because in some families both husband and wife reported being assaulted.

[46]Deirdre A. Gaquin, "Spouse Abuse: Data from the National Crime Survey," Victimology 2:632-33, 636 (1977-78).

[47]Patsy A. Klaus and Michael R. Rand, Family Violence (United States Department of Justice: Bureau of Justice Statistics, 1984), p. 4.

Table 2
THE PREVALENCE OF SPOUSE ABUSE
Selected Studies

Study	Definition	Incidence (%)
Walker (1979)[48]	physical or psychological coercion	50
Frieze (1980)[49]	physical assault any use of force	34
Russell (1982)[50]	physical violence sometime in relationship	21
Straus & Gelles (1986)[51]	minor and severe violence sometime in previous year	15.8
Straus & Gelles (1986)	severe violence-sometime in previous year	5.8
Gaquin (1978)[52]	assault without theft, offender is victim's spouse or ex-spouse	.52
Klaus & Rand (1984)[53]	same as above	.30

[48]Walker, supra note 42, at p. ix.

[49]Russell, supra note 44, at p. 100.

[50]Ibid., p. 98.

[51]Strauss and Gelles, supra note 45.

[52]Gaquin, supra note 46, at pp. 632-36.

[53]Klaus and Rand, supra note 47, at p. 4.

Policy makers are not oblivious to the gradations of harmfulness in situations of "family violence" and the consequent need to establish a reasonable, minimum amount of harmfulness in a definition. This was dramatized when Murray Straus testified before a House subcommittee on his study of spouse abuse. Based on a definition of "family violence" similar to Gil's definition of "child abuse," Straus reported that his study showed that "just over one out of six couples, or an estimated 7 1/2 million couples, had at least one violent episode during the survey year." ("Violence" was defined as "'an act carried out with the intention of, or perceived as having the intention of, physically hurting another person.' The 'physical harm' can range from slight pain, as in a slap, to murder.")[54] Congressman Scheuer immediately picked up the centrality of this broad definition to the study's finding of widespread family violence and so, asked Straus: "Excuse me. When you talk about violence are you talking about a push or a shove?"

Dr. Straus: I am.

Mr. Scheuer: My concept of family violence has been that somebody slugged someone or something, not just a push or a shove.

Dr. Straus: Yes. That, I think, is pretty much the widespread view of it. I happen to view any slap, push, or shove as violence. . .

Mr. Scheuer: . . . It seems to me that most people perceive violence as something that hurts.

Dr. Straus: . . . That's true.

Mr. Scheuer: Something that inflicts pain.[55]

Thus, any study of the prevalence or incidence of family violence must be judged by the types of situations or behaviors it counted. But that is only the beginning. To be of greater utility, the study should also be able to shed light on the character or forms of family violence and their distribution in the general population. To do so, its definitions should be able to distinguish between the various forms of child abuse and spouse abuse, as discussed in the next sections.

Sequelae Studies

Sequelae studies seek to determine the long term physical, emotional, and cognitive effects of family violence on its victims. Because they document the social costs of inaction, they can be an effective means of mobilizing public

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[54]Murray A. Straus, "National Survey of Domestic Violence: Some Preliminary Findings and Implications for Future Research," Hearings Before the Subcommittee on Domestic and International Scientific Planning, Analysis and Cooperation of the Committee on Science and Technology, U.S. House of Representatives, Committee on Science and Technology, February 14-16, 1978, p. 72.

[55]Straus, supra note 54, at pp. 85-86.

and professional concern. As Norman Polansky writes: "Nothing stirs so great a sense of urgency that we move to do something about [child] neglect as when we review what is known about its consequences."[56]

It is widely believed that physical maltreatment, even when it does not result in serious physical injury, causes long term emotional and cognitive damage to children.[57] The common perception is that parents who maltreat their children were maltreated themselves as children. It has almost become a cliche to say that maltreated children will later vent on others the violence and aggression their parents visited upon them. As Barton Schmitt and Richard Krugman, in a widely quoted passage, have written, "untreated families tend to produce children who become the juvenile delinquents and violent members of our society and the next generation of child abusers."[58]

Actual findings of carefully conducted research studies, however, are more ambiguous.[59] Although most studies point to an association between child maltreatment and later emotional and social problems,[60] even the best are plagued by severe methodological shortcomings.[61] Wilson and Herrnstein summarize the weakness of this research:

> The scholarly studies of the causes and consequences of child abuse are large in number but uneven in quality. There is no

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[56]Polansky et al., supra note 6, at p. 27.

[57]See, e.g., Robert J. Hunner and Yvonne E. Walker, eds., Exploring the Relationship between Child Abuse and Delinquency (Totowa, NJ.: Allanheld and Schram, 1981).

[58]Barton D. Schmitt and Richard Krugman, "Abuse and Neglect of Children," in Victor C. Vaughan and Richard E. Behrman, eds., Nelson Textbook of Pediatrics (Philadelphia: W.P. Saunders Company, 14th ed. 1987), p. 82.

[59]See, e.g., David P. Farrington, "Early Precursors of Frequent Offending," in James Q. Wilson and Glenn Loury, eds., From Children to Citizens, Volume III (New York: Springer-Verlag, 1987), p. 33, stating: "Harsh or erratic parental discipline, cruel, passive, or neglecting parental attitude, poor supervision, and parental conflict, all measured at age 8, all predicted later juvenile convictions. Furthermore, both poor parental child rearing behavior (a combination of discipline, attitude and conflict) and poor parental supervision both predicted juvenile self-reported as well as official offending. Harsh parental discipline and attitude at age 8 also significantly predicted later violent as opposed to non-violent offenders. However, poor parental child rearing behavior was related to early rather than later offending and was not characteristic of those first convicted as adults. Everyone of the frequent offenders was first convicted by age 15. Early poor child-rearing behavior and supervision did not significantly predict the frequent as opposed to the occasional offenders, but both significantly predicted the frequent offenders out of the whole sample." (references omitted).

[60]See, e.g., Cathy Widom, The Intergenerational Transmission of Violence, Occasional Papers of the Harry Frank Guggenheim Foundation #4 (New York, 1989).

[61]See generally Paul A. Toro, "Developmental Effects of Child Abuse: A Review," Child Abuse and Neglect 6(4):423 (1982).

> settled definition of abuse: Some studies limit themselves to cases of willful physical injury, others include any form of physical punishment whether or not it causes an injury, and still others include mental, sexual, and psychological abuse. Most studies are of small groups of children who have been, by some definition, abused, with no effort to select the group so that it is representative of some larger population or to compare it with a control group of similar but nonabused children. Information about the family backgrounds of abused children are typically gathered retrospectively from parental interviews, with all the attendant problems of errors, distortions, and misrepresentations; when the families are observed directly, it is rarely done blindly--that is, by an observer unaware of whether the family is abusive or normal.[62]

Moreover, a number of important studies have even found no lasting damage to children.[63] For example, Elizabeth Elmer was unable to tell whether the physical abuse or the general poverty of the families in her sample was responsible for the social and developmental problems she documented in the children she studied. Instead, she concluded: "Whether or not a child is the target of physical insults, as part of the family he is inevitably caught up in the stress and privation to which his family is prey."[64] But, as in the case of research that finds a relationship, serious methodological questions cloud the significance of such studies.[65]

A research paper prepared for the U.S. Office of Juvenile Justice and Delinquency Prevention reflected these limitations in concluding: "Though no one study reviewed is conclusive, taken together the studies form a fairly

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[62]James Q. Wilson and Richard Herrnstein, Crime and Human Nature (New York: Touchstone Books, 1985), pp. 253-54 (footnotes omitted).

[63]One study which surveyed 712 junior high school students found no significant difference between abused and non-abused subjects on several emotional and behavioral measures. There were no significant differences between sexually abused (self-reported) and non-abused subjects on likelihood to experience the listed negative feelings. There may, though, have been some differences in behavior. [Roberta A. Hibbard et al., "Abuse, Feelings, and Health Behaviors in a Student Population," American Journal of Diseases of Children 142.3:327-28 (March 1988).]

[64]Elizabeth Elmer, "A Follow-up Study of Traumatized Children," in Bourne and Newberger, eds., supra note 6, at pp. 41, 50. Also found in Pediatrics 59(2):273-79.

[65]See, e.g., Margaret A. Lynch, "The Follow-up of Abused Children--A Researcher's Nightmare," paper presented at the Second World Conference of the International Society of Family Law, June 13-17, 1977, p. 5, pointing out that the control group in Elmer's study "matched so exactly her index group that no differences emerged." See also Wilson and Herrnstein, supra note 62, at pp. 254-55.

consistent picture: that is, they point in the direction of a considerable link between abuse, neglect, and juvenile delinquency."[66] Our understanding of the precise nature of this link, however, is "incomplete," as Wilson and Herrnstein explain:

> There is strong evidence that abusive homes produce more aggressive children, and there are good reasons for supposing that early aggressiveness in the family is associated with later aggressiveness outside the family. But when we look for a direct connection between broken or abusive homes and subsequent criminality, we find that it is less clear-cut than we had supposed. The reason for this, we suggest, is that a broken or abusive home is only an imperfect indicator of the existence of a complex array of factors that contribute to delinquency.[67]

It is not clear, for example, whether maltreated children become delinquents more often because of the emotional dynamics of abuse or neglect or, simply, because their socioeconomic status and problems act independently to make them prime candidates for delinquent behavior.[68] Furthermore, existing research does not even raise the possibility of a genetic or biological explanation.[69]

Again, there are striking parallels in the realm of spouse abuse. This is how David Finkelhor related the sequelae of both forms of family violence:

> The research on wife abuse and physical and sexual child abuse show all leading to some common patterns of mental health impairment. The victims suffering from long-term effects of abuse are characterized by low self-esteem, instability in their intimate relationships, anxiety, depression, suicide attempts, substance abuse, psychosomatic complaints, and poor

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[66]National Institute for Juvenile Justice and Delinquency Prevention, "Synthesis of Literature on Linkage Between Child Abuse, Neglect and Delinquency," in Reports of the National Juvenile Justice Assessment Centers: A Preliminary Assessment of Child Abuse and Neglect and the Juvenile Justice System: The Shadows of Distress, p. 129 (1980).

[67]Wilson & Herrnstein, supra note 62, at pp. 245, 261.

[68]See, e.g., Elmer, supra note 64, at p. 50; compare with Jose D. Alfaro, "Report on the Relationship between Child Abuse and Neglect and Later Socially Deviant Behavior," in Exploring the Relationship between Child Abuse and Delinquency, supra note 57, at pp. 175, 213.

[69]Cf. Wilson & Herrnstein, supra note 62, Part II.

functioning in school and work situations.[70]

Even the specter of a cycle of abuse is raised: "Perhaps the most sinister aspect of family violence, however, is its self-perpetuating character. Victims of family violence seem to be at higher risk to become both future victims and future perpetrators."[71]

In addition, there may also be an effect on the children. According to Bonnie Carlson: "Children who observe domestic violence may learn at an all-too-young age that violence is the only means of conflict resolution."[72] "Witnessing physical violence between one's parents is likely to affect all children in some way, in the present or future, or both . . . . The range of effects may be categorized as follows: (1) somatic problems, (for example, headaches and insomnia); (2) behavioral problems, (tantrums, aggressiveness); (3) risk of physical abuse and/or neglect; (4) learning to model violence."[73]

No one should deny that spouse abuse is a serious national problem. According to FBI statistics for 1984, 24 percent of all homicides were committed against family members; 9-12 percent of women who report violent incidents with their spouses say they had to seek medical attention.[74] But these are relatively severe cases. Studies that examine the impact of family violence using broader definitions inevitably fail to find striking emotional differences between victims and non-victims.

As Elmer points out,[75] the use of better control or comparison groups might help separate cause from effect.[76] But this methodological improvement would not have been sufficient to prevent these troubling findings. A deeper problem is that most sequelae studies take their sample from child protective or hospital caseloads, without determining the form and degree of harm to the child. The findings of such studies are merely the reportage of later conditions found in a random collection of cases that were labelled child maltreatment for one reason or another. Remember, most legal

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[70]David Finkelhor et al., Stopping Family Violence: Research Priorities for the Coming Decade (Beverly Hills: Sage Publications, 1988), p. 25.

[71]Ibid., p. 26.

[72]Bonnie Carlson, "Children's Observations of Interparental Violence," in Albert R. Roberts, ed., Battered Women and their Families: Intervention Strategies and Treatment Programs (New York: Springer Publishing Co., 1984), p. 159.

[73]Ibid., p. 156.

[74]Finkelhor et al., supra note 70, at p. 25.

[75]Elmer, supra note 64, at pp. 50-51.

[76]Studies often cannot determine if the child's physical and emotional condition was the result of the abuse or a cause of it, because the parent was under added stress in caring for the child.

definitions of child abuse include endangered children (that is, those "threatened with harm") who need not have been actually abused. Not surprisingly, one study which included spanking in its definition of abuse found no correlation between abuse and delinquency.[77]

If a study wants to determine the effects of particular types of parental conduct on a child, it needs a definition which describes, with greater specificity, "what is happening to children."

> If we want to understand what is happening to children, we have to look at what is happening to them. Are they not being fed, are they being bruised, are they being shouted at? And if we want to understand the conditions under which they are living we have to look at a wide array of factors in their lives, and their families' lives and the life in their neighborhood.[78]

Recognizing this, many studies attempt to distinguish among the various forms of child maltreatment. Their success, however, depends on how well they delineate the differences. Thus, when the Minnesota Mother-Child Interaction Project, a longitudinal study of the development of maltreated children, compared the effects of the various types of abuse and neglect, neglected children were found to show signs of harm at a very young age--by six months they were exhibiting less social behavior than infants in the control group. Over time, these children showed the most varied and severe problems of all the maltreatment groups. Neglected children seemed the most unhappy of all the groups--as preschoolers they showed little positive affect and sense of humor. They also showed the most behavior problems in preschool and kindergarten and had higher cognitive deficits than children in the psychological unavailability group or sexual abuse group. Not surprisingly, by the end of kindergarten, 65% of the neglected children had been referred for special attention or retention.[79]

But, the Harvard Child Maltreatment Project found no differences among types of maltreatment probably because it used Giovannoni and Becerra's definitions and severity ratings of types of maltreatment--which had

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[77]Steven E. Brown, "Social Class, Child Maltreatment, and Delinquent Behavior," Criminology 22:259-78 (1984).

[78]Giovannoni et al., supra note 25, at p. 157.

[79]Martha F. Erickson, Byron Egeland, and Robert Pianta, "The Effects of Maltreatment on the Development of Young Children," in Dante Cicchetti and Vicki Carlson, eds., Child Maltreatment (New York: Cambridge University Press, 1989), p. 665, 672.

been devised for an entirely different purpose.[80]

A number of studies have also attempted to devise their own definitions which measure the severity of the situation. One attempt asked respondents to rank 83 specific acts pertaining to child abuse and neglect on a 9-point scale ranging from "not very serious" to "very serious." While several categories of maltreatment (emotional abuse, physical abuse, alcohol and drugs, supervision, nutrition, education, and clothes) were found to correlate significantly with the various types of delinquency, the severity of the maltreatment as measured by the study made no difference.[81]

Similarly, when researchers try to measure the severity of spouse abuse, they commonly make a distinction between minor violence (pushing, shoving, slapping or throwing objects) and severe violence (kicking, hitting or beating). Sally Lloyd, however, found that this simple division does not reflect the diversity of abusive relationships. Using a cluster analysis, she found eight groups ranging from "nondistressed" and relatively violence free to distressed and severely violent (including one cluster which was violent yet "nondistressed").[82]

More sophisticated measures are needed. Physical assaults, for example, are merely the most visible form of child maltreatment--which occur alongside a wide range of other parent/child interactions, the totality of which may or may not harm the child's emotional or cognitive condition. Anyone who has watched children at play in sports has witnessed them receive countless physical injuries and emotional assaults. Many of these injuries, if purposely inflicted by parents, would be labeled as child maltreatment. And yet, in the context of active sports, they have little or no long term emotional consequences. What happens on the playing field can also happen at home--contextual issues can aggravate or mitigate the significance of the same objectively measured injury.

For example, one study of the characteristics of domestic violence found two distinct types of violent families. Type I families were very hierarchical with the father maintaining strict order through violence. These families were extremely interdependent and each member had a rigid role to play. Type II families were much less cohesive. Violence in these families was not a method for control but was instead an expression of stress or anger. These families were much more individualistic than Type I families and power struggles were

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[80]Dante Cicchetti et al., "The Sequelae of Child Maltreatment," unpublished paper, undated, p. 15. See also Cicchetti and Carlson, eds., supra note 79 and Giovannoni and Becerra, supra note 5.

[81]William G. Doerner, "Child Maltreatment Seriousness and Juvenile Delinquency," Youth and Society 1987, pp. 201, 204, 210, and 213, stating at p. 212: "The seriousness measures fared no better than simple dummy measures of maltreatment victimization."

[82]Lloyd, supra note 7, at pp. 100-01.

much more common.[83]

The children responded to these different violent atmospheres in very distinct ways. Children in Type I families often felt powerful because of their important roles in the family, but they also tended to feel responsible for the violence (or for not stopping it). These children sometimes took on parental roles and responsibilities and often were achievers in school, but they also tended to be highly stressed and emotionally troubled. Children in Type II families tended to feel helpless; they were often used as pawns and scapegoats in family power struggles. These children were basically left to develop and take care of themselves as best they could.[84]

Sequelae studies, therefore, should use definitions capable of assessing the emotional and cognitive dimension of specific parental conducts and of gauging its impact.[85] Definitions must also take into account that different

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[83]Lyn C. Gullette, "Children in Maritally Violent Families: A Look at Family Dynamics," Youth and Society 19(2):122-3 (December 1987).

[84]Ibid, at p. 123-6.

[85]Gil developed a catalogue of behavioral circumstances present in cases of child abuse that illustrates how the effort should be approached:

1. Immediate or delayed response by perpetrator to specific or suspected act(s) of child
2. Misconduct of child (by community standard)
3. Inadequately controlled anger of perpetrator
4. Resentment, rejection, etc. by perpetrator of child as person and/or specific qualities; e.g., sex, looks, capacities, unwanted birth, illegitimacy, etc.
5. Repeated abuse of child by perpetrator.
6. Persistent behavioral atypicality of child; e.g., hyperactivity, high annoyance potential, etc.
7. Abuse coinciding with perpetrator's sexual advances toward child
8. Abuse developing out of quarrel between caretakers
9. "Battered Child Syndrome" (involving repeated battering, multiple fractures in various stages of healing, emotional apathy regarding child's injuries, etc.)
10. Abuse coinciding with elements of child neglect
11. Marked mental and/or emotional deviation of perpetrator

(continued...)

types of harm may interact. For example, some physical conditions are the result of precedent emotional harms, some cognitive deficits are the result of precedent physical harms, and so forth.

Etiological Studies

Research studies on the etiology, or causes, of family violence seek to identify the factors that lead some individuals to abuse their children or their spouses (and that lead others not to do so). The results of such studies are not merely of academic interest; they suggest promising new approaches for treatment and prevention.

Unfortunately, no comprehensive, etiological theory now exists. The literature is polarized into very different views of the causes of family violence.

For child maltreatment, one school of thought explains the likelihood of child abuse or child neglect as a function of individual psychodynamics. Within this school, different writers have emphasized such personality characteristics as a history of abuse as a child; poor self-esteem, social isolation and lack of emotional support (for the rigors of child rearing); inadequate knowledge about child rearing and unrealistic developmental expectations of the child; poor impulse control, immaturity and dependency; severe depression and various mental disorders, such as psychosis (though for no more than 10% of the parents).[86]

A second point of view takes a more sociological perspective, seeing cultural values and societal institutions as the predominant causes of child

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[85](...continued)

12. Sadistic gratification of perpetrator

13. Alcoholic intoxication of perpetrator

14. Self-definition of perpetrator as stern, authoritative disciplinarian

15. Mounting stress on perpetrator due to life circumstances

16. Mother or mother substitute temporarily absent, perpetrator male

17. Mother or mother substitute temporarily absent, perpetrator female

18. Other; specify: . . . .

[Gil, supra note 35, at p. 197.]

[86]See, e.g., Ruth Kempe and C. Henry Kempe, Child Abuse (Cambridge, Mass.: Harvard University Press, 1978); Milton Kotelchuck, "Child Abuse and Neglect: Prediction and Misclassification," in R.H. Starr, ed., Child Abuse Prediction (Cambridge, Mass: Ballinger, 1982); Norman Polansky et al., Damaged Parents (Chicago: University of Chicago Press, 1981).

maltreatment. Again, different observers cite different factors, such as our tradition and predilection toward violence, social approval of corporal punishment of children, and attitudes about the rights of parents and the low value of child rearing.[87]

The third widely held view maintains that the personal and family stresses caused by poverty lead some vulnerable parents to maltreat their children. This is actually a variant of the second view, but the importance usually attached to it by its adherents requires that it be separately mentioned. The stresses most commonly cited are unassisted and unrelieved child care, unemployment, weak family and community support systems, inadequate housing, and the lack of material goods and services generally.[88]

The literature on the causes of spouse abuse is similarly polarized, as Jeffrey Fagan summarizes:

> Several studies have noted four kinds of explanations of the sources of family violence: family dysfunction or individual pathology; situational factors external to the assailant or family; societal or cultural norms supportive of violence in general; and ideological supports for male supremacy and patriarchy.[89]

Each of these viewpoints has much to offer in explaining why some parents maltreat their children and some husbands abuse their wives. But no single view is sufficient to explain all situations in which family violence arises--because each assumes that "child abuse" and "spouse abuse" are unitary phenomena with single causes. They are not, any more than are juvenile delinquency, drug addiction, or alcohol abuse. Abusive parents and spouses can no more be considered as a unitary group with similar psycho-social problems than can all patients in a hospital be considered to have the same medical problem. The only thing they all have in common is a label, in the former case, "child abusers," in the latter case, "sick people."

No one would suggest, for example, that the psycho-social forces that lead one parent to forcibly rape a child are the same as those that cause another to neglect a child by failing to obtain needed vaccinations. There are multiple avenues of causality depending on the situational and behavioral pattern

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[87]See, e.g., James Garbarino, "What Kind of Society Permits Child Abuse?" Infant Mental Health Journal 1(4), (Winter 1980); Bruce Jacobsen, Child Abuse: A Reflection of a Chaotic Society, unpublished paper, undated; Richard J. Gelles, "The Social Construction of Child Abuse," Am. J. of Orthopsychiatry 45:367 (April 1975).

[88]See, e.g., Leroy H. Pelton, ed., The Social Context of Child Abuse and Neglect (New York: Human Sciences Press, 1981).

[89]Jeffrey Fagan, "Contributions of Research to Criminal Justice Policy on Wife Assault" in Besharov (1990), supra note 6, at p. 60.

to neglect a child by failing to obtain needed vaccinations. There are multiple avenues of causality depending on the situational and behavioral pattern involved. In Gil's words:

> [P]hysical abuse of children is not a uniform phenomenon with one set of causal factors, but a multi-dimensional phenomenon. Following Alfred J. Kahn's reasoning concerning the phenomenon of juvenile delinquency to which he refers as "delinquencies," it seems necessary to view the phenomenon here as "child abuses," rather than as "child abuse." This change suggests that the phenomenon, while uniform in symptoms, is nevertheless likely to be diverse in causation. Such a conceptualization may also help to avoid fruitless arguments between those who believe that child abuse is caused by the psychopathology of the perpetrators and those who see the phenomenon related primarily to cultural, social, and economic factors.[90]

As Kristine Siefert explains, "Confusing and conflicting findings [about etiology] have resulted from varying definitions of physical abuse and the failure to separate physical abuse from neglect, sexual abuse, and emotional abuse as well as from the failure to examine specific types of physical abuse separately."[91] For example, she points out that poisoning is highly associated with parental mental illness, whereas burns seem to be caused by stress combined with inappropriate demands on and expectations of children.[92]

Even within specific forms of maltreatment, it is usually important to understand exactly what is happening to the child. Thus, Susan Zuravin found that parents who engaged in verbal aggression[93] toward their children were more likely to be moderately or severely depressed than the control group, but

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[90]Gil, supra note 35, at pp. 124-25, citations omitted.

[91]Kristine Siefert, "Etiology of Physical Abuse," in Mouzakitis and Varghese, eds., supra note 21, at p. 44.

[92]Ibid., pp. 43-44.

[93]Verbal/symbolic aggression was defined to include "tactics, none of which involve direct physical aggression aimed at the child: insulted or swore at the child; sulked and/or refused to talk about the conflict; stomped out of the room or house; cried; did or said something to spite the child; threatened to hit/throw something at the child; and threw/smashed/hit at something other than the child." [Susan J. Zuravin, "Severity of Maternal Depression and Three Types of Mother-to-Child Aggression," American Journal of Orthopsychiatry 59(3):377-89 (July 1989), at p. 380.]

those who committed child abuse[94] or who were physically aggressive[95] were only more likely to be moderately depressed. Thus, child abusers tended to be moderately depressed, and this was equally true of frequent abusers and those that were only occasionally abusive. On the other hand, those parents who were frequently aggressive, whether physically or verbally, tended to be more depressed; and parents who were only sporadically aggressive, whether verbally or physically, were no more likely to be depressed than the control group.[96]

Too many etiological studies have taken their samples as they find them, assuming that the population they have is somehow representative of all maltreating families. (One study made no attempt to define physical abuse and referred to its subjects only as "35 parents who had abused their children.")[97] As William Doerner writes:

> All too often child maltreatment researchers simply embrace operationalizations dictated by the data source or design without sound appraisal. Despite recognition that maltreatment subsumes a host of acts, many researchers group a variety of dissimilar behaviors under the general rubric of maltreatment. When researchers are sensitive to this problem, the most common differentiation is the distinction among physical abuse, sexual abuse, and emotional neglect. Such conceptual imprecision has promoted pleas for more careful development and delineation of appropriate indicators. To date, very few researchers have heeded these warnings.[98]

When the population has similar underlying traits, for example, battering parents as defined by the Battered Child Syndrome,[99] the findings are not necessarily invalid. Generalizing such findings to all forms of child maltreatment, however, is a prescription for disastrous confusion.

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[94]Child abuse was defined to include "three tactics that are very likely to lead to serious injuries: kicked, bit, or hit the child with the fist; beat the child; and used a knife or gun on the child." Ibid.

[95]Physical aggression was defined to include "tactics, that are physically aggressive but not so likely to result in injury as are the three [Child Abuse Index] items: threw something at the child; pushed, grabbed or shoved the child; slapped the child; hit or tried to hit the child; and threatened the child with a knife or a gun." Ibid.

[96]Ibid, p. 384-5.

[97]Blair Justice and Rita Justice, "Etiology of Physical Abuse of Children and Dynamics of Coercive Treatment," in James C. Hansen and Laurence R. Barnhill, eds., Clinical Approaches to Family Violence (Rockville, MD: Aspen Systems Corporation, 1982).

[98]Doerner, supra note 81, at p. 198.

[99]See text at infra note 113.

> An example of conflicting findings stemming from differences in population definitions concerns two studies done in different settings, a hospital and a public department of social services. Findings from the hospital-based study were that high levels of maternal stress, measured by family mobility, broken homes, and a history of violence or neglect, differentiated children admitted to a hospital for "failure to thrive" or for "abuse" from the children admitted because of an accident (Newberger et al. 1975). The social services department study, which included no "failure to thrive" children and no abused children, only those identified by the department as "neglected," found that the social and family background factors did not differentiate neglectful mothers from adequate mothers (Giovannoni and Billingsley 1970).[100]

Victim samples derived from shelters and newspaper advertisements are never representative. Diane Follingstad points out that:

> [r]esearchers have often sought out battered women staying in shelters that provide emergency lodging and other services because they constitute a ready-made group for study. In doing so, however, researchers have not always shown an awareness that this subsample may have characteristics dissimilar to those of the larger population of battered women and may be a unique group.[101]

Representative samples alone will not be enough, though. Real progress in parsing out the various causes of the different forms of child maltreatment will require that each form of child maltreatment be analyzed against the compendium of behavioral factors to see which factors seem to predominate for each particular form of parental behavior. For example, since a parent who wantonly picks up a crying infant and throws him against the wall is presumably different from someone who assaults an adolescent for disobedience--even though both have "physically abused" their children--a definitional distinction needs to be drawn between them.

This kind of discriminate analysis requires definitions of child maltreatment that can differentiate among the various parental behavioral patterns involved. As Giovannoni notes: "The challenge is first to identify the variables. Until we have done that, we cannot sort them into dependent and

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[100]Giovannoni and Becerra, supra note 5, at p. 15.

[101]Diane Follingstad, "Methodological Issues and New Directions for Research on Violence in Relationships," in Besharov (1990), supra note 7, at p. 15.

independent variables."[102] Without them, the search for explanatory theories of causation is doomed not only to failure, but also to irrelevance.

Recognition of the diversity in the forms of child maltreatment has lead to a number of attempts to develop more useful classifications. As is apparent from Table 3, traditional classifications tend to be fairly rudimentary. Usually they are only one dimensional (identifying the parental conduct involved) or, at best, two dimensional (associating certain harms with certain parental conducts) in construct. Consequently, they fail to delineate the specific forms of child maltreatment in a way that isolates the array of behavioral dynamics involved and that enables their connection to a particular cause or cluster of causes. Giovannoni and Becerra write:

> Specification of the manifestations of abusive and neglectful behavior and the development of more refined manifestational taxonomies . . . would seem necessary before any etiological investigation could take place. Before the events can be expected to have a common etiology, the events themselves must share some commonalty. Such commonalty is yet to be demonstrated in the diverse phenomena that are considered the manifestations of abuse and neglect.[103]

* * * Table 3 About Here * * *

[102]Giovannoni et al., supra note 25, at p. 44.

[103]Giovannoni and Becerra, supra note 5, at p. 256.

Table 3
CLASSIFICATIONS OF CHILD ABUSE

DeFrancis[104] Gelles[107]	Giovannoni[105] and Becerra	Wald[106]	
Physical abuse	Physical abuse	Physical injury as result of a beating; Beating, but without injury.	Death; Injury, abuse
Sexual abuse	Sexual abuse	Sexual abuse	Sexual abuse
Emotional neglect	Emotional neglect	Emotional neglect	Inadequate parenting; Disorganized family life;
Educational neglect	Educational neglect	Educational neglect	School problems
Physical neglect	Failure to provide supervision	Inadequate supervision	A b a n d o n m e n t Left unattended
Failure to provide medical care	Lack of food, clothing, and shelter	Failure to provide health care	Medical neglect; Malnutrition
Moral neglect	Nonsexual, moral neglect	Immoral or unconventional parental behavior	

[104]Vincent DeFrancis, "Protecting the Abused Child--A Coordinated Approach," in National Symposium on Child Abuse (Denver: American Humane Association, 1971).

[105]Giovannoni and Becerra, supra note 5, Table 2, at p. 67.

[106]Wald, supra note 19.

[107]Richard J. Gelles, "Reported Child Maltreatment in Florida: The Operation of Public Child Protective Systems," unpublished paper submitted to NCCAN (DHEW), August 1978.

	Sex-related neglect	Parental conduct that constitutes contributing to the delinquency of a minor
		Drugs/Alcohol
Community neglect[108]		

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More comprehensive classifications are now being developed. For example, Penfold and his colleagues developed three patterns of spouse abuse based on their clinical experience. Their classifications are based on frequency and severity of abuse, fighting styles, and, to some extent, personality factors.

- The "constant high pattern" is a "sustained level of fighting which from time to time may erupt into physical abuse." The combatants are dependent personalities who need, and enjoy, the continued conflict.

- The "unpredictable volatile pattern," is "a low level of sustained overt fighting." Physical fighting is infrequent because one partner is very passive, but when it does occur it is more likely to be highly violent.

- In the "steady escalation pattern" the level of conflict builds slowly over time until it reaches dangerous proportions. In addition, they note, "Both persons are likely to be 'inadequate' from a psychiatric point of view and both may be relatively impulsive."[109]

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[108]Defined as community failure through acts of commission or omission to prevent the neglect of children.

[109]Michael Penfold et al., "Assaultive Behavior Resulting From Marital Conflict," International Journal of Family Therapy, 5(1):24-27 (Spring 1983).

Developing Manifestational Taxonomies

Although the havoc caused by inadequate definitions of child abuse and spouse abuse seems indisputable, the implications of this elemental truth have been largely ignored in the rush to publish research findings; and research studies continue to be planned and conducted as if inadequate definitions did not strike at the heart of the overall research design. In most reviews of research, definitional differences are never resolved and, indeed, the distance between different viewpoints is rarely even reduced. Instead, the discussion quickly turns to prevalence, sequelae, etiology, or treatment--ignoring the fact that there is no agreement about the underlying phenomenon. Readers who question this observation need only consider those research reviews which begin by complaining that inadequate definitions undermine all research findings, but then continue on to describe the findings of various studies as if this problem suddenly did not exist.[110]

Obviously, passing over definitional weaknesses, and the damage they inflict on research, is an accommodation necessary to advance discussion beyond time consuming, controversial, and ultimately irritating debates over definitions. But the value of the subsequent interchange is hopelessly compromised by skirting this fundamental reality. The use of the terms "child abuse" and "spouse abuse" as convenient shorthand descriptions of multi-faceted phenomena, instead of facilitating communication across professions and between professionals and the general public, confuses rather than clarifies discourse. Follingstad explains:

> Because the definitions of 'abuse' and 'battered women' have been so varied and uncertain, we must move away from lumping battered women together as a unitary group toward characterizing them by relevant dimensions of abuse. To make findings across studies more comprehensible, researchers must begin to think beyond demographic variables to such variables as severity and frequency of abuse, information about the women's families of origin, or the experiences of the women within the abusive relationships. Such variables as levels of intimacy, the length of the relationship, or the amount of communication may be more useful to comparisons than gross demographic data.[111]

As the foregoing suggests, such definitions need to differentiate among

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[110]Compare National Center on Child Abuse and Neglect, supra note 32 with Polansky et al., supra note 6.

[111]Follingstad, supra note 101, at pp. 17-18.

the various manifestations of family violence along a number of interacting dimensions by systematically describing the actual dynamics of the perpetrator's behavior, including the immediate precipitating situation, motive, amount and type of harm, and role of the victim. Margaret Oates describes the need for such a systematic typology which would "link not only the state of the parent and that of his child to the type of treatment required, but should also have some predictive value and can be used by a variety of workers in the field."[112]

It is no accident that the most powerful definitional constructs in research have been those based on behavioral syndromes, such as: the "Battered Child Syndrome,"[113] the "Child Maltreatment Syndrome,"[114] and the "Apathy-Futility Syndrome."[115] A syndrome is defined as a "pattern of symptoms which characterize or indicate a particular social problem."[116] Thus, Kempe and his associates, in describing the symptoms they observed in the families they treated, were careful to define the "Battered Child Syndrome" not only in terms of injury to a child, but also in terms of parental conduct (physical assaults), parental intent (non-accidental), chronicity (over a period of time), and the triggering event (immediate or chronic stresses on parents). Existing syndromes need to be refined, new ones developed, and they need to be integrated into a comprehensive framework for understanding the forms of family violence.

A handful of researchers have tried. Margaret Oates developed a classification system based on case histories of 60 abusing parents which she treated. Her categories combine the type and extent of harm, situational factors, child's general state, and parent's personality. For each, she outlines

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[112]Margaret R. Oates, "A Classification of Child Abuse and Its Relation to Treatment and Prognosis," Child Abuse and Neglect 3:908 (1979).

[113]Ray Helfer and C. Henry Kempe, The Battered Child (Chicago: University of Chicago Press, 1974).

[114]Vincent J. Fontana and Douglas J. Besharov, The Maltreated Child (Springfield, Ill.: Charles C Thomas, 1977).

[115]Norman Polansky et al., Child Neglect: Understanding and Reaching the Parent (New York: Child Welfare League of America, 1972), p. 21. Actually, though the most well known, the Apathy-Futility Syndrome is only one of five syndromes isolated by Polansky, et al., as associated with child neglect. The full list is: "The Apathetic-Futile Mother," "The Impulse Ridden Mother," "The Mentally Retarded Mother," "The Mother In A Reactive Depression," and "The Psychotic Mother." As they point out: "The first three categories have many characteristics in common. They have often been lumped together in the literature as the neglectful mother. However, they have significant differences as well as commonalties." See also Norman Polansky et al., Damaged Parents supra note 86.

[116]Random House Dictionary of the English Language (New York: Random House, 1973).

the best treatment methods and the prognosis.[117] Jeanne Deschner developed typologies of abusers which combine child and spouse abuse. They are based on the child abuse classifications of Margaret Oates and her own experience with family violence cases.[118] Unfortunately, unlike Oates, Deschner does

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[117]Her categories are:

- o "Child specific" abuse is characterized by an otherwise adequate parent injuring a healthy young infant due to stress and loss of control, often compounded by a history of separation from or difficulty with this particular child.
- o "Obsessional" abuse is usually a result of over-disciplining of a toddler by a perfectionist mother who has unrealistic expectations of the child.
- o Either parent may be responsible for "Social chaos/deprivation" abuse which occurs in households where there are many other problems often including one or both parents having personality disorders.
- o The "'child'/parent" type is associated with young and immature parents who expect having children to fulfill their lives, but when faced with the realities of child-rearing injure their young infant often by shaking.
- o "Deviant" abuse is inflicted by a parent, often a male who is not the natural father, who is sociopathic and is often accompanied by neglect and cruelty.
- o The "failure to protect" type is a result of the mother not protecting her child from violent sociopathic men and, in fact, establishing repeated relationships with this kind of man.
- o The "multiple handicap" type is often inflicted by parents who have a physical or mental handicap and are having great difficulty with child-rearing as a result.
- o The "mental illness" type is characterized by a parent with puerperal psychosis or schizophrenia who injures their child as a result of a delusional process.

[Oates, supra note 112, at pp. 909-13.]

[118]Deschner describes eight types of abusive relationships:

- o The "Social chaos/deprivation" type is taken from Oates but applied also to spouse abuse.

(continued...)

not make her categories specific for type and extent of harm, suggested treatment methods or prognosis.

Such efforts are reaching in the right direction, but it is clear that more systematic efforts are required. Of necessity, developing such syndrome-based definitions will be a long, complex, and controversial effort. Success will not be the result of one individual's work; instead, it will require the experience and wisdom of many different people in diverse walks of life.

But the result will be well worth the effort. Avoidance of definitional inadequacy is a luxury the research community--and society as a whole--can no longer afford. Inadequate definitions condemn research efforts to isolation, misunderstanding, and unreliability. If people cannot agree on the nature of family violence, they cannot work together toward its amelioration.

Making Definitions an Explicit Research Concern

The only real remedy to the damage caused to research by definitional inadequacy is, of course, better definitions. But their development will be a long and tortured process. Meanwhile, large sums of money continue to be spent conducting research on family violence. Between 1973 and 1990, for

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[118](...continued)

- The "Child-parent" type is taken from Oates but applied also to spouse abuse.
- "Specific scapegoat" abuse is similar to Oates' "child-specific" type except Deschner applies it not only to healthy infants but to any child with whom the parent easily loses self-control because of some historical reason, often as a result of the child's physical problem.
- The "obsessive-compulsive" pattern is taken from Oates but applied also to spouse abuse.
- "Abnormal response to crying and/or loud complaining" is the predominant factor in some child and spouse abuse.
- "Pathologically jealous" abuse is typified by batterers who are anxious about losing their spouse particularly right after the abusive incident. This also sometimes occurs with incest.
- The "mental illness" type is taken from Oates but applied also to spouse abuse.
- The "mental disturbance" type is characterized by batterers with severe personality disorders.

[Jeanne P. Deschner, The Hitting Habit (New York: The Free Press, 1984), pp. 41-47.]

example, the National Center on Child Abuse and Neglect spent over 100 million dollars on research, demonstration, and evaluation activities.[119]

While the field waits for the development of more adequate definitions, it seems unrealistic to suggest that all other research on family violence be suspended. Governmental and academic pressures for immediately "useful" results make the success of such a proposal unlikely--and professionally foolhardy for anyone who might advocate it. Nevertheless, it seems reasonable to propose--no, insist--that definitional inadequacy be acknowledged as a major problem and to insist that immediate precautions be taken to limit the damage it causes. (The process itself would also help identify the direction efforts to improve definitions should take.)

Whenever research findings are reviewed, the inescapable harm caused by definitional inadequacy must be kept in mind. More importantly, new research projects should not be contemplated nor conducted without taking the following precautions:

- Prior to the initiation of any new research study, a discrete analysis should be made to determine whether or not the inadequacy of the study's definitions will undermine the soundness of any possible findings.

- The development of a study's operational definitions should be identified as an important, and initial, study task.

- To the extent possible, research projects should use definitions that are decisive and predictable in their application.

- The operational definitions adopted by the study should reflect the relativity of harm and diversity of harmful conducts, as described above, unless it can be convincingly demonstrated that such factors are not germane to the particular study.

- The operational definitions adopted by the study should have identifiable subdefinitions which can allow more discriminate analysis--and which allow for separate

[119]Author's estimate based on annual appropriations and published reports describing funded programs.

replication.[120]

- The operational definitions adopted by the study should be fully explained and justified.

- No matter how pleased a researcher is with the operational definitions adopted by the study, the study's hypotheses should be structured to highlight and, to the extent possible, delimit the consequences of possible definitional inadequacy.

- Unless definitional issues are of minor importance to the study's findings, all of the above information should be presented in a separate or easily identifiable section of the study's final report. (Such a section on definitional issues would be like, and could be incorporated within, the traditional section in research reports on methodology).

- Finally, it is not sufficient to add a caveat about the possible weaknesses in the findings caused by definitional inadequacy at the end, or even the beginning, of a report. Study findings should be clearly, unmistakably and repetitiously stated as a function of the characteristics of the definition adopted by the study. Thus, findings should be stated as follows: "Family violence (or child abuse, or spouse abuse), which this study defined as 'x, y, but not z,' was found to . . ."

A good model of what should be done is found in HEW's approach to the National Study of the Incidence and Severity of Child Abuse and Neglect mandated by the Federal Child Abuse Prevention and Treatment Act, described above. The RFP for the project characterized the development of operational definitions for the study as "one of the major tasks of this contract," and it went on to say that "it shall be essential to develop these definitions as clearly as possible to indicate what is and what is not included."[121] Thus, the first Phase of the study had as one of its two major goals the development of

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[120]One hopes that, at least some elements of such operational definitions will prove successful enough to be borrowed by other studies--thereby facilitating at least some comparability of findings and helping the long term effort of building a comprehensive definition.

[121]Request For Proposal, National Study of the Incidence and Severity of Child Abuse and Neglect (Washington, D.C.: Office of Human Development Services, DHEW, 1977).

operational definitions that could decisively identify situations that the study defined as child maltreatment, such as the 48 hour rule mentioned earlier. The result was a 145 page report on operational definitions which systematically described: the role the definition was required to play, the consequent characteristics required of it, the advantages and disadvantages of the various alternate definitional approaches available, the approach selected, and a reiteration of its limits as well as its advantages.[122]

Only if the foregoing precautions are taken can we expect researchers--as well as scholars and practitioners--to assimilate their efforts so that the field as a whole can move forward in cooperation toward greater common understanding and concerted action.

Conclusion

Up to now, only a few researchers have been involved in efforts to improve definitions. Why?

First, the many varying purposes to which definitions of child maltreatment are put, the complexity of the interpersonal and environmental variables involved, and the subjectivity of the social values at stake, make attempts to define "child abuse" and "spouse abuse" no simple endeavor. Because the task is so great, and the possibility of success so problematic, some observers have recommended against even trying.[123]

Professional work styles, interests and priorities reinforce the hesitancy of researchers to engage definitional issues. The multi-disciplinary approach needed to develop a successful definition makes it unlikely that an individual researcher will have the interest to sustain the extended collegial effort that is required.[124] It is far easier to follow well established academic and professional paths--for sociologists to look at the causes of family violence in the way society is organized, for child development specialists to look at the developmental sequelae of child maltreatment, and so forth--than it is to synthesize a broad area of existing knowledge from disparate disciplines and professional groups.

This attitude is understandable given the highly limited research and professional rewards. Academic careers need to be based on broader topics. Just look at how the media viewed the singularly impressive contribution that Giovannoni and Becerra made in the publication of Defining Child Abuse. A

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[122]Kenneth Burgdorf and Carolyn Eldred, System of Operational Definitions (Rockville, Md.: Westat, March 1978), p. I-1.

[123]Monrad Paulsen, "Child Abuse Reporting Laws: The Shape of the Legislation," Colum. L. Rev. 67:12 (1967).

[124]The immensely important book, Defining Child Abuse, cited many times in this article, was the result of four studies conducted over several years.

reviewer for the New York Times, a research psychiatrist at the National Institute of Mental Health, who therefore should have known better, or at least have said it better, accused this stunning research effort of having a "modest compass."[125]

There is an urgent need for reasonably precise, epistemologically accurate, and widely accepted definitions that enable researchers to understand, describe, count, and compare the various forms of family violence. Though the obstacles to developing successful definitions loom large, future progress in understanding and combatting this serious social problem demand that the effort be made. Therefore, efforts to develop more precise and more widely accepted definitions must be accorded a priority they have not heretofore enjoyed.

The federal government has shown itself unable to address these questions. Without the support of private research organizations like the Harry Frank Guggenheim Foundation it is hard to see how this important work will be done.

[125]James S. Gordon, (Book Review) "Suffer the Children," New York Times, Jan. 27, 1980, p. 12.

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