

PROSECUTION AS A VICTIM POWER RESOURCE: A NOTE ON EMPOWERING WOMEN IN VIOLENT CONJUGAL RELATIONSHIPS

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Criminal prosecution of abusive men is described here as a power resource used by battered women to help bring about satisfactory arrangements for managing conjugal violence. This article examines relevant theory on exchange and power processes to explain the conditions of victim empowerment. It then describes cases of women who filed charges against their conjugal partners to show how victims may file, but later drop, charges as a rational power strategy for determining the future course of their relationships. The article concludes with a discussion of the implications of prosecutorial policies that limit battered women's control over criminal justice processes.

I. INTRODUCTION

Men who dominate their conjugal partners through violence are said to use force as an "ultimate power resource" to control women (Allen and Straus 1980; see also Goode 1971; Gelles and Straus 1988; Pagelow 1984). Violence persists, in part, because victimized women are powerless relative to their abusive partners and thus can neither escape nor prevent the violent behavior (Gelles 1983). But powerlessness does not necessarily imply helplessness. Studies of nonclinical samples have shown that victimized women can be active help seekers (Bowker 1983; Gelles and Straus 1988). They are most likely to seek outside intervention when the violence is severe—the point at which it is most difficult to control.¹ Gelles and Straus (1988:159) report that "a firm, emphatic,

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¹ Accounts of women who kill violent partners suggest, in the extreme, action predicated on powerlessness rather than helplessness, irrespective of whether or not they sought outside help. See Schneider (1986) for a discussion

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and rational approach appears to be the most effective personal strategy a woman can use to prevent future violence." Law enforcement agencies, by virtue of their capacity for coercion, offer victims hope for protection in pursuing such a strategy (Bowker 1986).

Intervention by the criminal justice system has the potential to empower victims by providing criminal sanctions as leverage to prevent further abuse (e.g., Bowker 1986; Dutton 1988; Field and Field 1973; Ford 1983; Ford and Burke 1987; Hall 1975; Lerman 1981). In particular, a woman may be able to use the threat of arrest and prosecution to deter her partner from repeated violence (cf. Goode 1971). However, criminal justice agencies have traditionally been unresponsive to the needs of battered women. Battered wives who sought protection through criminal justice were likely, instead, to find themselves further victimized by the system (e.g., Field and Field 1973; Ford 1983; Gayford 1977; Schneider and Jordan 1978). Even with recent advocacy for rigorous law enforcement, prosecutors in some jurisdictions still impose barriers to a woman's use of the criminal justice system.² Criminal justice is of questionable value if it creates greater hardship for victims than doing nothing. But do system reforms for a more certain response necessarily empower battered women?

This article explores the idea that victims of violent conjugal relationships use criminal justice as a resource to increase their relative power and to arrange circumstances in a way they perceive as satisfactory for managing conjugal abuse. Prosecution, in particular, is treated as a resource susceptible to control by a victim to determine her own fate. The article studies the manipulation of prosecution as a resource within the general framework of exchange and power in conjugal relations. Illustrating the possibilities for victim empowerment through prosecution, it also examines suggestive data from a study of women seeking to prosecute their partners for acts of violence. Although the ideas presented are derived from established theories, they are not meant to constitute a coherent theory. Rather, they outline an apparently rational strategy of victim action consistent with victim accounts. The article concludes by questioning the wisdom of those prosecution policies that are inconsistent with power resource utilization and that may actually disempower battered wives.

of the problems in formulating a self-defense strategy that characterizes killing as a reasonable action for self-preservation when victims are stereotyped by the label of "learned helplessness."

² For example, Dunford et al. (1989) report that in Omaha, victims are required to pay a fee in order to make a criminal complaint directly to the prosecutor's office. More typical, perhaps, is the situation in such cities as Washington, D.C., where in 1989 fewer than 5 percent of victim complaints result in warrants after victims are subjected to multiple interviews, including a nonjudicial probable cause hearing (Naomi Cahn and Joan Meier, personal communication).

II. ADVOCACY FOR THE PROSECUTION OF BATTERERS

Professionals working with battered women disagree over the value of prosecuting abusive conjugal partners. Field and Field (1973:236) state that criminal justice systems are largely "irrelevant" to the solution of domestic violence cases. They note: "There exists an unequivocal mandate for change, and we must look away from the criminal process for remedies" (ibid.). Maidment (1978:110), noting society's responsibility to provide a variety of services to victims of conjugal violence, describes legal remedies as problematic:

The law . . . must be seen as just one of these other available services. It is a mistake to see resort to the law as a panacea. One does not have to accept the ultra-cynical view . . . that lawyers have an "interest" in defining events as "legal problems" to realize that the legal remedy is just one of a number of ways of providing a solution for preventing intrafamily violence. It is for the victim and the non-legal experts to decide when and whether the legal solution is appropriate to prevent the recurrence of violence.

She argues further that the law may even exacerbate a woman's relationship and result in further violence, especially retaliatory violence against her for having sought legal help, "a factor which may explain only too well her reluctance to pursue a legal remedy which she has already initiated" (Maidment 1978:111; see also Bard 1980; Field and Field 1973; Finesmith 1983; Gayford 1977).

But other women's advocates, among them many social service providers, call for vigorously imposing criminal sanctions (e.g., Fromson 1977; Walker 1979). Lerman (1981) offers three reasons for prosecuting. First, prosecution demonstrates that spouse abuse is more than an individual problem; it deters battery against women in general by demonstrating society's intolerance of such violence. Second, the combined policies of prosecutors and courts can be used to protect victims and to reduce the violent behavior of abusers, thus functioning as a specific deterrent to conjugal battery. Third, a demonstrable prosecutorial policy toward such abuse may induce concurrent reform of police policies in the interest of victims of conjugal violence.

Prior to Lerman's report, principal demands for the criminalization of spouse abuse called for agents of criminal justice to be more responsive to the interests of victims. These demands assume that an effective criminal justice response exists, so that cases of conjugal violence can and will be readily handled just like any other battery (e.g., Gregory 1976). What has traditionally been seen as a problem is the prejudice and insensitivity of the agents rather than the structure of their activities. A victim's unwillingness to pursue prosecution reflects those problems, and she carries no individual responsibility for creating them. Current advocacy, represented by Lerman (1981) and echoed by Goolkasian (1986),

proposes policy changes designed to force not only agent responsiveness but also victim cooperation. Lerman (1981) describes several of the difficulties posed for effective prosecution, including, from a prosecutor's perspective, the "problem" of victim noncooperation.

There is ample evidence from jurisdictions around the United States that high percentages of women who file charges do, in fact, drop them prior to adjudication. Parnas (1970) found that battered women either requested dismissal of charges or failed to appear in court in over half of the cases he studied in Chicago. Ford (1983) found that over 70 percent of conjugal violence cases in Indianapolis were dismissed at victims' requests under less stringent screening procedures. Bannon (1975:3) discovered what he termed an "unbelievable" attrition rate for domestic violence cases in Detroit in 1972—more than 90 percent. Field and Field (1973) reported that about 80 percent of the marital violence cases in the District of Columbia in 1967 had charges dropped, presumably by the victim.³

To "solve" the problem, Lerman (1981) advocates the prosecutorial policy of not permitting victims to drop charges. But is noncooperation necessarily a problem? It is conceivable that, from a victim's perspective, filing and then dropping charges is a useful strategy for managing her situation. What is troublesome to prosecutors may be a rational use of criminal justice by victims. At issue is whether or not policies meant to reduce case attrition by depriving battered women of control over prosecution processes can be said to aid otherwise powerless victims (see Pagelow 1984:333–34). That is, do such policies *empower* battered women? Or do they *disempower* them by depriving them of control?

The history of criminal prosecution in the United States suggests that victims are disempowered when prosecutors take *complete* control of the process. Criminal prosecution has shifted from a concern for victim restitution to the primacy of legal representatives, whose interests sometimes limit the gains a victim might expect to achieve through use of legal processes. DuBow and Becker (1976) characterized the change in terms of a bifurcation of civil and criminal proceedings.⁴ The emergence of a dominant public

³ A notable exception to this pattern of dropped charges is the remarkably low figure of 6 percent reported by Dobash and Dobash (1979:222) for cases in two Scottish cities in 1974.

⁴ The distinction between civil and criminal proceedings has created legal debate over the propriety of lawyers using the threat of criminal action to extract civil gains. It raises an interesting issue for prosecutors who may be aware of extralegal civil agreements arranged under threat of criminal prosecution. Disciplinary Rule 7-105(A) of the 1969 ABA Code of Professional Responsibility state: "A lawyer shall not . . . participate in presenting . . . criminal charges solely to obtain an advantage in a civil matter." However, DR 7-105(A) was omitted from the 1983 ABA Model Rules of Professional Conduct, thereby leaving the issue subject to debate, as Wolfram (1986:718) notes:

Thus, abusively harassing another with threats of a well-founded

prosecutor role has cost the victim opportunities for control of a case and restitution: The principal form of power left to the victim is the negative one of not reporting the crime or not cooperating in its prosecution (DuBow and Becker 1976).

In sum, we have two competing views of advocacy relevant to the prosecution of misdemeanor battery cases: One, in support of a no drop policy, calls for the vigorous use of criminal justice in ways consistent with official prosecutorial interest, albeit with concern for victim welfare (e.g., Purdy 1985). The other calls for the use of criminal prosecution in ways defined as appropriate by the victim based on her own assessment of her needs (e.g., Elliott et al. 1985).

III. A THEORETICAL PERSPECTIVE ON POWER AND PROSECUTION

Exchange theorists argue that interpersonal power and dependence are a function of the exchange processes governing social interaction. Each party in a dyad participates in the relationship with the understanding that it will be favorable to his/her reward/cost position, that is, his/her outcomes or profits. A has power over B if, by varying her behavior, A can cause B to vary his behavior. This capability derives from one's dependence on the other for gaining rewards or avoiding costs in their exchange relationship. Those rewards and costs can be manipulated by one person to influence the behavior of another (Blau 1964; Emerson 1962, 1972; Homans 1961; Thibaut and Kelley 1959).

Power theorists in this tradition use the term "resources" to describe whatever may have significance in creating rewards and costs in the relationship, that is, whatever is used by one person to influence another. Gamson (1968:73), for example, characterizes influence in terms of the control of resources, for which he cites Dahl (1957:203): The "base of an actor's power consists of all the *resources*—opportunities, acts, objects, etc.—that he can exploit in order to effect the behavior of another." Goode (1971) groups all such resources into four major sets: economic variables; prestige or respect; force and its threat; and likability, attractiveness, friendship, or love. Any element of these sets can be made available or withheld by one person, under certain conditions, to alter the re-

criminal complaint may be permissible under the Model Rules—a clear, and unfortunate, diminution of the protections afforded by the Code. The behavior permitted by the Model Rules, if engaged in by a client legally in some states, is sufficiently close to the edge of legality and so unappealing a tactic in general that it would better have been prohibited outright in the Model Rules.

In cases such as those described in this article, a prosecutor has accepted a case for prosecution based on the state's interest in acting against domestic violence, given probable cause, regardless of victim motivations. In Indiana, a victim may legally file a criminal complaint, provided the charge is well founded, even if solely motivated by an interest in gaining leverage in a civil matter.

ward/cost position of another person (Gelles and Straus 1988; Levinger 1959).

What makes such an element a resource in one circumstance and not in another? Gamson (1968)⁵ argues that for a person to use it as a power resource s/he must both control it and bring it to bear on others (cf. Emerson 1972). Power, then, entails more than the possession of resources, it also requires a capacity for manipulating those resources under a power strategy appropriate to a particular interpersonal situation. When A uses a resource as a threat to demand B's compliance, A must convince B of her capability and willingness to use it (cf. Wrong 1980).

Power in conjugal relationships rests with the resources possessed by the partners (Blood and Wolfe 1960; Goode 1971; Rodman 1972; Scanzoni 1982; Scanzoni and Szinovacz 1980; Straus et al. 1980; Wolfe 1959). The *threat* of force, in particular, has been a significant power resource for maintaining traditional patterns of male domination in the family (Goode 1971; Yllo and Straus 1990). Violence is an "ultimate" power resource "invoked when individuals lack other legitimate resources to serve as bases for their power" (Allen and Straus 1980:189; cf. Blau 1964). Prosecution is likewise a potential power resource, one available to the *victim* in a violent relationship. For a woman, it may be an effective means of deterring her partner's violence when invoked in alliance with committed agents of criminal justice.

A battered woman can draw on the "superior force" (Goode 1971:626) wielded by agents of criminal justice as her own power resource. However, following an exchange and power perspective, criminal justice options are victim power resources only if *she* can control the manner in which they are brought to bear on her mate. Thus, victims can be empowered by controlling prosecution as a resource for managing conjugal violence. As a power resource, the *threat* of prosecution, like the threat of violence, may be more significant than actual prosecution in the strategy of managing conflict. Theoretically, a victim could use the threat of prosecution to bargain for arrangements satisfactory to her wishes. Indeed, such informal negotiation may help her attain outcomes that would be impossible through criminal processing.⁶

To be successful as a power strategy, the victim must demonstrate some degree of commitment to prosecuting so that it appears a highly likely outcome if the man does not comply with her

⁵ In his essay on power and discontent, Gamson's discussion of the means whereby "potential partisans" influence "authorities" suggests this general perspective on how an individual can exercise power over, that is, influence, another. For present purposes, his terms "potential partisans" and "authorities" are avoided to facilitate discussion of general principles.

⁶ For example, she may bargain for a divorce using the threat of invoking criminal sanctions. By analogy to bargaining in civil disputes, "negotiating in the shadow of the court" may allow for broader solutions than would be possible if imposed by court order (Menkel-Meadow 1984:789).

interests (see Schelling 1960:24). Particularly if she wants to stop further violence, deterrence may operate when she can demonstrate the credibility of a threat (Schelling 1960). Ultimately, however, she must be able to withdraw the threat if she secures a favorable settlement. In other words, the effective use of prosecution as a power resource is premised on the victim's ability both to demonstrate a significant threat *and* to control activities relevant to the threat, including its withdrawal.

There are several notable problems (from a victim's perspective) with the use of prosecution as a power resource. First, and most obvious, the batterer may not fear prosecution. If criminal sanctioning has no prospect for deterring, its threat has no value as a power resource. Second, prosecution can be costly to the victim as well as to her abuser (Elliott 1989). She stands to lose whatever he provides in the way of economic security, child care, or even emotional support should he leave or be imprisoned (e.g., Sprey 1971). Indeed, a woman's felt dependence on her partner for such resources prevents her from acting in her own interest (Walker 1979). Moreover, the batterer may cause her or her children more harm in reaction to threatened or actual criminal sanctions (Field and Field 1973; Maidment 1978). If a victim threatens prosecution, she must be prepared to demonstrate her commitment to taking the man to court despite the possible costs to her. The battered woman who initially files charges may be tentative in her resolve to prosecute until she learns enough about the process to evaluate such costs. Only after she has weighed the outcomes and found them relatively favorable will she employ the threat of prosecution as a bargaining strategy. Presumably, many will find it too costly a strategy.

A third problem with using prosecution as a power resource is that victims can never fully control its course. That is, prosecution is a "secondary resource" under ultimate control of another party necessarily more powerful than a victim. Battered wives have long benefitted from the intervention of others on behalf of their interests (Pleck 1979). But with the historical shift toward state intervention in place of traditional informal sanctions, women's personal interests have been displaced by legal interests, resulting in diminished victim self-determination in appeals to others for security. As noted above, victim control is limited to noncooperation (DuBow and Becker 1976), the very behavior which incurs hostility from the agents of criminal justice whose help the victim seeks.⁷

⁷ Cannavale and Falcon (1976:72) found that a prosecutor's label of "non-cooperative" is more likely to be applied to cases in which a witness is known to the defendant. Although perhaps not applicable to a sample of misdemeanor wife-battery victims, it is a relevant observation that "relationship" may say more about a prosecutor's motivation to pursue a case than it says about victim motivations.

Finally, effective bargaining for security requires that the victim's threat be maintained for a period of time sufficient to ensure that the violence will not recur. A man's simple promise to reform should not be cause for dropping charges, for it may be a premature relinquishment of the resource that offers protection. It is common for a victim who is eager to end a relationship, or to put a violent incident behind her, to drop charges before her security is assured. By contrast, the victim who bargains for concrete structural arrangements likely to reduce the chance of violence (e.g., treatment for the batterer or permanent separation) can see the bargain fulfilled before she gives up her resource.

IV. POWER AND THE DROPPED CHARGE SYNDROME

Understanding prosecution as a power resource helps to account for why, in seeking some form of negotiated order, some battered women drop charges. Not every woman approaches the prosecutor with the intent of gaining leverage in her relationship with a violent man. For example, victims of conjugal violence in Indianapolis have previously been described as motivated by curiosity, by confirmation of their victim status, by a desire to affirm a matter of principle, by a need to demonstrate a genuine threat, and by revenge (Ford 1983). This article focuses on cases where the victim seeks to pressure the man into some form of settlement. The victims' aims are reflected not only in their reasons for prosecuting but also in their reasons for dropping charges.

What little is known about why victims drop charges centers on three lines of thought. One points to problems with the criminal justice system's lack of responsiveness, which renders it useless to victims seeking its services (Field and Field 1973; Ford 1983; Truninger 1971). Another argues that victims are intimidated into dropping charges by threats of retaliatory violence from their men if they pursue prosecution (Ford 1983; Maidment 1978; Paterson 1979; Truninger 1971). (This may also be seen as a problem with the criminal justice system's response, as above.) A third idea is that estranged victims and offenders reconcile and perhaps fall back in love (Bard 1980; Hall 1975; Parnas 1970; Walker 1979).⁸ Their reconciliation need not mean that they have returned to the status quo of a previously violent relationship. They may, in fact, have found what the victim considers a resolution to the violence (including, for example, permanent separation⁹) and no longer need a criminal justice solution (Ford 1983).

⁸ It may be that a woman never stopped loving her violent partner. Littleton (1989) argues that a battered woman's love for her abuser and her hope that he will reform give her understandable reason for staying with him. Perhaps, too, they give her reason to reconsider the wisdom of pursuing criminal charges.

⁹ Even permanent separation may not free a woman from continuing violence. Many women are terrorized long after their relationship has formally

This view of reconciliation is directly relevant to evaluating prosecution as a power resource. It suggests that instrumental motives for prosecuting have been satisfied in interpersonal conflict resolution, thereby nullifying the need for further criminal justice intervention. In other words, criminal justice is used as part of a strategy for securing outcomes, rather than for catharsis or punishment as an end in itself. To illustrate, if events were consistent with theory and previous empirical indications, we would expect the following sequence of activities: A battered woman threatens to prosecute if her mate does not desist; her threat is made credible by filing charges; the threat succeeds in securing favorable outcomes; and thus prosecution is abandoned as part of the bargain. The remainder of this article describes empirical evidence of such a strategy as reported by women initiating prosecution procedures against their abusers.

V. USING PROSECUTION AS A POWER RESOURCE

This study is grounded in several years of participant observation of battered women in interaction with various criminal justice agencies. Specific data reported here were obtained through interviews with twenty-five women seeking to file charges against their mates for misdemeanor battery or recklessness in Marion County, Indiana. Each woman had, at some time, cohabited with the man in a conjugal relationship. The researcher worked as a volunteer in the prosecutor's office for five hours each Monday morning for nine weeks during the summer of 1981. The project was designed to provide the prosecutor with information on case attrition in conjugal cases.

The Marion County Prosecutor's Office served a population of about 766,000 in 1981, including Indianapolis (701,000) and several small towns. Sixty-eight percent of adults in Marion County had graduated from high school. The median family income was \$20,819; 6.9 percent of the work force was unemployed (U.S. Department of Commerce 1983). Twenty percent of the population was black, while blacks constituted 28 percent the defendants in conjugal battery cases studied here. Other minorities made up 1 percent of the total population and were not represented in the study sample.

At the time of this research, the prosecutor's policy on domestic violence was in transition. The prosecutor advocated using his official capacity to protect victims. He had abandoned the "three-day hold" policy of his predecessor¹⁰ but had done so with the un-

ended. But the chance of violence is considerably lower when couples cease to cohabit.

¹⁰ The three-day hold policy required a victim who wished to have charges filed against a conjugal partner to complete a probable cause affidavit for tentative approval by a deputy prosecutor. If approved, the victim was told to return three days later to sign her complaint for issuance to a judge. The

derstanding that cases might be more closely scrutinized for prospects of victim cooperation later. The prosecutor's office had a fledgling domestic violence program under which one deputy prosecutor screened cases, among other responsibilities. There was no special court for domestic violence cases, and the deputy prosecutor who screened a case was unlikely to deal with it again, as it would be assigned to one of six municipal courts for approval and trial.

In 1981, misdemeanor battery charges in Indiana had to be filed by the victim.¹¹ Thus, the burden of prosecution, at least in the initial stages of the process, fell on the victim's shoulders. Such cases provide an opportunity to explore victim behavior for motivations that are irrelevant in warrantless misdemeanor arrests and arrests for felony assaults.

For this study, each battered woman asking to file charges was directed to the researcher who screened the case and asked if she would mind being interviewed for the project (only one refused). The prosecutor instructed his deputies to approve all requests for warrants unless there was no legal foundation for prosecution.¹² Thus, virtually all cases were admitted to the system.¹³ Each woman interviewed gave permission for a follow-up telephone interview. Her case was then tracked through the system until it was dismissed or adjudicated. Interviews were attempted with women who dropped charges.¹⁴

All interviews were conducted under a variation of reason analysis (Ford 1974; Kadushin 1968; Lazarsfeld 1972; Zeisel 1968). Preliminary interviews at the prosecutor's office focused on the basic question, "Why did you come to the prosecutor's office?" Most women gave such reasons as having been told to prosecute by the police, wanting the man arrested, or needing information about prosecution and alternative courses of action. Subsequent questioning sought clarification of those factors that influenced each woman's decision to initiate prosecution procedures. Re-

rationale for this "cooling-off" period was to insure that complainants were committed to following through to adjudication once the prosecution process was initiated (see Ford 1983).

¹¹ Effective 1 September 1985, Indiana law provides for warrantless arrests in cases of battery with injury (Indiana Code § 35-33-1-1(a) (1986)).

¹² Deputy prosecutors commonly exercised their discretion to reject cases for prosecution on grounds unrelated to the alleged crime. For example, they might not accept charges from a woman who still lived with a suspect or who had not filed for divorce. Similarly, they might send the victim to a civil court for a peace bond in lieu of filing criminal charges (Ford 1983).

¹³ The present study eliminated the effects of discriminatory processing (see Ford 1983) by insuring that all victims with demonstrable probable cause were given the opportunity to prosecute. All but one of their complaints were accepted for prosecution. One case was excluded by a supervisor who chose to ignore the prosecutor's request to cooperate.

¹⁴ The research was intended simply to learn why women dropped charges. Resources were unavailable for interviewing those who followed through with prosecution.

sponses were probed to discern underlying motives such as wanting the man punished, wanting protection and security, wanting the man to stay away (by frightening him), and trying to exert pressure on him so that other victim interests might be realized (divorce, child protection and support, property settlement).¹⁵ What is presented below focuses on the basic “why” question.

Follow-up telephone interviews with women who dropped charges or allowed charges to be dismissed centered on the question, “Why did you choose *not* to prosecute?” Probes sought evidence of intimidation or threats of force, of impatience with the criminal justice system, and of victims having resolved their relationships so that further intervention would be unnecessary or undesirable. If a woman had previously reported instrumental reasons for prosecuting, she was given an opportunity to volunteer corollary reasons indicating the success or failure of prosecution as a power resource in a bargaining strategy. In every such case, bargaining outcomes were elicited without direct or leading questions; that is, respondents simply volunteered that their influence on the case outcome followed a relevant promise or agreement struck with the defendant.

Figure 1 presents the dispositions of the twenty-five cases processed for this study. Twenty-four had warrants issued from the prosecutor’s office for a judge’s approval; twenty-three were approved; and twenty-two resulted in a man being arrested on a warrant or summoned to court. In thirteen of the cases resolved in court, a victim “dropped charges” either by failing to appear in court (generally after at least one continuance was granted to locate her) or by appearing in court and requesting dismissal. Each of the nine defendants subjected to full adjudication was found guilty.

There was considerable variation in the time between filing charges and final case outcome. It took between 1 and 324 days for women to drop charges, and although three women dropped within 3 days, the median time to dismissal was 104 days. The time to adjudication was much longer. The median time from filing to determination of guilt was 203 days, with a range of from 1 to 777 days.

Table 1 summarizes the reasons battered women gave for wanting to prosecute their partners. Each reason is followed by figures indicating the number of victims mentioning it for the cases dismissed, for those judged guilty, and for the total sample.

¹⁵ The interview sought detailed responses on why a woman wanted her partner prosecuted. In most cases, women also gave information on what they expected to happen during and as a result of prosecution, including their expectations for arrest and jail. Most gave an assessment of the risks they might incur by prosecuting. Finally, they were asked whether they had sought alternative sources of help. However, given constraints of time and opportunity, unless such information figured as reasons for prosecuting, it was not pursued for analysis here.

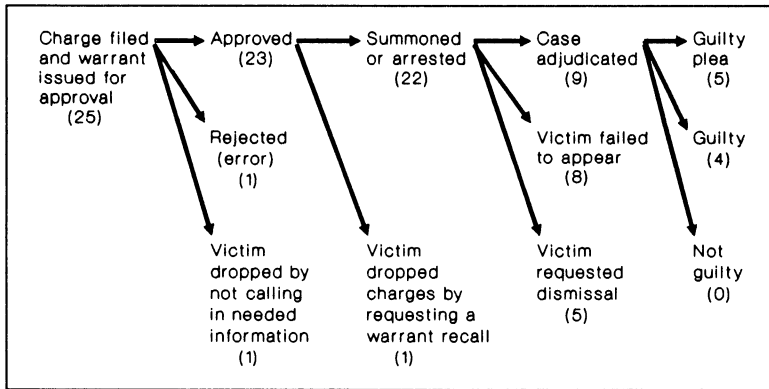


Figure 1. Summary of Case Dispositions

Table 1. Reasons for Prosecuting and Case Outcomes

Reason for Prosecuting	Case Dismissed	Defendant Found Guilty	All Cases
Police advised prosecution	13	9	22
Afraid of abuse/for protection (by scaring him)	6	6	12
Previously warned him/to teach him a lesson	3	6	9
Tired of abuse/will not take it anymore	4	3	7
Need information on what to do about abuse	4	2	6
Want him jailed/want to punish him	3	2	5
To get man needed help (alcohol, psychological)	3	1	4
Attorney advised prosecution	2	1	3
To deter him from hitting others	1	2	3
To get support payments	2	—	2
Want to recover property from residence	2	—	2
Want to punish him for mistreating baby	1	—	1
No alternative/cannot afford divorce	1	—	1
Doctor advised prosecution	—	1	1

Most notable (and perhaps surprising, given the reputation of police for their lack of concern) is the top ranking of police advice as a stated reason for prosecuting. Most women considered the police an important factor in their efforts; they were eager to cite the police as legitimizing their complaints. Other reasons were more significant as motives for prosecuting and have been cited in previous studies (Ford 1983; Ford and Burke 1987; Hall 1975).

Not all these motives are relevant to prosecution as a power resource. Only the following reasons were found, through interviews, to be instrumental factors relevant to power strategies in bargaining for immediate, concrete ends:¹⁶

¹⁶ Other reasons might be classified as “instrumental” to a bargaining strategy, but associated outcomes could not be demonstrated. For example, a woman might have filed to prevent the man from hitting other women, but the victim would not know if that goal was realized.

for protection
 to get him help (e.g., counseling)
 to get support payments
 to recover property from residence

Each of these implies a potential for bargaining toward an expected outcome following the initiation of prosecution procedures, that is, following a significant threat to prosecute if favorable outcomes are not secured.¹⁷ In the event that any woman drops charges after reporting one of these motives, power resource theory predicts that she will subsequently report a satisfactory (to her) resolution of her relationship.¹⁸

Another motive—that she *previously* warned him but he did not comply—predicts completed prosecution under an earlier-initiated power strategy. The woman is expected to follow through on her threat. This is the only factor on which the relationship between the victims' reporting the factor as a reason and the case dispositions approached statistical significance.¹⁹ As expected, cases involving previous threats were more likely to be adjudicated.

Fifteen of the victims either dropped charges or failed to show for court in the course of the prosecution process. Twelve of these women were contacted by phone after dismissal of the cases to check on their welfare and to elicit their reasons for dropping charges (see Table 2). Three victims could not be located.

The reasons for dropping charges shown in Table 2 are consistent with the reasons originally given for prosecuting. The first three indicate possible favorable outcomes to the threat of prosecution as demonstrated in filing charges. Two instances of retaliatory threats of violence were reported, both of which were made in the context of arranging for reconciliation on terms previously described as acceptable to the victim. In four cases, the victims were persuaded to drop charges by others whom they viewed as having influence over their mates—attorneys and judges. In each case, the woman's decision to accede to their advice was under conditions viewed as consistent with her definition of a satisfactory outcome.

In all, eleven of the twelve victims contacted after dropping charges had previously stated an instrumental factor as a motive for prosecuting. The twelfth victim had originally filed charges to

¹⁷ Simply stating an instrumental motive does not necessarily imply a bargaining strategy. Rather, it implies the potential for bargaining as described by power resource theory. Some women may feel that instrumental outcomes will automatically follow court proceedings. For example, a woman who wants a man to stay away may believe that prosecution will deter him. One victim in this study simply hoped that the judge could somehow make the man stay away.

¹⁸ Note that while all of these women want to be free of violence, what they consider "satisfactory" may be outcomes only indirectly related to violence. Such outcomes represent steps toward altering the batterer or structuring the relationship to enhance the likelihood of long-term desistance.

¹⁹ By Fisher's exact test for independence, $p = .03$.

Table 2. Reasons for Dropping Charges

Reason	No. Giving
He has stayed away/left her alone	9
He has agreed to get help/counseling	3
He has agreed to divorce/other settlement	3
Abuser's attorney convinced her to drop	3
Victim does not want more hassles/still uncertain	3
Victim does not want him jailed	3
Man threatened her	2
Victim does not want him to lose job	2
Judge reprimanded/scared him	2
Victim felt prosecutor did not care	1
Learned lesson: "he can't walk over me"	1
No subpoena ^a	1

^a In at least three cases the victims did not receive subpoenas, either because of computer error or because they had moved and mail was not forwarded. Only one case can be documented in which the woman had not appeared in court because she was not aware of the trial date.

show the man she would not take any more abuse. She claimed she would have prosecuted except that she was never subpoenaed. In nine of the remaining eleven cases, women gave reasons for dropping charges consistent with a specific desired outcome previously expressed as a reason for filing (i.e., instrumental motive) and consistent with an implied bargaining strategy. One cannot say, based on these data, that instrumental factors consistent with power resource theory were the principal determinants of dropped charges.²⁰ However, their coverage in interviews gives credence to theoretical representations of prosecution as a power resource. The next section describes case studies of victim reports on how they manipulated the threat of prosecution as a power resource.

VI. SELECTED CASE STUDIES

The summary data indicate that many women used the criminal justice process for reasons other than simply punishing their mates. Their various instrumental motives suggest that victims who are otherwise powerless in the face of violence seek to use prosecution for leverage in managing conjugal conflict or arranging favorable settlements. The cases discussed in this section demonstrate some of the ways in which prosecution is used as a power resource consistent with theoretical expectations. The first two cases describe women who approached the prosecutor's office seeking to have specific needs satisfied through criminal justice intervention. They show how some battered women may purpose-

²⁰ Obtaining reasons for filing from all victims would have allowed use of standard statistical procedures for assessing the relationship between those reasons and whether a victim dropped charges. But having only obtained data on reasons for dropping charges from those who did drop them, one cannot use comparable analytic procedures to determine whether hoped-for outcomes expressed at the time of filing were realized and therefore related to case dismissal.

fully bargain for security using the threat of prosecution as a power resource. When they achieved success they abandoned the prosecution process. A third case demonstrates an instance where a woman reported she had *previously* bargained for protection under threat of prosecution, then was victimized in violation of the agreement, and later prosecuted to show the man that she meant business—that she was fulfilling the threat.

In the first case, a 33-year-old man battered his wife and threatened to kill her and their three children. A police dispatcher advised the woman to go to the prosecutor's office to file charges. The victim did not know what to expect, except that she hoped a warrant would force him to get psychiatric help. She was not prepared to divorce him, although she claimed she would if she could afford it. At the very least, she hoped that by filing charges she would be able to get her things from their house so she and her children could live apart from him. One month after filing, she appeared at her husband's arraignment to request that charges be dropped. When interviewed a week later, she said that they were separated (she was able to get her belongings with help from the police) and that he was voluntarily receiving counseling. She reported that she had "worked it out with him." She agreed to drop charges if he continued counseling. She also agreed to give him visitation rights. She felt that she had taken a useful first step, although she was still fearful.

This case illustrates a resolution through bargaining: a deal was struck under threat of invoking the negative sanctions incurred through prosecution. The victim believed that sufficient time had passed between filing and dismissing charges to force the man to fulfill at least part of his agreement.

The next case is typical of victims who express additional, noninstrumental, reasons for filing but find those factors to be less important with the passage of time and apparently successful bargaining outcomes. It also illustrates, incidentally, a type of situation misunderstood by criminal justice personnel who resent women who drop charges after promising to follow through to adjudication.

A 17-year-old woman had left her 21-year-old husband after he assaulted her and "mistreated" their 17-month-old son. She filed charges on the advice of police officers. She believed that "he ain't never going to learn unless it's the hard way" and vowed not to drop charges under any circumstance: "He's got to be punished." However, she had a special interest she thought might be realized through filing charges: she wanted him to get treatment for his alcohol problem. She did not want him to serve time in jail or to lose his job. She was confident that she could have him found guilty without him being sentenced to jail. Almost four months after initiating prosecution procedures, she let charges be dismissed by not appearing in court. Her husband had asked her to drop charges

earlier, but she refused. She had appeared for an earlier trial only to be informed of a defense continuance. By this time, she may have been cool to the idea of prolonging the process. Most important to her was that he had agreed to enter an alcohol treatment program, and she was satisfied with his behavior by the time she decided not to testify against him.

Both of these cases demonstrate ways in which the threat of prosecution was seen by victims as serving their interests in attaining a state of affairs reasonably consistent with their wishes. This is not to say that each picked the best course of action, or that each played the strategy to its best advantage, or that each found a long-term solution to violence. What matters here is that the victims felt that they had controlled events in their relationships—that they were *empowered* by having filed charges and having secured satisfactory short-run arrangements.

Further evidence of victim empowerment through prosecution, even when outcomes are unsatisfactory, can be found in cases that were adjudicated. Victims' stated intentions at the time they filed charges reveal that several of the women had *previously* threatened their mates with prosecution if they did not leave them alone. The men persisted in abusing the women, so the women were carrying out their threatened punishment.

A 31-year-old woman had lived with a 37-year-old man for over a year until they broke up a few weeks before she filed battery charges against him. He had gone to her house to talk about getting back together. They ended up arguing, and he hit her in the face several times. The police responded to her call for help and advised her to prosecute. She had good reason to fear the man. He had an extensive police record, including arrests for armed robbery and two felony assaults. He had served two years in prison for assault with a deadly weapon ten years before the incident reported here. Her main interest was for him to leave her alone. She believed that if she did not prosecute, he would do something more harmful to her: "Plus, I feel better," she said. "If somebody hurts you they shouldn't get away with it." In their case they "had an understanding" that he would not hit her. If he did, he would be punished. This was, according to the victim, the first time he violated that understanding, and she was fulfilling her threat by prosecuting.

In all, seven of the nine cases that were *not* dropped involved victims who indicated either that a man had violated a prior agreement or that he had previously harmed her and now she was demonstrating that she meant business. In an eighth case, the victim was committed to prosecuting with the hope that the judge "would put something on him" so he wouldn't bother her.

VII. DISCUSSION AND IMPLICATIONS FOR THEORY AND POLICY

The data on reasons demonstrate that instrumental factors are to be counted among the motives leading battered women to prosecute their partners. The high consistency between original intentions and reasons for dropping charges suggests the effectiveness of threatening to invoke criminal justice sanctions in securing outcomes satisfactory to victims. Victim accounts, as exemplified in the case studies reported above, leave little doubt that *some* battered women intentionally use the threat of prosecution as a power resource to pressure their mates into agreements the women consider satisfactory. It is for future research to say how many.

Nevertheless, the contribution of these findings to the confirmation status of theoretical propositions on prosecution as a power resource is limited. One cannot say that fulfilled prosecution is necessarily evidence of a failed bargaining strategy. Cases from this study illustrate that some victims prosecute in fulfillment of a threat over an unsatisfactory or unfulfilled agreement for their partners' behaviors. Research needs to demonstrate further that women who file charges under apparently instrumental motives follow through with prosecution when bargaining yields unsatisfactory outcomes or violated agreements. But even in the absence of theoretical confirmation, the findings of this study should caution against implementing policies for criminal justice that may inadvertently disempower victims.

Lerman (1981) first recommended a set of innovative prosecutorial guidelines based on previously published reports about the effects of alternative policies and on interviews with prosecutors in five jurisdictions around the United States. Her ideas have been widely embraced by policymakers and more recent advocates (Goolkasian 1986). Most of the thirteen recommendations propose changes in administrative procedures for the obvious advantage of victims. For example, the interests and wishes of victims are to be recognized in the decision to file charges, in sentencing recommendations, and in the use of advocates to keep victims informed of legal proceedings. Two of the recommendations, however, are controversial insofar as they reflect prosecutors' concerns with case attrition without demonstrably advancing victim interests in the criminal justice process:

To reduce case attrition, prosecutors should adopt a policy that once charges have been filed in spouse abuse cases, a victim's request for dismissal will be denied unless there are exceptional circumstances.

Prosecutors should relieve battered women of responsibility for prosecution of charges by signing complaints filed against batterers instead of asking victims to sign, and by sending subpoenas to victims prior to trial. (Lerman 1981:19)

What these arguments and policies fail to consider is the powerlessness of battered women (which is known to keep them in violent relationships), their apparent quest for empowerment through manipulation of criminal justice processes, and the impact of criminal justice policies on the power of those victims. Coercing victims to pursue prosecution to settlement presumes that the system can ultimately offer them some protection. The present research argues against completed prosecution as a necessary condition for victim security.

One cannot generalize from this study to conclude that battered women in other circumstances would use prosecution as a power resource. The battered women I have discussed here acted within a system amenable to, if not fully supportive of, their efforts to prosecute abusive men. Would they be similarly motivated to manipulate the prosecution process under a system with greater support or a fuller range of services? Only future research can say. The model system response recommended by the Attorney General's Task Force on Family Violence (1984) might, if implemented, offer victims opportunities for satisfactory outcomes so that they would not be inclined to bargain with charges as a protective strategy. For example, court-mandated batterer counseling may be a welcome remedy, provided, of course, that charges are not dismissed (e.g., Dutton 1988; Ganley 1981).

The increasing use of warrantless, on-scene police arrests poses a similar question. If arrest has a deterrent impact,²¹ or if arrest and rigorous prosecution prevent continuing violence, does prosecution lose its potential as a power resource? By the arguments presented above, prosecution is a power resource so long as the victim has some control over it. But its impact may be diminished in an effective, victim-oriented system to the point where, despite her wishes, a woman's security would be compromised by granting her control over dropping charges.

Questions of how policy serves to empower victims should not obscure another important point: Some victims who describe using prosecution for leverage in their relationships seek more than a cessation of violence under threat of formal sanctions. Some seek to restructure life events in the apparent belief that individual preventive measures and informal controls will be at least as effective as the criminal justice system in stopping habitual violence.

Ideally, a woman should not need to manipulate a system to achieve ends that would normally be expected if the system functioned in her interest. Victim requests to drop charges may indicate that the criminal justice system cannot accommodate the arrangements needed for security, including any civil remedies

²¹ Sherman and Berk (1984) found arrest to be effective in preventing continuing violence in Minneapolis. However, there was no such effect in the Omaha replication (Dunford et al. 1989).

directed toward that end. Some may argue that it is inappropriate for the criminal justice system to concern itself with civil matters. Indeed, advocacy for specialized treatment of domestic violence in criminal courts (e.g., Friedman and Shulman 1990) may raise legal and ethical issues pertaining to the use of criminal proceedings to enforce traditional civil remedies. Nevertheless, following the recommendations of the Attorney General's Task Force (1984:34–36), judicial systems are expected to protect and support victims through criminal sanctions with a wide range of “civil” dispositional alternatives.

VIII. CONCLUSION

For many battered women prosecution is one of the few resources they have to gain control over their own circumstances. In making a significant threat to prosecute by initiating steps to invoke the process, a battered woman is able to exercise power that was previously missing in her relationship. She uses that power in the hope of gaining security by demonstrating that *she* is the one in charge and that only *she* can alter events which are destined to bring a man to court and possibly to jail. Thus, she gains leverage for managing the conflicts in her relationship. The typical victim in this study uses such leverage in hope of either controlling the violence so that she can remain in the relationship or freeing herself on terms more acceptable to her than had she not threatened to prosecute. In short, actual prosecution of the criminal act is probably less important to such victims than the power they gain through bargaining with significant threats of prosecution and punishment.

Recognizing this can help explain and perhaps alleviate problems that arise between victims and service providers. For example, the frustrations that agents of the criminal justice system experience in working with battered women commonly arise from feelings of being used by or merely wasting time in trying to assist victims who ultimately seem to reject efforts to help. Such feelings stem from a narrow definition of “assistance” denoted in terms of the helper's role rather than victim needs. Battered women are considered irrational when they seek help only to reject it later.

However, if one focuses on victims' needs, their attempts to prosecute can be seen as rational acts consistent with other behaviors meant to alter the balance of power in a conjugal relationship. From this perspective, one can understand seemingly paradoxical behavior of battered women—that a woman who is not divorced (and shows no sign of wanting a divorce) would ask to have her husband jailed; or that a woman who is already using alternative, apparently constructive, resources to free herself from violence would also want to prosecute, even if a successful outcome could be detrimental to her other efforts. It is the threat, coupled with

her ability to control the process, that can be used to her advantage. If women are forced into prosecuting, or if the state takes steps to reduce victim discretion in the prosecution process, then victims of conjugal abuse may be disempowered as they are denied what leverage they command when the choice rests with them.

REFERENCES

- ALLEN, Craig M., and Murray A. STRAUS (1980) "Resources, Power, and Husband-Wife Violence," in M. A. Straus and G. T. Hotaling (eds.), *The Social Causes of Husband-Wife Violence*. Minneapolis: University of Minnesota Press.
- AMERICAN BAR ASSOCIATION (1969) *Code of Professional Responsibility*. Chicago: American Bar Association.
- (1983) *Model Rules of Professional Conduct*. Chicago: American Bar Association.
- ATTORNEY GENERAL'S TASK FORCE ON FAMILY VIOLENCE (1984) *Final Report*. Washington, DC: U.S. Department of Justice.
- BANNON, James (1975) "Law Enforcement Problems with Intra-Family Violence." Presented at the annual meeting of the American Bar Association, Montreal, Canada, 12 August.
- BARD, Morton (1980) "Functions of the Police and the Justice System in Family Violence," in M. R. Green (ed.), *Violence and the Family*. Boulder, CO: Westview Press.
- BLAU, Peter M. (1964) *Exchange and Power in Social Life*. New York: John Wiley & Sons.
- BLOOD, Robert O., Jr., and Donald M. WOLFE (1960) *Husbands and Wives*. New York: Free Press.
- BOWKER, Lee H. (1983) *Beating Wife-Beating*. Lexington, MA: Lexington Books.
- (1986) *Ending the Violence*. Holmes Beach, FL: Learning Publications.
- CANNAVALE, Frank J., Jr., and William D. FALCON (1976) *Witness Cooperation*. Lexington, MA: Lexington Books.
- DAHL, Robert A. (1957) "The Concept of Power," 2 *Behavioral Science* 201.
- DOBASH, R. Emerson, and Russell DOBASH (1979) *Violence Against Wives: A Case Against the Patriarchy*. New York: Free Press.
- DuBOW, Frederic L., and Theodore M. BECKER (1976) "Patterns of Victim Advocacy," in W. F. McDonald (ed.), *Criminal Justice and the Victim*. Beverly Hills, CA: Sage Publications.
- DUNFORD, Frank W., David HUIZINGA, and Delbert S. ELLIOTT (1989) "The Omaha Domestic Violence Police Experiment, Final Report." Submitted to the National Institute of Justice.
- DUTTON, Donald G. (1988) *The Domestic Assault of Women*. Boston: Allyn & Bacon.
- ELLIOTT, Catherine, Linda GIDDINGS, and Avreayl JACOBSON (1985) "Against No-Drop Policies," *NCADV Voice*, Summer.
- ELLIOTT, Delbert S. (1989) "Criminal Justice Procedures in Family Violence Crimes," in L. Ohlin and M. Tonry (eds.), *Family Violence*. Chicago: University of Chicago Press.
- EMERSON, Richard M. (1962) "Power-Dependence Relations," 27 *American Sociological Review* 31.
- (1972) "Exchange Theory, Part II: Exchange Relations and Network Structures," in J. Berger, M. Zelditch, Jr., and B. Anderson (eds.), 2 *Sociological Theories in Progress*. Boston: Houghton Mifflin.
- FIELD, Martha H., and Henry F. FIELD (1973) "Marital Violence and the Criminal Process: Neither Justice nor Peace," 47 *Social Service Review* 221.
- FINESMITH, Barbara K. (1983) "Police Response to Battered Women: A Critique and Proposals for Reform," 14 *Seton Hall Law Review* 74.
- FORD, David A. (1974) "Reason Analysis: An Expository Review," in the Fi-

- nal Report of the Multi-disciplinary Graduate Training Program of the Learning Research and Development Center, University of Pittsburgh. Submitted to the National Institute of Education.
- (1983) "Wife Battery and Criminal Justice: A Study of Victim Decision-making," 32 *Family Relations* 463.
- FORD, David A., and Mary Jean BURKE (1987) "Victim-initiated Criminal Complaints for Wife Battery: An Assessment of Motives." Presented at the Third National Conference for Family Violence Researchers, University of New Hampshire, Durham.
- FRIEDMAN, Lucy N., and Minna SHULMAN (1990) "Domestic Violence: The Criminal Justice Response," in A. J. Lurigio, W. G. Skogan, and R. C. Davis (eds.), *Victims of Crime: Problems, Policies, and Programs*. Newbury Park, CA: Sage Publications.
- FROMSON, Terry L. (1977) "The Case for Legal Remedies for Abused Women," 6 *N.Y.U. Review of Law and Social Change* 135.
- GAMSON, William A. (1968) *Power and Discontent*. Homewood, IL: Dorsey Press.
- GANLEY, Anne L. (1981) *Court Mandated Therapy for Men Who Batter: A Three-Day Workshop*. Washington: Center for Women Policy Studies.
- GAYFORD, J. J. (1977) "The Plight of the Battered Wife," 10 *International Journal of Environmental Studies* 283.
- GELLES, Richard J. (1976) "Abused Wives: Why Do They Stay?" 38 *Journal of Marriage and the Family* 659.
- (1983) "An Exchange/Social Control Theory," in D. Finkelhor et al. (eds.), *The Dark Side of Families: Current Family Violence Research*. Beverly Hills, CA: Sage Publications.
- GELLES, Richard J., and Murray A. STRAUS (1988) *Intimate Violence*. New York: Simon & Schuster.
- GOODE, William J. (1971) "Force and Violence in the Family," 33 *Journal of Marriage and the Family* 624.
- GOOLKASIAN, Gail A. (1986) *Confronting Domestic Violence: A Guide for Criminal Justice Agencies*. Washington, DC: National Institute of Justice.
- GREGORY, Margaret (1976) "Battered Wives," in M. Borland (ed.), *Violence in the Family*. Atlantic Highlands, NJ: Humanities Press.
- HALL, Donald J. (1975) "The Role of the Victim in the Prosecution and Disposition of a Criminal Case," 28 *Vanderbilt Law Review* 931.
- HOMANS, George Caspar (1961) *Social Behavior: Its Elementary Forms*. London: Routledge & Kegan Paul.
- KADUSHIN, Charles (1968) "Reason Analysis," in D. L. Sills (ed.), 13 *International Encyclopedia of the Social Sciences*. New York: Crowell, Collier & Macmillan.
- LAZARSELD, Paul F. (1972) "The Art of Asking Why," in P. F. Lazarsfeld (ed.), *Qualitative Analysis: Historical and Critical Essays*. Boston: Allyn & Bacon.
- LERMAN, Lisa G. (1981) "Criminal Prosecution of Wife Beaters," 4 *Response to Violence in the Family*, No. 3, p. 1.
- LEVINGER, George (1959) "The Development of Perceptions and Behavior in Newly Formed Social Power Relationships," in D. Cartwright (ed.), *Studies in Social Power*. Ann Arbor, MI: Institute for Social Research.
- LITTLETON, Christine A. (1989) "Women's Experience and the Problem of Transition: Perspectives on Male Battering of Women," 1989 *University of Chicago Legal Forum* 23.
- MAIDMENT, Susan (1978) "The Law's Response to Marital Violence: A Comparison Between England and the U.S.A.," in J. M. Eekelaar and S. N. Katz (eds.), *Family Violence: An International and Interdisciplinary Study*. Toronto: Butterworths.
- MENKEL-MEADOW, Carrie (1984) "Toward Another View of Legal Negotiation: The Structure of Problem Solving," 31 *UCLA Law Review* 754.
- PAGELOW, Mildred Daley (1984) *Family Violence*. New York: Praeger.
- PARNAS, Raymond I. (1970) "Judicial Response to Intra-Family Violence," 54 *Minnesota Law Review* 585.
- PATERSON, Eva J. (1979) "How the Legal System Responds to Battered Women," in D. M. Moore (ed.), *Battered Women*. Beverly Hills, CA: Sage Publications.

- PLECK, Elizabeth H. (1979) "Wife Beating in Nineteenth-Century America," 4 *Victimology* 60.
- PURDY, Frances (1985) "Pro-No-Drop Policy," *NCADV Voice*, Summer.
- RODMAN, Hyman (1972) "Marital Power and the Theory of Resources in Cultural Context," 3 *Journal of Comparative Family Studies* 50.
- SCANZONI, John H. (1982) *Sexual Bargaining*. 2d ed. Chicago: University of Chicago Press.
- SCANZONI, John H., and Maximiliane SZINOVACZ (1980) *Family Decision-making: A Developmental Sex Role Model*. Beverly Hills, CA: Sage Publications.
- SCHELLING, Thomas C. (1960) *The Strategy of Conflict*. Cambridge, MA: Harvard University Press.
- SCHNEIDER, Elizabeth M. (1986) "Describing and Changing: Women's Self-Defense Work and the Problem of Expert Testimony on Battering," 9 *Women's Rights Law Reporter* 195.
- SCHNEIDER, Elizabeth M., and Susan B. JORDAN (1978) "Representation of Women Who Defend Themselves in Response to Physical or Sexual Assault," 4 *Women's Rights Law Reporter* 149.
- SHERMAN, Lawrence W., and Richard A. BERK (1984) "The Specific Deterrent Effects of Arrest for Domestic Violence," 49 *American Sociological Review* 261.
- SPREY, Jetse (1971) "On the Management of Conflict in Families," 33 *Journal of Marriage and the Family* 722.
- STRAUS, Murray A., Richard J. GELLES, and Suzanne K. STEINMETZ (1980) *Behind Closed Doors: Violence in the American Family*. Garden City, NY: Anchor Press.
- THIBAUT, John W., and Harold H. KELLEY (1959) *The Social Psychology of Groups*. New York: John Wiley & Sons.
- TRUNINGER, Elizabeth (1971) "Marital Violence: The Legal Solutions," 23 *Hastings Law Journal* 259.
- U.S. BUREAU OF THE CENSUS (1983) *1980 Census of the Population: Advance Estimates of Social Economic, and Housing Characteristics, Part 16: Indiana*. Supplementary Report PHC80-S2-16. Washington, DC: Government Printing Office.
- WALKER, Lenore E. (1979) *The Battered Woman*. New York: Harper & Row.
- WOLFE, Donald M. (1959) "Power and Authority in the Family," in D. Cartwright (ed.), *Studies in Social Power*. Ann Arbor, MI: Institute for Social Research.
- WOLFRAM, Charles W. (1986) *Modern Legal Ethics*. St. Paul, MN: West Publishing.
- WRONG, Dennis H. (1980) *Power: Its Forms, Bases and Uses*. New York: Harper & Row.
- YLLO, Kersti A., and Murray A. STRAUS (1990) "Patriarchy and Violence against Wives: The Impact of Structural and Normative Factors," in M. A. Straus and R. J. Gelles (eds.), *Physical Violence in American Families: Risk Factors and Adaptations to Violence in 8,145 Families*. New Brunswick, NJ: Transaction Publishers.
- ZEISEL, Hans (1968) *Say It with Figures*. 5th ed. rev. New York: Harper & Row.

STATUTE CITED

Indiana Code § 35-33-1-1(a) (West 1986).