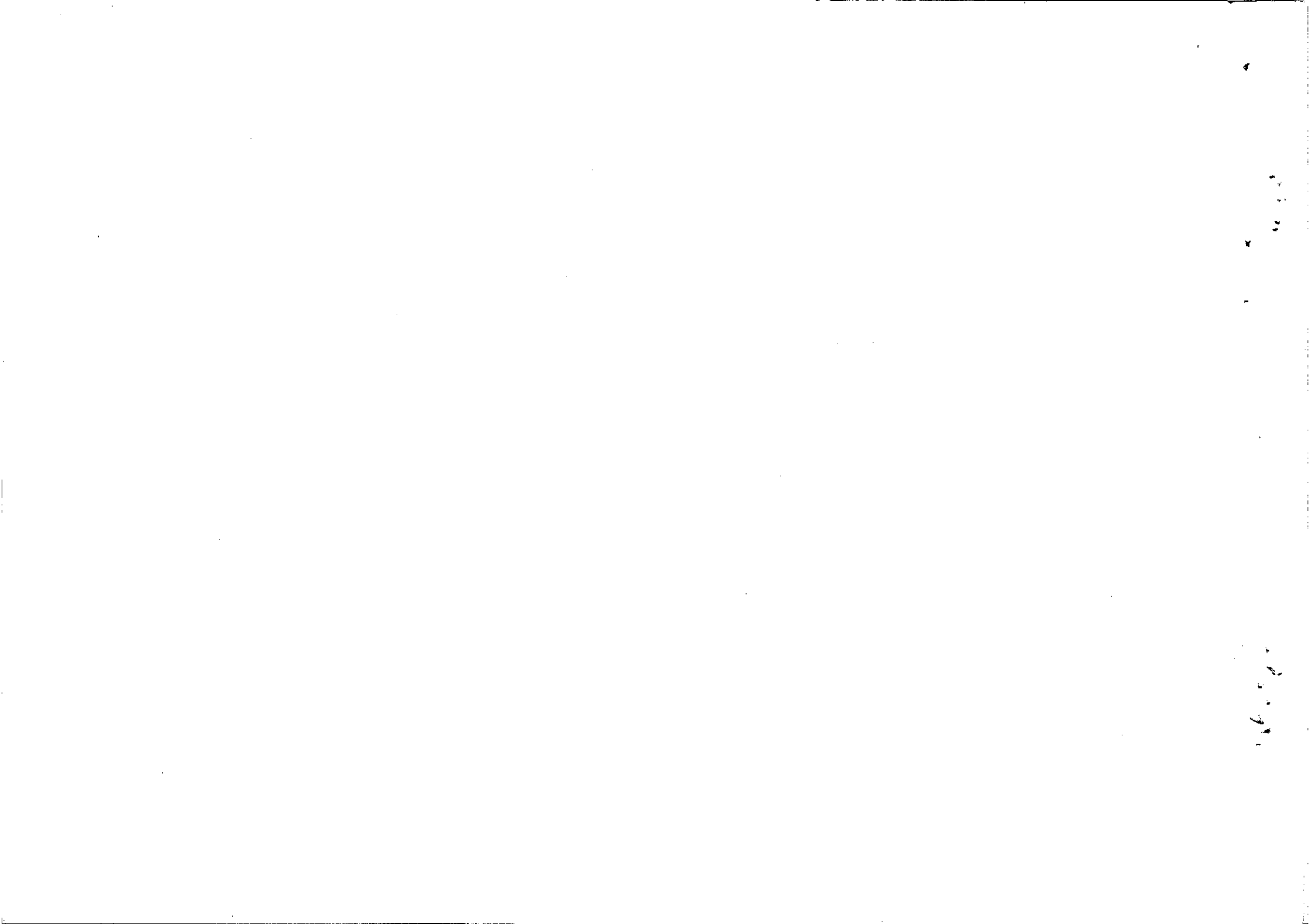
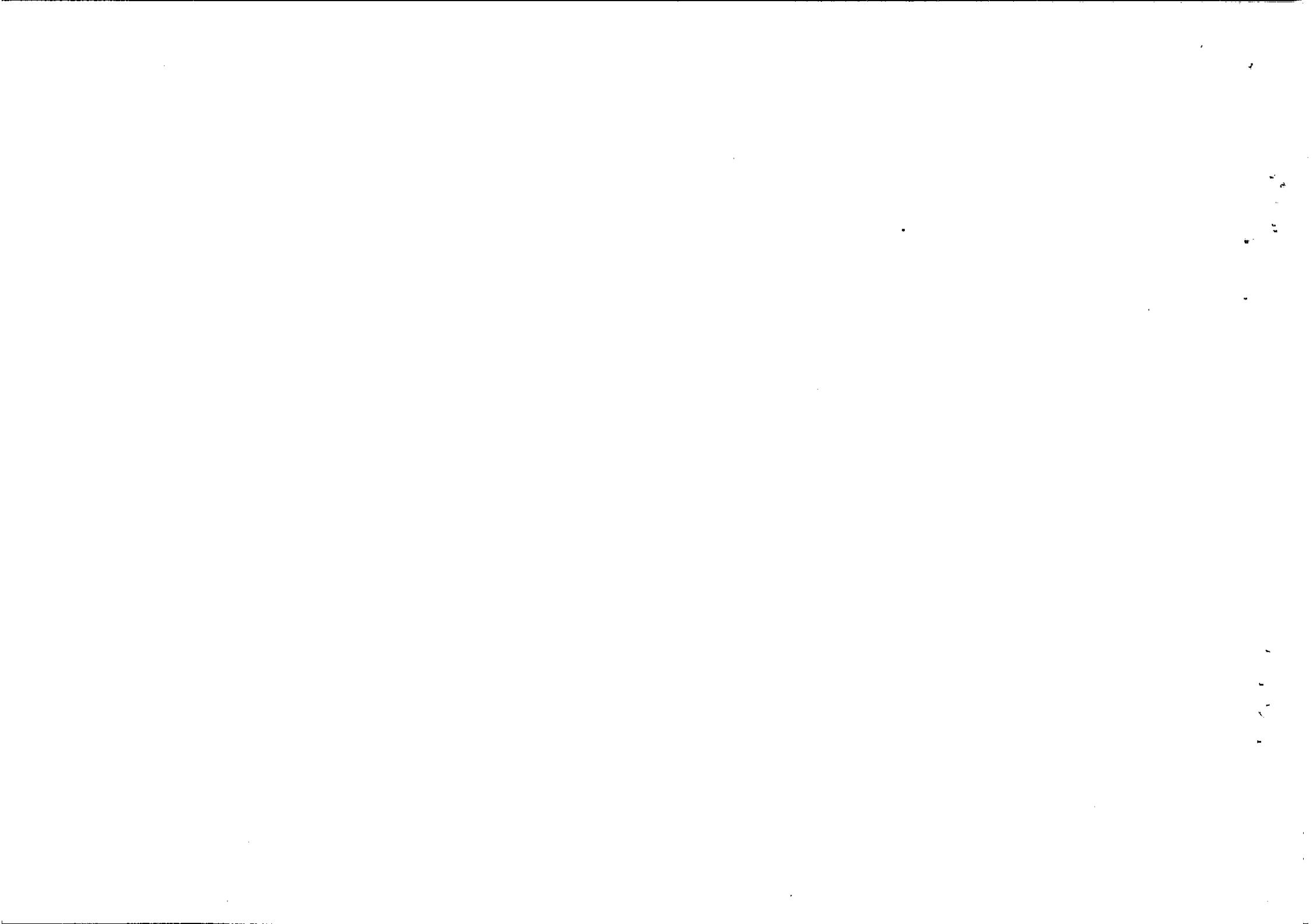


Domestic Assaults



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Domestic Assaults

SOME CASE STUDIES:

Husband returned home from hotel intoxicated and punched wife for sending children to hotel to retrieve him.

Wife woke husband to go to work. He jumped up hit wife in face and punched her repeatedly. Broke hair brush over head of 3½ years old child.

Attacker was drunk, fell over the radiogram and broke it. Complainant was on the floor piecing it together and was kicked in the buttock.

Punching to head and body for sustained period following argument re wife's late arrival home after social visit to girlfriend and no evening meal prepared.

Husband forced his way into house and damaged furniture, ripped phone out, used indecent language and pushed his wife into corner.

Left RSL club. Wife expressed desire to accompany husband to another drinking place. Told she was not welcome and punched her on the mouth.

Husband arrived home under influence of liquor - without prior conversation or warning punched wife numerous times on arms and body.

Complainant had been shopping and when she arrived home husband grabbed her by the throat and called her a prostitute and punched her around.

Complainant took off wedding ring to hoe beans. One of children took ring and lost it and husband attacked wife with a stainless steel saucepan.

Husband trying to be affectionate. Wife objected, went to another room. Husband followed, tore off her pyjamas and grabbed her about the throat.

Husband arrived home drunk. Demanded tea, which was refused. Dragged wife into bedroom punched and scratched her on head and body and tried to smother her.

Husband three days off work drunk. She watching TV. He talking and wouldn't shut up. She said SHUT UP. He hit her in the eye.

After tea and a few drinks, husband started yelling. Wife was grabbed by hair and punched to ground. He started kicking.

De facto released from gaol after serving six months for assaulting complainant. Forced his way into complainant's home and assaulted her.

Argument in car - wife driving. Stopped car. He hit her and pushed her out of car - caught in seat belt and dragged along street 20 yards.

Asked by wife whether he would get paper to look for job. He went beserk and attacked.

INTRODUCTION

The crimes Australians say they fear most are those which involve physical violence. Indeed, such is their abhorrence of crimes like rape, robbery and murder that they probably exaggerate in their minds the numbers of these offences which occur each year.*

Research is gradually producing a clearer picture of the real dimensions of violent offences and in the process is destroying some popular myths. For example, in more than four out of five homicides in New South Wales the victim and assailant are either relatives or close acquaintances. The motive for the attack is often of a 'domestic character' involving altercations over such things as money, sex, and liquor.** Often it is almost a matter of chance - or the availability of a lethal weapon - whether or not these impulsive, emotional attacks result in a fatality.

The fact that the most serious assaults arise in these circumstances, suggests the existence of a much broader base of less publicised domestic assaults in the community. However, despite the often thin line between a domestic 'blow up' and a serious or even fatal attack, the issue seems to have provoked surprisingly little anxiety in the Australian public. Some might speculate that this insensitivity is linked with an acceptance of the subjugated role of women within marriage. It may also have something to do with the sparseness of information concerning domestic assaults. Certainly this is a topic which has attracted little attention from social researchers.

There are a few shreds of evidence. A forthcoming report on offences dealt with by the N.S.W. Courts of Petty Sessions during 1974 will show that there were 3635 cases of 'assault female' last year. Indicative of the emotional conflict and other pressures surrounding women's prosecution of these offences was the fact that in 2135 instances (or 59 per cent of the total) the matter 'lapsed for want of prosecution'.

The offence category 'assault female' covers more than domestic assaults but the latter constitute a high proportion of these cases. The fact that many victims of domestic assault, having initiated legal action, did not proceed with

their cases, suggests that many more probably demurred from taking any official action against their husband, de-facto or lover.

From the point of view of social policy, it would be extremely helpful to know the true extent of the problem. At least one study shortly will attempt to examine this question by means of a household study. Because of the sensitive nature of the subject it is appropriate that this project should be conducted under non-official auspices.

The present study attempts to make a different kind of contribution. Each year in this state, hundreds of victims of domestic assault turn to a court official, the Chamber Magistrate, for advice and quasi-legal counsel. The Chamber Magistrate holds personal interviews with those seeking help at 227 court houses throughout the state.

In the course of establishing the relevant facts he necessarily covers a number of personal and background questions. Naturally, the court staff are more concerned with providing direct service than they are with research. Nevertheless, if it were possible systematically to record the answers given to these questions, some preliminary insights might be gained into the origins, consequences and potential remedies of domestic assaults.

Following consultations with Chamber Magistrates, a questionnaire was designed. The order of the questions was meant to fit the typical pattern of interviews with the victims of domestic assault although the range of questions was more comprehensive than usual. The spread of topics was pruned considerably as a result of pilot testing of the questionnaire at two court houses.

* In a recent small pilot study the Bureau found that Sydney people, on average, think there are four times as many homicides as actually occur each year. One person in ten puts the figure eight times higher.

** Statistical Report No. 9. Gun and Knife Attacks, August 1973. 1

THE QUESTIONNAIRE

While it is important to gain some idea of the extent of domestic assaults in the community, knowing the prevalence of such assaults is in some ways less important than knowing about their severity, the context in which they occur and the action taken by the victims. Specifically, we attempted to investigate the following:

- (i) the number of cases of domestic assault against women brought to the notice of Chamber Magistrates working in a carefully selected sample of New South Wales Courts of Petty Sessions;
- (ii) the nature and seriousness of injuries sustained by the complainant and the types of weapons used in the assaults;
- (iii) the pattern of the offence: an isolated incident or one in a series of assaults; whether assaults are of recent onset;
- (iv) the offence history of the attacker;
- (v) the relationship of complainant to attacker;
- (vi) the duration of this relationship;
- (vii) the involvement of children;
- (viii) the circumstances in which the attack took place: social context, presence or absence of alcohol, other precipitating factors;
- (ix) whether the husband has ever received counselling or other forms of assistance in connection with his assaultive behaviour;
- (x) the country of origin of complainant and attacker;

- (xi) how the woman came to consult the Chamber Magistrate: other authorities, or people consulted by the woman before approaching the Chamber Magistrate;
- (xii) the legal action taken by the complainant following consultation with the Chamber Magistrate;
- (xiii) referral to other social agencies and sources of help by the Chamber Magistrate;
- (xiv) the woman's future intentions with regard to her relationship with the attacker;
- (xv) in the appropriate cases, motives for returning to the relationship.

THE SAMPLE

The study was based on cases handled by Chamber Magistrates between mid-April and the end of June, 1975 at 22 court houses throughout the state. The court houses were selected on a basis which ensured that the stratified sample was representative of (i) metropolitan and rural centres, and (ii) regions of different social characteristics. To meet the latter criterion, we made use of an index of 'social disadvantage' which the Bureau has developed for Local Government Areas throughout New South Wales.

One Chamber Magistrate selected in the original sample did not participate in the study. In two other courts, staffing changes resulted in an incomplete coverage of cases. Otherwise, court staffs gave their full support to the project.

The researchers made at least two visits to each of the selected courts and in the final weeks of the study checked the questionnaires completed by the Chamber Magistrates against court records. It was discovered that in addition to those cases of alleged domestic assault for which the Chamber Magistrates were able to complete questionnaires, many others reached the courts by a more direct route. It was decided, therefore, to supplement the data gathered by questionnaire with the following details in cases where the complainant bypassed the Chamber Magistrate:

- . nature of offence,
- . charge or summons,
- . relationship between parties,
- . time lapse between offence and hearings,
- . parties present at hearings,
- . legal representation,
- . outcome.

The 21 courts which participated in the study were as follows:

Sutherland	Parramatta	Lismore
Ryde	Liverpool	Griffith
Glebe	Gosford	Walgett
Central Court	Blacktown	Wollongong
Kogarah	Waverley	Wagga Wagga
Hornsby	Fairfield	Albury
Redfern	Bankstown	Bathurst

THE ATTACK

One hundred and eighty-four cases of domestic assault were documented by the Chamber Magistrates. In four cases there had been no immediate assault, but physical violence was feared by the women on the basis of the men's past conduct. This included explicit threats to kill or maim them, and attempts to force entry to the complainants' premises when they had been refused admission. In a further three cases, the women had been threatened with weapons in a manner coming within the legal definition of assault, though no actual physical abuse had been involved. One was threatened with a gun, one with a knife, and one with a large glass jar.

The remaining 177 women all complained of physical assaults involving various degrees of violence. In 21 cases, the alleged assault was confined to 'manhandling' of various kinds, including slapping across the face, pushing against walls and furniture, twisting of arms and hair pulling. One woman's husband had reportedly dragged her through several rooms and into the street by the hair of the head. Seven cases of attempted strangulation or grabbing by the throat and one case of attempted suffocation (with a pillow) were also reported in this group.

However, this type of manhandling was usually combined with the use of fists and/or kicks. More than 75 per cent of the women claimed to have been punched repeatedly, mostly about the head and upper parts of the body. Several had been punched in the eyes and mouth. One woman had a tooth broken and another's dentures were smashed in the attack. Twenty-five per cent of the women reported being kicked about the body, mostly in combination with other forms of assault. Both kicking and punching were involved in nearly one in five of the alleged incidents, this method of attack accounting for most of the serious injuries.

In only ten per cent of cases were weapons other than the attackers' body reported to be involved. In most cases where the weapons were actually applied in the alleged assault, the attacker appeared to have seized the nearest available object in the heat of the moment. Household objects such as an ash-tray, a hairbrush, a chair leg, a wooden stool, a saucepan, a shoe, a burning match, a garden hose, a leather dog leash and even the kitchen sink figured in assaults involving blunt instruments. In one case a woman's lover allegedly brought a long stick and beat her with it, but neither in this case, nor in any of the others in which weapons were involved, was there any indication that the instruments used to inflict injuries bore any ritualistic significance for either party. In those two cases in which firearms were involved, and the four in which knives were involved, the weapons were only used to intimidate the complainant in combination with other physical abuse. In several cases they had been held for this purpose at very close range - one woman had a knife held to her throat and another was poked in the stomach with a chef's knife.

In more than a quarter of the 177 cases involving physical abuse, the injuries reported by the women were considered by the Chamber Magistrates to be negligible. These women bore no physical marks of the alleged assault, though several of them reported suffering headaches, dizziness and tenderness afterwards and all but seven of them had been 'manhandled' to some extent. One woman 8½ months pregnant was slapped on the face and pushed about by her alleged attacker. Another with a heart condition was taken to hospital by the police for observation after the attack.

Ninety-eight of the women, at least half of the sample, had minor injuries - abrasions, local external bruising, minor lacerations, burns and scalds. Twenty-one of these women had other more severe injuries as well. Altogether 52 of the women were considered to have been seriously injured in the alleged attacks. Severe external bruising was by far the commonest type of serious injury, occurring altogether in 25 per cent of the sample. This extensive bruising was accompanied in two cases by severe lacerations,

in two cases by concussions as well as minor abrasions, and in five cases by internal injuries - confirmed or suspected internal ruptures, bleeding and bruising. Fractures were reported in six cases, including fractures of the nose, ribs, vertebrae, arm (broken in three places) and a suspected fractured skull. Altogether six women had internal injuries, four suffered concussions and eight cases of severe lacerations were reported.

Seventy-eight of the women had received medical attention, usually from a family doctor, for their injuries. This number included 40 whose injuries were considered by the Chamber Magistrates to be minor or negligible. Ten of the 17 women who suffered injuries more severe than extensive bruising, either singly or in combination with other injuries, were taken to hospital after the attacks. Among the 99 women who had not received medical attention for their injuries were 14 who suffered severe external bruising, often combined with other cuts and abrasions, so that a common criterion of seriousness of injury, receipt of medical attention, would not seem to apply to these cases.

The minority of serious injuries, and the absence of use of weapons other than the attacker's own body and non-lethal household objects, together with the emergence of most of the incidents from a context of domestic conflict, might seem to confirm the popular conception of wife-battering as minor physical abuse associated with domestic squabbling. However, several considerations ought to weigh against this conclusion.

In the first place, the classification of the women's injuries as minor or negligible in 132 of the 184 cases in the sample was based entirely on the Chamber Magistrates' assessments. For the reason given, these could not be checked against the objective criterion of medical attention, and in several cases appeared to be conservative. Furthermore, we had no way of assessing the psychic damage to victims of assaults which were both severe and prolonged, though they did not result in major physical damage. In a typical case of this kind, the complainant had been grasped by the throat,

shaken, slapped and beaten about the head and shoulders with a wooden chair leg. Almost without exception, the women in our sample had suffered some degree of violation of their physical integrity, and several had been forced to submit to intercourse with their attackers under threat of violence to themselves or their children.

In the second place, 153 of the women claimed that the incident of which they complained was only the most recent, and not necessarily the most severe, in a series of repeated assaults going back over months or years. Less than one in ten (9.6 per cent) of the women who came to the Chamber Magistrate had taken this step on the basis of an isolated incident. In more than eight out of ten (82 per cent) of the cases, the incident in question had been only one of repeated attacks in which she had suffered actual physical injury; in the other eight per cent of cases the woman had been threatened with violence on previous occasions. In almost 90 per cent of the relationships with a pattern of previous violence or threats, such patterns had persisted for a number of years. In relatively few cases was the violence a recent development - ten per cent in the last 'few months', and only one case in the last 'few weeks'.

In only one case was the entire history of assaults recorded in detail. On various occasions over the 20 odd years of this complainant's now dissolved marriage, she had suffered fractures of the skull, internal injuries, concussions, severe lacerations, severe external bruising, abrasions and other minor injuries at her husband's hands. Her ex-husband had assaulted her with blunt instruments, kicks and punches, and on at least one occasion had attempted to strangle her. How common such histories of violence were in the sample we do not know, though in several cases the Chamber Magistrates had noted more violent incidents in the past history of the relationship, and some of the men were known to have been convicted of serious assaults against the same woman in the past. In a number of cases, the women were approaching the Chamber Magistrates about relatively minor assaults which indicated a renewal of serious violence after a lull of months or years, usually after a prosecution for a severe assault.

In the third place, the most serious cases of wife-battering which come to the attention of the legal system would not normally pass through the channels we have been exploring in this study, which are empowered to deal only with summary offences. Murder, attempted murder, cause grievous bodily harm or actual bodily harm, and malicious wounding are all indictable offences and it would not be left to the victims in these cases to see that their attackers were dealt with by the law.

In 87 cases, the police had either been called to the incident or informed of it later. In 70 cases, including most of the 18 instances in which they were said to have declined to interfere in a 'domestic' matter, they had referred the woman to a Chamber Magistrate, and in two cases to other community services. In 14 cases they had arrested the attacker and in 12 cases initiated proceedings against him (11 summary charges and one indictment for assault occasioning actual bodily harm).

In a few of these cases, the women had been seriously injured, but in general the injuries were minor or negligible, and the police action seemed rather to be motivated by fears for their future safety. Several of the men had explicitly threatened further violence, and in a number of other cases a repetition of the incident seemed likely on the basis of the attackers' long histories of assault on the women. One man was on a bond and another had just been released from a term in a psychiatric institution for previous assaults. In other cases, the dangerousness of the weapons involved (guns in two cases and a car in another), or the vindictiveness of the present assault - one man had been served with a summons for maintenance, whereupon he sought out his ex-wife and assaulted her - seemed to be the reasons for active police intervention.

LOCATION

The Chamber Magistrates' descriptions of the circumstances of the assaults based on the women's accounts contained such a variety of information and detail that it is difficult to generalise. However, from the 146 cases in which the location of the incident was specified, it appears that an overwhelming majority of the alleged assaults took place in private. In 130 of these cases - almost 90 per cent - the attack occurred where the complainant and/or her alleged assailant were living. In another six cases, the assaults reportedly began in a car driven by one or other of the couple. Three incidents occurred at the homes of friends or relatives, and the remaining six at clubs, hotels, parties or in the street. In those few cases where the incident occurred in public, the assaults were typically less serious and prolonged than those committed in private - though the women's injuries were not necessarily less severe on this account. One woman received cuts to the wrist requiring several stitches when her husband threw a beer glass at her during an argument at the local club where the couple had been drinking.

At least among the cohabiting couples, the typically private settings of the assaults could be more a matter of occasion than design. The same condition perhaps explains the greater frequency of assaults during the weekends (more than one third of the total) and during the evenings (more than half of the total). Indeed, propinquity itself in an already strained relationship seemed a significant precipitant among the cohabiting couples, to judge from the trivial occasions for some violent outbursts: the television too loud, a meal unsatisfactory or not ready when demanded, or a child turning on the light.

Conversely, the contacts between separated couples resulting in violent conflicts require explanation. In almost one in four of those cases in which the couple were not living together at the time of the alleged attack, the incident occurred when the couple came into contact over joint property or children. In several cases the woman was returning to collect belongings from the matrimonial home after leaving in haste. In seven cases, the assaults took place in the course of the father's access to the children. The remaining incidents involving separated couples were cases in which the man had specifically sought out his estranged wife, as long as four years after the separation. The actions in two cases appeared to be clearly in the nature of a reprisal. One man threatened his wife with a knife immediately after the expiration of a good behaviour bond resulting from a previous assault on her. Another forced his way into his de-facto wife's home and attacked her after his release from a prison term for assaulting her. In two other cases the men were seeking reconciliation and became violent when it was declined.

ALCOHOL

On the women's statements, nearly 60 percent of the attackers had been drinking before the assault. In 14.5 per cent of these cases, the complainant had also consumed a quantity of alcohol, either separately or in company with her alleged attacker.

In three quarters of all incidents occurring between 6 p.m. and midnight, there had been prior consumption of alcohol by the attacker. One of the commonest types of incidents among cohabiting couples described by the Chamber Magistrates, involved the man arriving home late affected by alcohol. An argument with the complainant ensued which rapidly erupted into physical violence. In a typical example, the husband came home at 10.30 p.m. from the hotel and demanded his dinner. It was not ready, and when his wife refused to prepare it, he slapped her on the face and punched her about the shoulders and chest.

While numerous cases of this kind were described, they by no means account for even the majority of incidents involving alcohol. In 27 cases the women had also been drinking, and a number of incidents occurred in the course of, or following, a social outing as a couple. In five cases, only the victim had been drinking. There were 11 cases in which alcohol consumption prior to the attack could not be established.

In 59 cases, nearly a third of the sample, no alcohol had been consumed recently by either party. A large number of the assaults occurring without the lubricant of alcohol took place in the early morning or at other times, such as the husband's attendance for access to the children, when prior drinking would be unlikely. However, an almost equal number of the incidents not involving alcohol were indistinguishable in terms of pattern of assault and time of occurrence from incidents which did. Minor incidents, and more serious sources of domestic discord such as financial difficulties, including the husband or de-facto's unemployment; jealousy and sexual incompatibility; and parental roles figured just as widely as precipitants of violence in incidents where the alleged assailant had been drinking as in those where he had not.

More than 50 per cent of the alleged attackers were habitually heavy drinkers. However, this figure is only based on the women's statements, and a significant percentage (17.2 per cent) of the reportedly heavy drinkers had not been drinking before the incident in question.

Therefore, we determined to base our assessment of the involvement of alcohol in this type of assaultive behaviour on a comparison of the 60 per cent of the alleged attackers who had consumed a quantity of alcohol prior to the attack with the 40 per cent who had not.

Attempts to develop profiles of the men who had been drinking prior to the assault, and those who had not, generally failed to reveal any significant differences. One point which did emerge was that the older the attacker the more likely he was to have consumed alcohol prior to the assault. Almost 10 per cent more of the under 30's had not been drinking, compared with almost equal proportion in the 30's and 40's. In the 50 plus age group a significantly higher percentage of the attackers had been drinking beforehand (17 who had, compared with two who had not).

In both the higher status (professional and managerial) and the lower status (unskilled) groups, approximately 50 per cent of the attackers had been drinking prior to the assault. However, despite the even spread of heavy drinkers over all occupational groupings, 70 per cent of the middle status group (sales, small business, clerical, trades, skilled) had been drinking prior to the assault.

The length of time the couple had been together seemed to have no significant bearing on the presence or absence of alcohol as a precipitant of assaultive behaviour.

PROFILE OF THE ATTACKER

One of the commonest stereotypes of the man who assaults his wife is that of the working class bully who makes up for his verbal inadequacy with physical aggression. The occupational ratings of the alleged attackers on the four point Congalton scale provide an indicator of the social structure of the wife-battering group in our sample: (17 cases were excluded in which the attacker was either a pensioner, habitually unemployed, or of no stated occupation).

	Occupational Category	Number	Percentage of sample	Percentage in large random sample of population
Professional, managerial	A+B	30	18.0	22.6
Sales, small business, clerical, trades, skilled	C	93	55.7	57.0
Unskilled	D	44	26.3	20.4
		167	100.0	100.0

The slight under-representation of the higher status groupings (A+B), and the slight over-representation of the lower status grouping (D), compared with a random representation of the population are not statistically significant for a sample of this size. These differences could also be due to a predominance of low income earners among the Chamber Magistrates' clientele. Higher status

women in the sample were three times more likely than middle status women, and four times more likely than lower status women, to have consulted a solicitor about their husband or de-facto's assaultive behaviour. From this study there was no evidence that wife-battering is confined largely, much less exclusively to the lower social class.

In contrast to this finding, there were some noticeable differences between the status groupings in terms of time, severity and manner of attack. A significantly smaller percentage of the D status incidents occurred during the weekend (27 per cent, compared with 37 per cent for A+B incidents and 44 per cent for C incidents), and a significantly larger percentage during the hours from midnight to 6 p.m. (48 per cent compared with about a third of A+B and C incidents). The latter finding may be related to the fact that the percentage of D status attackers unemployed (21 per cent) was nearly double that in either of the other status groupings.

A larger percentage of complainants whose attackers had D status occupations had suffered severe injuries in the alleged attack (36 per cent, compared with 30 per cent for A+B and 27 per cent for C). An even larger percentage had injuries more serious than extensive bruising (18 per cent, compared with 9 per cent of women with C status attackers and 3 per cent with A+B attackers).

These figures may be related to the differences in manner of attack across occupational groupings. 'Manhandling' alone was considerably more frequent in the A+B grouping (29 per cent, compared with 14 per cent for C and 9 per cent for D). On the other hand, the use of weapons other than the attacker's own body was considerably more frequent in the D status category (14 per cent, compared with 10 per cent for C and 3 per cent for D).

In the 153 cases where the attack was one of a series of assaults, A+B incidents were only half as likely as C or D incidents to occur with greater frequency than once a fortnight.

The alleged attackers' ages showed significantly different distributions across the occupational categories:

Age of Attacker	A + B	C	D
Under 30's	20.0	31.2	36.4
30's	36.7	35.5	15.9
40's	30.0	21.5	40.9
50's	13.3	11.8	6.8

The small percentage of the D status attackers in their thirties compared with the other groupings could reflect the reluctance of women in low income groups to rock the matrimonial boat in the child-rearing years, rather than the actual frequency of assaultive behaviour among men of this age and occupational category.

According to June '71 Census, 21 per cent of the male population of Australia were born outside Australia. However, about one third of the alleged attackers came from overseas. Most ethnic groups present in the Australian population were represented in the sample, including British, Greek, Italian, Yugoslavian, Central European, Lebanese, Turkish and American. More than 10 per cent of the alleged attackers were of British extraction. The numbers in the remaining ethnic categories were too small for meaningful cross-cultural comparisons.

More than 40 per cent of the attackers had previous convictions recorded against them. Traffic offences and disorderly behaviour appeared most frequently in their records, both occurring in 25 per cent of cases. The commonest traffic offence was driving with more than the

prescribed blood-alcohol concentration.* Next most frequent were offences against the person, which occurred in 18 per cent of the sample, and offences against property (including stealing, possession of stolen goods and malicious injury), occurring in 15 per cent of cases. A few of the attackers had convictions for unlawful possession of weapons, sex offences, betting and gaming, or robbery. None had been convicted of drug offences.

More than half of the attackers with police records had convictions for several different offences. Only driving offences occurred singly with any significant frequency - isolated offences accounting for nearly half the cases in this category. Offences against the person were combined with disorderly conduct offences in 10.5 per cent of cases, with property offences in 6.5 per cent of cases, and with driving offences in 6 per cent of the sample. Multiples of three or more convictions were common, occurring in one in four of the offence histories.

Multiple convictions for the same offence were also common, particularly with offences against persons and property. Though repeated prosecutions for assault on females were found in the offence histories of many of the attackers, the data were usually insufficient to establish whether the assaults had involved the present complainant or not.

More than half of the attackers with offence histories had served terms of imprisonment in goals or child welfare institutions or both, for one or more of these offences.

* This linkage of drink-related, driving and assault offences is reminiscent of the so-called 'dyscontrol syndrome' outlined by V.H. Mark and F.R. Ervin in Violence and the Brain (Harper and Row, N.Y., 1970).

Apart from those with isolated traffic offences, the 40 per cent of attackers with police records tended to have been associated with the complainant for a shorter period than those without records. Seventy per cent of attackers with relationships of more than 15 years duration had previous convictions, compared with 62 per cent for the sample as a whole. Attackers with convictions against them were also significantly less likely to have assaulted the complainant repeatedly, and significantly more likely to have been drinking prior to the attack in question, than were those without previous convictions.

RELATIONSHIP OF VICTIM AND ATTACKER

The assaults covered by the survey were those which occurred in the context of a marital or comparable relationship. Of the 184 cases which passed through the Chamber Magistrates' offices, more than eight out of ten (84.7 per cent) couples were, or had been, married and one in ten were, or had been, in a de-facto relationship. The remaining 5 per cent were lovers or ex-lovers. For the purpose of the study, the term "lover" was applied to a person with whom the complainant had a short or long term intimate relationship, but did not cohabit except casually. In one case, a casual arrangement of a few days was terminated when the woman was seriously assaulted by her lover. All but eight of the women then, had at some time cohabited with their alleged attackers, and 70 per cent were still living with them at the time of the assault about which they approached the Chamber Magistrate.

There were slight differences between the occupational categories in the proportions of the various types of relationship. In particular, more of the C status clients, in comparison with the other occupational categories, were married. However, this difference was not statistically significant.

As one would expect, the likelihood of the couple being formally married increased with age. All of the women in sample who had been with their attackers for 15 years or more were formally married to them. Eight in ten of those whose relationships were of 5 to 15 years duration were formally married, and seven in ten of those who had been together for 5 years or less.

DURATION

The duration of the domestic relationships of the women coming to the Chamber Magistrates in our sample, tended to be shorter than the duration of married relationships in the N.S.W. population generally. This same discrepancy held true even when de-facto and 'lover' relationships in the sample were excluded from the comparison. (The trend was even more pronounced in de-facto relationships). Fewer than 20 per cent of N.S.W. marriages in general were of less than six years duration compared with 31 per cent of all the relationships in our survey and 28 per cent of the marriages. These differences are statistically significant.

Less than half of our sample (44 per cent) had been with their attacker (at the time of coming to the Chamber Magistrate) for more than ten years, whereas two out of three (66.5 per cent) of marriages in N.S.W. are of more than ten years duration.

It would be false to infer from this, however, that instability is typical of all violent domestic relationships. (In fact it is remarkable that although fewer than two thirds of all couples had been together for more than 5 years, one-third of the sample reported 'many years' of assaultive behaviour - see section on background to the attacks.) The relatively short duration of relationships typical of the sample may be associated with the willingness of these women to approach the Chamber Magistrate. In the light of the

figures on the women's subsequent actions and stated intentions, it appears that some at least were attempting to find a way to deal with the violence without breaking up the relationship.

There is evidence in the sample of a positive correlation between occupational status and the duration of the relationship at the time of coming to the Chamber Magistrate. The women whose husbands (de-factos/lovers) were of the highest occupational status (A or B) were most likely to have been with their attackers for the longest when they came to the Chamber Magistrate. Those who had been with them between 5 and 15 years were most likely to be in the middle category of occupational status. And those who had been with them for 5 years or less were most likely to be from the lowest occupational group (unskilled worker - D). The numbers in some categories were small, but Table shows the pattern.

TABLE I - DURATION OF RELATIONSHIP BY OCCUPATIONAL BACKGROUND

Years	A+B		C		D	
	No.	%	No.	%	No.	%
< 5	8	26.7	25	28.1	16	37.2
5 - 15	8	26.7	43	48.3	13	30.2
15+	14	46.6	21	23.6	14	32.6
	30	100.0	89	100.0	43	100.0

THOSE LIVING APART

Almost three out of ten (28 per cent) of the couples were living apart at the time of the assault. In some cases they had been separated for as long as four years. Among the group of separated couples, about three quarters had suffered previous assaults by their attacker, compared with nine out of ten of those still cohabiting. Those who were living apart were twice as likely to have approached the Chamber Magistrate on the basis of a single attack.

AGE

More than a third (36.4 per cent) of the women in the sample were in their twenties or younger. Fewer than 10 per cent of them (9.2 per cent) were 50 and over. The age of the woman seemed to have had some bearing on the kind of action (or lack of it) she was taking over the assault. Compared with women over 30, more of the younger women were not taking any legal action after their interview with the Chamber Magistrate (43 per cent under 30, compared to 23 per cent over 30 (P < .05)). Members of the under 30 group were more likely (P < .05) to be leaving their attackers, or not returning to live with them, and the older group more likely to be staying with them or returning. It might be thought that these differences merely reflect the different pattern of relationships among those under and over thirty. Unfortunately, the smallness of the sample does not permit a full exploration of this possibility. If, however, we confine our analysis to married women, we find that the disparity between the age groups is statistically significant (P < .05).

	Married Women		Under 30 years		Over 30 years	
	No.	%	No.	%	No.	%
Contemplating legal action	43	78.2	91	91.9		
Not contemplating legal action	12	21.8	8	8.1		
	55	100.0	99	100.0		

DIFFERENCES IN BACKGROUND

Of the 105 women for whom an occupation other than student, pensioner or housewife could be established, more than three quarters were in the C grouping, with a further 15 per cent in the D grouping. Only 12 of the women had higher occupational status, and in every case these fell into the less prestigious B category. With one exception, all the women with higher status occupations were involved with men of lower status occupations, which lends some support to O'Brien's* observation that assaultive behaviour is correlated with the husband having lower status characteristics than his wife, and attempting to adjust the perceived imbalance with a show of physical force.

* O'Brien, J.E. "Violence in Divorce Prone Families" Journal of Marriage and the Family 33, November, 1971.

Rather less than a third of the complainants were immigrants, a difference with the attacker group which corresponds to the smaller percentage of overseas born women in the female population of Australia. However, the over-representation of migrant women in the sample was no more than that of migrant men. Perhaps the most unusual feature of the overseas born group of both complainants and attackers was the substantial number of associations involving persons of different nationalities. There were 26 such cases in the sample. Though a majority of these cases involved different English-speaking cultures (Australia, New Zealand, Britain), there were 12 couples in which one member, usually the man, came from a non-English speaking background. O'Brien's observations on status 'inconsistency' as a precipitant of domestic violence might also be applicable to cultural 'inconsistencies'.

CHILDREN

There is some evidence that childhood experience of being 'battered', or of seeing one's mother repeatedly assaulted by her husband, tends to perpetuate the pattern of domestic violence in the next generation.** It is therefore particularly disturbing to find that in more than one in five (21.5 per cent) of the 152 cases in which the couple had children,*** they also had been subjected to physical assault by the man. In 56 per cent of the cases in which there were children, they had witnessed the attack/s on their mother. In the sample of 184 couples there was a total of 332 children, all of whom could be regarded as at least potentially 'at risk'.

* The term "batter" is applied to the infliction of deliberate severe and repeated demonstrable physical injury.

** Gayford J.J. "Wife Battering: A Preliminary Survey of 100 Cases". British Medical Journal, 25 January 1975.

*** Children of either partner who lived with the couple or with the mother at the time of the assault.

In addition to witnessing the incidents, children in some cases (11.4 per cent of all those with children) became actively involved, the nature of their participation varying from the purely verbal and purely passive, to active physical involvement. In six cases the man struck the children in the course of his assault on the mother; and in another case the husband, wielding a gun, threatened to shoot the daughter as a means of intimidating the wife. In five instances the children attempted to intervene in the violence, at least one of these cases involving physical retaliation by the children on behalf of the mother.

We found that a significantly higher proportion of the high occupational status men in our sample (A+B) had battered their children as well as their wives. The relative percentages in each occupational group were:

A + B	41.7%
C	16.4%
D	25.0%

This may reflect differences between the occupational categories in what is required to motivate them to approach the Chamber Magistrate, and not simply a correlation between occupational status and incidence of child bashing in the population generally.

The sample did not provide any evidence that those who were habitually heavy drinkers were more likely to batter their children as well as their wife.

It seems that the presence of children in a relationship in which the woman suffers repeated physical violence at the hands of the man, far from increasing the likelihood of the woman's leaving the man, is associated with greater reluctance and/or inability to make the break. Those women who had no children were more likely to come within the first months of repeated assaults than to wait for 'many years'. Less than half of them had been battered over a period of years, compared to almost eight out of ten (77 per cent of the

women with children).

PRIOR CONTACT WITH SOCIAL AGENCIES

While it is obviously appropriate for the victims of domestic assaults to seek the protection of the law, it would also seem to be in everyone's interest that the basis of the individual's assaultive behaviour be investigated. This type of exploration appears to have been the exception rather than the rule. In 31 instances (or one case in six), the complainant indicated that the attacker had received 'counselling or other forms of assistance in connection with the assaultive behaviour'. A third of those who had received assistance had been helped by one of the state psychiatric services. An equal number had been in contact with marriage guidance services, two had been advised by a medical practitioner and three had been counselled by a probation officer. The 'treatment' group was representative of the total sample, with the exception that it contained a smaller number (42 per cent) of 'habitually heavy drinkers' than was present within the remainder of the sample (57 per cent).

If only a minority of the alleged assaulters had been in contact with social agencies, a completely different picture existed with respect to their victims. The latter reached the Chamber Magistrate by a variety of paths, but in only 22 cases (12 per cent) had the woman failed to consult at least one other person.

Those who came direct to the Chamber Magistrate were generally young, of low social status and resided in country areas or on the fringe of the Sydney metropolitan area where the spread of social services is comparatively thin. In all but three cases the family breadwinner was of D (unskilled) occupational background. In half the cases involving direct contact, the complainant was in her twenties.

On average, women who earlier had consulted other people or agencies, had received help from two other sources (see Table II). Most prominent among these were members of the police, more than half of all the complainants having received their protection or advice. Thus our findings once again draw attention to the very considerable welfare component in the police role* and the necessity for giving officers adequate preparation for this type of social responsibility.

The importance of the community 'caretaker' role performed by the family doctor was shown by the fact that his counsel had been sought by more than one in five of the assault victims. Table II also emphasises the continuing importance of traditional, informal sources of help to people under stress. After allowing for duplication, we find that more than one in four (26 per cent) of the assault victims had sought help from a neighbour, relative or friend. By way of contrast, only 15 per cent had obtained help from social welfare workers, marriage guidance counsellors or psychiatrists.

TABLE II - AGENCIES/PEOPLE CONSULTED BEFORE CHAMBER MAGISTRATES

	Number	Percentage*
Police	96	52.2
Family Doctor	42	22.8
Solicitor	34	18.5
Other consultations Chamber Magistrate	30	16.3
Hospital	26	14.1
Relatives	31	16.8
Friend	21	11.4
Neighbours	10	5.4
Social Welfare Worker	14	7.6
Marriage Guidance Counsellor	8	4.3
Psychiatrist	5	2.7
Other	14	7.6

* Banks S. The Police and the Social Welfare System: Towards a Model of Integration. (Unpublished honours thesis, Department of Social Work, University of Sydney, 1974).

* Percentages add to more than 100 because of multiple answers.

ASSISTANCE FROM CHAMBER MAGISTRATE

Apart from outlining to the complainant the legal action which she is entitled to take against her attacker, the Chamber Magistrate is strategically placed to refer his client to appropriate community agencies. He took this action in approximately one third (32 per cent) of the study cases.

It was to be expected that many of the clients could be in need of legal aid. (The vast majority contemplated some form of legal action and 60 per cent of the women were not in paid employment). In fact, only one client in twelve was referred to a legal aid service (see Table II.) That this figure probably understates the need for such assistance is suggested by the finding that three courts accounted for 14 of the 15 referrals.

The policy of the individual Chamber Magistrate and the accessibility of legal aid services appear to have been the most important determinants of referral. A duty officer of the Australian Legal Aid Office was available in the three court houses which made the 14 referrals.

The inevitable (and from a welfare point of view desirable), involvement of the Chamber Magistrate in the general welfare system was reflected in the overall pattern of referral. In one case in five of the total sample the client was advised to contact either a marriage guidance centre, alcoholism service, or government or private welfare agency.

In attempting to identify the key characteristics of cases referred to welfare agencies, little progress is made until one basic factor is considered - the geographic location of the court. For the purpose of this analysis, courts were divided into 'metropolitan'

(Sydney and Wollongong) and 'rural' (elsewhere in New South Wales). Of the 19 rural cases, only one was referred to a private or government welfare agency. This compared with a figure of 21 per cent among the 165 cases drawn from metropolitan court houses.*

Thus the present findings echo the results of an earlier study of Courts of Petty Sessions, in which the Bureau suggested a connection between sentencing patterns and the range of welfare options available to the courts.** It was argued that the handling of minor offenders tended to be more punitive in country areas because community supports, in the form of government and voluntary welfare services, were less readily available. This line of reasoning is consistent with the results of further, as yet unpublished, research into the distribution of personal and welfare services throughout New South Wales.

* This difference borders on significance (Fisher's exact test) and would have been significant but for the small numbers involved.

** Statistical Report No. 18 Minor Offences - City and Country October, 1974.

TABLE III - REFERRALS FROM CHAMBER MAGISTRATE

	Agency/Service	Number	Percentage of all cases*
	Legal Aid	15	8.2
	Private legal services	7	3.8
	Government welfare dept. (Social Security/ Youth, Ethnic and Community Affairs)	18	9.8
	Private social welfare agencies	6	3.3
	Marriage guidance	6	3.3
	Alcoholism clinic or service	6	3.3
	Medical clinic or service	11	6.0
	Other government dept.	4	2.2
	Other	3	1.6
	No action	125	68.0

* Percentages do not add to 100 because of multiple referrals.

FUTURE INTENTIONS

Understandably, the victim of a domestic assault might be uncertain about the future of her relationship with the assailant. In the midst of domestic upheaval she may feel that she wishes to remain separated. Later, when her anger has cooled, other considerations may encourage a return to the relationship. With this in mind, we need to interpret cautiously the fact that half of the victims who had been living with the attacker at the time of the assault, said that they intended to continue living with him.

The longer the relationship had existed, the more likely the woman was to contemplate returning to live with her attacker. Where the relationship had lasted for 15 or more years she was two and a half times more likely than a woman whose relationship was of shorter duration (less than 5 years) to continue the association:

DURATION OF RELATIONSHIP

	< 5 years (N=57)	5 - 15 years (N=51)	15 years+ (N=51)
Returning to relationship	21.1	34.3	56.9
Not returning	78.9	65.7	43.1
	100.0	100.0	100.0

Do these figures reflect anything more than the increasing age and resignation of couples whose relationship has passed its *crystal* year? Some indirect light is thrown on the women's motives for continuing their relationships by considering a number of factors which influenced the legal action taken against the husband or de-facto. In every case the following points were assessed by the Chamber Magistrate from the point of view of whether or not they had deterred the woman from taking legal action:

- children's needs,
- economic dependence on husband/de-facto,
- emotional ties to the husband/de-facto,
- difficulties of finding alternative accommodation for herself and her children,
- fear of reprisal,
- other (specify).

In interpreting the results, it must be kept in mind that some groups were more articulate than others. Women of higher occupational status (A and B) provided more reasons for having not taken legal action than women from lower occupational status backgrounds. This difference may reflect the varying concerns of the two groups. More likely, it reflects differences in their ability to verbalise these concerns.

With these limitations in mind, we should treat the Chamber Magistrate's assessment as a guide to the relative importance of each of the points considered. Figure 1 (below) shows the basic dilemma facing many of the victims of domestic assault. The two most important deterrents to legal action were the fear of reprisal, on the one hand, and the women's emotional ties to their attackers on the other. Apart from the law offering the woman whatever protection it can against further attacks, a highly sensitive form of counselling would be needed if she is to be helped to explore the basis of her emotional commitment to her husband or de-facto. Clearly, the

possibility of providing this latter type of assistance is dependent upon the extension of skilled counselling services to the courts generally.

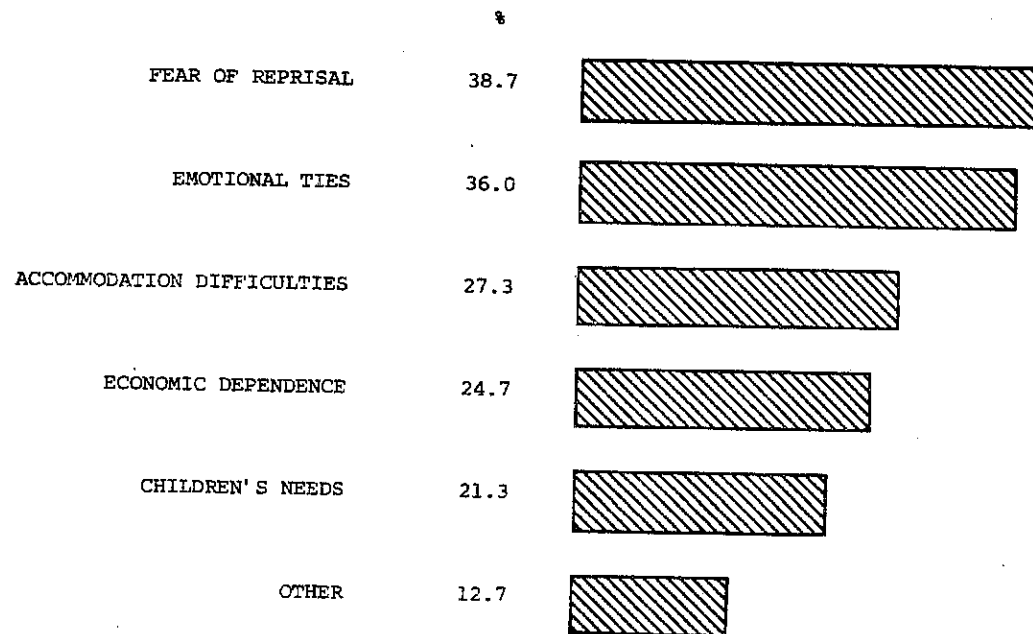
In a somewhat different category is the problem of accommodation. The community can provide direct, practical help to the woman who is impeded from taking appropriate legal action by the difficulty of finding alternative accommodation for herself or her children. In four cases out of five this problem was accompanied by others, especially economic dependence on the husband or de-facto. However, in five per cent of all the study cases, accommodation was assessed to be the only barrier to legal action.

Many of these women said they desperately needed an escape route from an intolerable situation. For example, one woman in her forties complained that her husband regularly assaulted both her and her children. The incident which caused her to seek advice involved the husband hitting both his children against a cupboard because one of them had turned a light on when he was trying to sleep. When the wife intervened she was given similar treatment. The husband was already on remand for assault and there was a history of similar offences. The complainant said she was prepared to withdraw charges on the undertaking that there would be no further contact between the parties because she felt that no appropriate court order could be made. "The only solution to our problem is separation. I fear violence if we are in contact again."

The one in five women who said 'children's needs' deterred them from taking legal action, had in mind a range of considerations. Because the Chamber Magistrates varied in the amount of detail they recorded, it is not possible to quantify precisely the various factors which were uppermost in the mothers' minds. Some were concerned about the possible effects on children of separation from their fathers. Others were worried about the disruptive effect of legal proceedings on family life. A common theme running through the mothers' comments was that it is better to keep a family together until the children have

grown up - regardless of the assaults they witness within the home (Figure I on opposite page).

FIGURE I - DETERRENENTS TO LEGAL ACTION



LEGAL ACTION

In 90 per cent of the 184 cases that came through the Chamber Magistrates' offices, the woman took out criminal and/or civil proceedings against her alleged attacker. The 20 women who took no legal action were not necessarily less seriously injured. Some, in fact, appeared to be subject to even worse violence than was typical in the sample. Their reasons for seeking no legal redress, despite having come to the Chamber Magistrate, are suggestive in considering the motivations of women who do not approach the court at all. As we have already seen (Fig. 1) the most commonly given reason (over the whole sample) for not having taken legal action was 'fear of reprisal'.

Compared with the overall sample, those who did not initiate legal proceedings after seeing the Chamber Magistrate were more likely to have been living with the man at the time of the attack. They were however less likely to have intended to continue living with him. This finding is consistent with the tendency, noted above, for separation from the attacker, and action against him for assault, to be seen as alternative measures rather than as complementary. Unfortunately the interviews with Chamber Magistrates did not uniformly bring out the women's intentions as to divorce proceedings, since these matters come within a separate jurisdiction.

The most direct form of legal redress for the victim of physical assault or threats of violence, is by means of a summons for assault or apprehended violence. However, as many as one in four of the questionnaire cases (which by definition involved some assault, threatened or actual) did not lead to a summons on either of these counts. (In

67 per cent information was laid for assault and in eight per cent a formal complaint made for apprehended violence.) Chamber Magistrates report that frequently women, after talking over their problem and being advised of their rights, do not wish to proceed. It is possible that in some cases the mere knowledge of the legal sanctions available to the woman is sufficient to restrain her attacker from further assaults; however, this assumes a rationality which is not usually associated with violent behaviour.

Because of the close and personal nature of the relationship involved in domestic assault, criminal action may well be seen as inappropriate. Even where the battered wife seeks court intervention on her behalf, she may be prepared to take out proceedings for maintenance only, and leave the assault matter aside. Of the 34 questionnaire cases in which a summons for leaving wife or child without support was taken out, 14 women took no action in regard to the violence itself. In addition to this figure there were a number of women who came to the Chamber Magistrates, who mentioned domestic assaults but were not willing to pursue the matter and for whom, therefore, no questionnaires were completed. In some courts this number exceeded by as much as eight times those for whom questionnaires were filled out.

In cases in which the woman is interested only in preventing further violence, a restraining order may seem more appropriate than criminal proceedings. Injunctions of this kind, however, are issued in the Equity Court and not through the local Courts of Petty Sessions. Since this sample is taken from women who went to the Chamber Magistrates it is perhaps not surprising that only two (1 per cent) sought Equity Court Injunctions.

An examination of the court records in the same courthouses provided a comparison with the cases which came through the Chamber Magistrates' offices. During the period corresponding to the survey at least 396 comparable cases came up for hearing before the courts in the sample. Amongst these there were 339 cases of alleged assault; 47 for apprehended violence; six for assault occasioning actual bodily harm and two for

unseemly or threatening words.* Only those in which a 'domestic' relationship between defendant and complainant (or informant) could be established from the records were included. Thus the figures may be artificially lowered by the difficulty of identifying de-facto and 'lover' relationships between the parties. Moreover, these figures represent only the offences which were heard in the Petty Sessions jurisdiction and not those of a more serious nature which were heard in superior courts.

It should also be borne in mind that the cases from the court records are those which came up for hearing during the time period which corresponded to that of the survey. Because of the time between the issue of a summons and the first hearing, and particularly because of the frequent adjournments, these do not necessarily represent the cases in the questionnaires from the Chamber interviews.

The most interesting comparison to be made between the sample from the Chamber Magistrates and the cases before the courts is in the relative number of charges laid by the police against alleged attackers, compared to cases resulting from a summons taken out by the woman herself. Our primary sample contains 12 instances in which the police were taking action; the greater part of the sample being women initiating proceedings themselves through the Chamber Magistrate. Of all those brought before the court between mid-April and the end of June, 70 per cent were summons cases and 30 per cent were charge cases, brought directly by the police. One of the reasons for the relatively small proportion of charge cases is a reluctance on the part of police to initiate proceedings in a domestic assault situation in which they feel the woman may refuse to give the necessary evidence against the man when the case comes to court.

* The remaining two cases involved one 'shoot with intent to murder' and one 'possess firearm'.

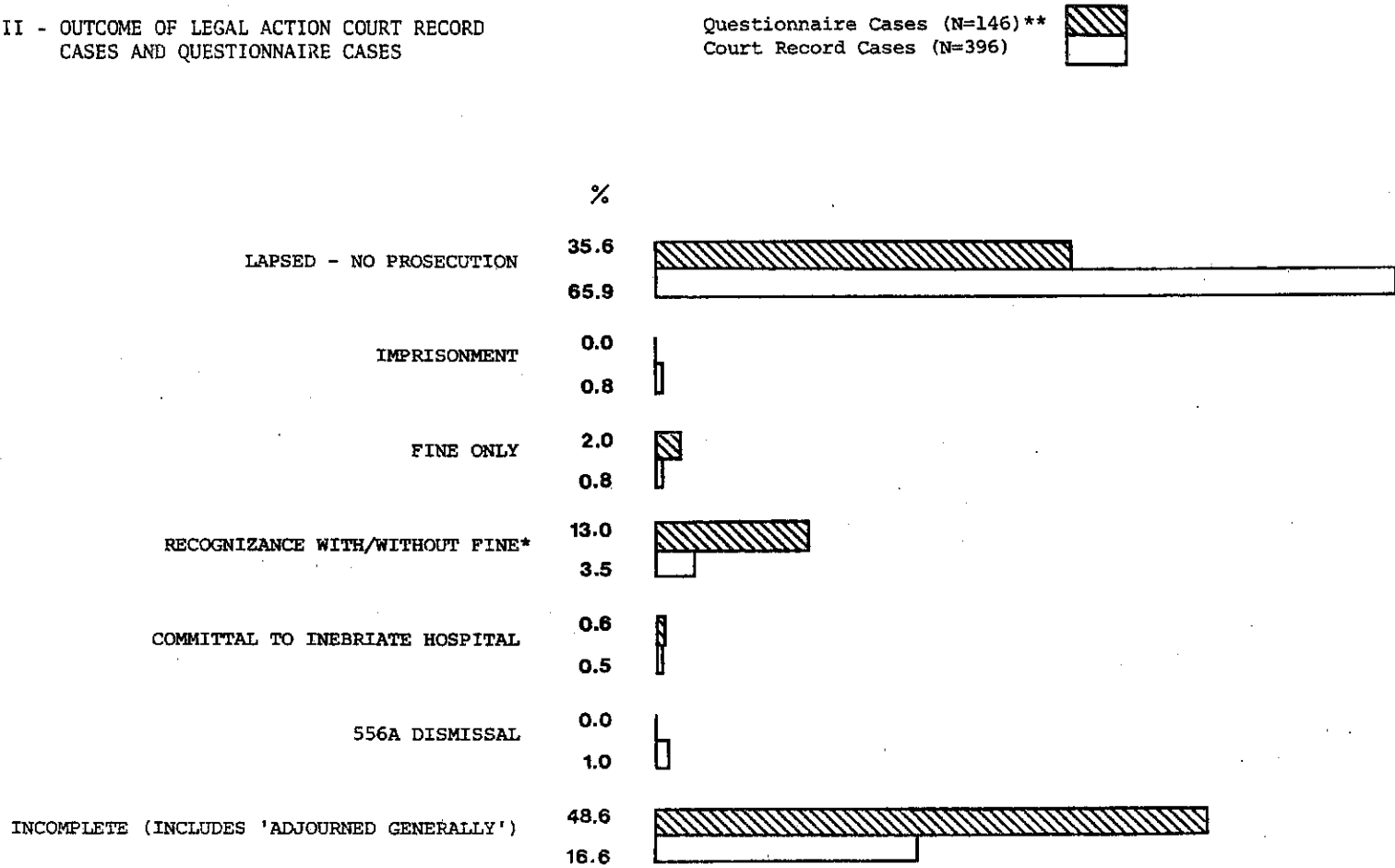
LEGAL OUTCOME

The outcome of the legal proceedings taken by the women in the sample of Chamber Magistrates' clients, and those found in the court records for the period, are set out in Figure II (see page 22). Closure of the study was delayed as long as possible, but for practical reasons the 10th July (three months after the commencement date) was the last day on which outcome data could be recorded.

In cases of domestic assault the question of what constitutes the most satisfactory outcome of legal action is likely to present a dilemma for both the Magistrate and the victim herself. The continuing relationship of the parties involved (even after separation of the couple the man may continue to harass his wife, de-facto or lover) gives particular emphasis to the issue of deterring the defendant from future violence. The law provides for fines of up to \$500 and/or six months imprisonment for a person convicted of assault under s.494 of the Crimes Act. However, punitive sanctions in the form of fines or imprisonment may, in domestic assault, penalize the victim as well as the offender. When the woman is economically dependent on her attacker (not to mention emotionally attached to him and to their children) fines which must be paid from family finances, or prison terms which could result in loss of the man's earnings, are not necessarily the most appropriate measures.

There were only three cases of imprisonment. All of these were court records cases, which included charge matters. In only three instances among the Chamber Magistrates' clients was a simple fine imposed and in only three of the 396 cases from court records. Of those covered by the questionnaires, one was a token amount - 50 cents - and all of the couples involved were separating. Slightly more common was a fine in combination with self-recognition, the admonitory aspect being emphasised rather than the punitive. In only two of the questionnaire cases did the Bench consider probation necessary or appropriate.

FIGURE II - OUTCOME OF LEGAL ACTION COURT RECORD
CASES AND QUESTIONNAIRE CASES



22 * Two of the cases from the court records involved compensation paid to victim instead of fine.

** Excludes 8 not known, 30 not relevant i.e. no action taken in Petty Sessions.

Although recognizance requires that the defendant be of good behaviour for a stated period, there were few cases in which specific conditions concerning the non-molestation of the woman were attached to the 'bond'. The same was true of attempts to regulate the man's drinking by prohibitions or, more especially, by treatment.

Doubts as to the benefits of bringing criminal sanctions against a husband, de-facto or lover also form one motivation for a woman to withdraw her case against the man who assaulted her. Seventy per cent of the completed court records cases and 68 per cent of the relevant and complete cases in the questionnaires, lapsed for want of prosecution. Many of these women withdrew on the basis of undertakings from their attackers to refrain from further violence towards them. Where the parties had legal representation the lawyers often attempted a settlement out of court; the agreement generally being that if the woman would drop the proceedings the man would leave her alone in future and, in some cases pay maintenance. Such agreements are, of course, not always effective. However it is possible in such cases to see the women's actions in having summonses taken out as an attempt to achieve a viable bargaining position, with legal backing, in relation to behaviour which they may feel unable to counter in any other way.

An examination of court records showed that in some cases the Stipendiary Magistrate may see withdrawal of the information or complaint by the woman as the most satisfactory resolution of a case before him. He may suggest an adjournment, specifically to allow time for an out-of-court settlement. It is felt that the woman is likely to reconcile herself to the incident over which the case was brought, and that the couple may thus sort out the problem themselves without the intervention of the court.

The commonest of all results of domestic assault cases found in the court records was a dismissal resulting from no parties appearing at the hearing. Among those which did proceed, the number of adjournments was high. Almost half these cases

(45 per cent) went to three or more hearings, one to as many as eight and another to nine. Some of the adjournments resulted from the difficulty in getting both parties to attend; on the other hand, even when both were present or represented, an adjournment in consideration of either a settlement or divorce proceedings was frequently requested. Thirty per cent of the cases from the court records took more than three months from the time of the offence to the final hearing; 25 per cent took more than four months.

Another major factor behind the withdrawal of domestic assault cases by women is intimidation. Although it was obviously not possible to follow up the domestic consequences of legal action taken by the women in the sample, in one or two cases the Chamber Magistrate was able to record these where they came to his notice. One woman, for example, notified him to say that she was withdrawing her case against her husband because the summons had resulted in further assaults. This situation emphasises the point that has emerged above, namely, that the existence of a domestic relationship between an assault victim and her attacker makes recourse to the existing legal procedures difficult.