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***Domestic Violence and
its Similarities with Torture***

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INTRODUCTION

The language of this paper as well as the content of the women's stories that will be mentioned through the text belongs to the land of those facts most people do not want to know about. The land of suffering, injustice, cruelty, and abuse of power. Certainly, domestic violence and torture occur in the 'shadows' of preserved or clandestine places. Being aware of that however, does not deter this author to use both terms to identify each other in some vital overlap between them. Probably the most relevant similarities are the political nature of both types of cruelty, and the unutterable impacts on women's lives. However, a clarification is necessary regarding language. Commonly, torture and domestic violence are associated with victimisation, with the powerless condition of those who endure violence. Nevertheless, this essay links those words with *survival*. There is a great percentage of persons subjugated to violence that die, or become definitely disable. The cases to be shown in the following pages are stories of survival, of a great inner power as to overcome the close possibility of to be killed or commit suicide.

Between *life and death*, as Andrea Dworkin (1997) mentioned, survivors have a very thin sphere where they manoeuvre to survive. To name the suffering with its own words, and to point out who are the powerful institutions who can, and must guarantee those women not to have to struggle for their own survival in their homes is an urgent need. In addition, to denounce that domestic violence overhang torture implies, at the same time to uncover the political nature of wife abuse.

Domestic violence involves the violation of rights and human integrity, is a display of power, and subjugation by one individual to another one, in the domestic setting of intimate relations or private sphere¹. In this sense, violence between siblings, elderly abuse, husband and wife beating, and child-abuse are forms of domestic violence. Violence perpetrated by a male partner against his female partner in intimate relations is the focus of this essay.

Semantic problems with the concept of domestic violence arise when trying to integrate all the possible situations where a woman is abused by her partner. Various terms such as '*family violence, domestic violence, domestic torture, wife battering, wife beating, wife torture, or violence against wives*' tend to be used to describe this particular type of violence.

In this paper, the term domestic violence and wife abuse are interchangeable employed to characterise

men's violence against their intimate female partners (wife, cohabitee, girl-friend, former partner, ex-wife) carried out in the private sphere (intimate relationship, previous, current or on-going one) through physical, psychological, sexual or economic violence or the threat of it, to force the woman to do what she does not want to do, or forbid her doing what she wants to do. This violence causes the

¹ More about the concept of private sphere will be said in the following section of this paper.

*progressive detriment of women's physical, emotional and economical resources, damages their self-esteem, human dignity and patrimony, and its prolongation through time points out the state's complicity with the offender*².

In addition to this definition some observations are required related to the concept of torture. The first time a link between domestic violence and torture was employed in publications was in 1878, by the feminist journalist Frances Power Cobbe. But, it was in 1982 and after that in 1994 that the link between torture and wife abuse became a theoretical approach utilised by feminists. Certainly, the witnessing of gross violations of human rights in various countries of the world during the '70s and early '80s by international terrorism, wars and state terrorism, made the use of torture in those situations obvious. The *United Nations Convention against Torture and other Cruel and Degrading Treatment* in 1980's appears as an attempt of the international community to stop the commission of torture. Similar to those international awareness and legal developments on torture, happened to domestic violence. The United Nations in 1992, passed the *General Recommendation 19*, through the *CEDAW (Convention on the Elimination of All Forms of Discrimination Against Women)* to tackle the issue of wife abuse. Following those international legal antecedents, in 1994, the *Inter American Convention on the Prevention, Punishment and Elimination of Violence Against Women, de Belem do Pará*, set up the legal grounds for changes in the region³.

Since those important action, much research on psychological effects of survivors⁴ of torture and hostages situation have been published, and feminist scholars from different disciplines have begun to compare the effects of wife abuse in women with the effects of torture in domestic violence' survivors.

To clarify concepts, one⁵ definitions of torture will be given next, which is currently applied by the international community to investigate cases of torture.

The United Nations Convention to Prevent and Punish Torture and other Degrading Treatment, in its Article 1, says that torture is:

² This definition is elaborated by the author based on her professional experience as a lawyer -1989 to 1996- representing battered women in the Courts of Buenos Aires, claiming for the physical, emotional, sexual and/or economic damage their male partners exerted on their lives.

³ According to Celina Romany (1994) 'at least 400 women were murdered by their husbands or lovers in the Pernambuco state of Brazil between 1987 and 1989, and the Brazilian criminal system sanctions defences that either reduce the punishment for such violence or absolve perpetrators altogether. The most pernicious defence is the 'defence of honour', which absolves wife-murderers who can prove that they acted spontaneously in legitimate self-defence against an imminent aggression against their honour, such as adulterous conduct by woman' (Romany, 1994:103).

⁴ 'The term survivor describes the kind of active, positive action women take to continue functioning within an abusive relationship, or to free themselves from abuse' (Kirkwood, 1993). This term is also used to identify those individuals who did not die in the torture process or session.

⁵ Another definition of torture is given by the *Inter-American Convention on Torture*, that defines torture good as '... any act intentionally performed whereby physical or mental pain or suffering is inflicted on a person for purposes of criminal investigation, as a means of intimidation, as personal punishment, as a preventive measure, as a penalty, or for any other purpose. Torture shall also be understood to be the use of methods upon a person intended to obliterate the personality of the victim or to diminish his physical or mental capacities, even if they do not cause physical pain or mental anguish' Art. 2 of the Inter American Convention to Prevent and Punish Torture, quoted by Copelon 1994:147).

‘any act by which severe pain or suffering, whether physical or mental is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act that he or a third person has committed or is suspected or having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.’ (United Nations 1993).

Unfortunately, more than thirty years of research on domestic violence seem to be not sufficient to eradicate the phenomenon, and similar observations might be made about the phenomenon of torture in the public sphere. Impressive efforts, carried out by the women’s movement and feminist scholars, have resulted in shelters for battered women, subsidies, housing facilities, and so on. Some countries have enacted special legislation for protecting women from male violence, while others had legal provision in their common legislation. Despite these gains, the phenomenon of domestic violence seems to be as prevalent nowadays as thirty years ago. An example of this is the fact that refuges for battered women, who are opened since 1972 in the United Kingdom have grown in number and they are still giving assistance to women subjugated to family violence.

Male violence against women in intimate relations seems to be a common feature of societies in many countries of the world (Levinson, 1989). It is a phenomenon that is permanently hidden, like the practice of political torture by states (Amnesty International 1996; Beasley & Thomas 1994). Despite the great deal of research carried out in the issue, the role of the state as responsible for wife battering still remains under theorised. *Male violence against women in the private sphere is not a private problem*, but a political one with the state⁶ as participator. Domestic violence relates to the state and its functions to control crime, and protect citizens from violence. Leaving the state out of analysis of the problem is in opinion of this author the basis for the lack of an effective approach to the elimination of wife abuse.

The next parts of this essay includes evidence to support this argument. In the first section some theoretical approaches will be outlined as a framework. The second part of the essay provides cases of women survivors of domestic violence and torture, and the similarities in torture techniques employed in both cases. The third section, sets up some similitude between both types of violence. Subsequent, the fourth part outlines some of the differences observed in cases of domestic violence and torture. The fifth and last part presents a summary recount of the main theoretical elements explored.

⁶ The concept of *state* implies that ‘A state exists where there is a political apparatus, ruling over a given territory, whose authority is backed by a legal system and by the ability to use force to implement its policies’ (Giddens, A., 1993:348). In addition, drawing from a gender approach to the state, is possible to say that ‘The state is a structure of power, persisting over time and an institutionalisation of power relations. It is not the only institutionalisation of power, nor even the monopolist of legitimate force, as some classic theory has it. Feminism points to the family as a domain of power, and to husband’ violence against wives as a socially legitimised use of force...[however] because of its power to regulate and its power to create, the state is a major stake in gender politics; and the exercise of that power is a constant incitement to claim the stake. Thus the state becomes the focus of interest group formation and mobilisation in sexual politics...’ (Connell, 1994:148, 159).

1. THEORETICAL FRAME-WORK

Political and legal approaches that enlighten the analysis of domestic violence and torture in relation to the state are explored in this section.

1.1. *On Public and Private Spheres*

And understanding of the distinction between public and private domain is required to illuminate the political nature of domestic violence. As the word indicates, domestic violence refers to violence occurring in the *domestic* or private setting.

Nancy Fraser distinguishes both spheres in terms of three analytical distinct things: *'the state, the official economy of paid employment, and arenas of public discourse'* (Fraser, 1997:70). She suggested that what counts as a public matter and that, in contrast is private is a political question. The way in which each state shapes these boundaries might be based on cultural shared norms or, for instance, on the contrary, might challenge prevalent cultural norms. Each government shapes the boundaries between public and privacy in a political way. She indicates different arenas or public and private spheres which correspond to states with market economy. For Fraser publicity for example can mean *'(1) state-related; (2) accessible to everyone; (3) of concern of everyone; and (4) pertaining to a common good or shared interest. Each of these corresponds to a contrasting sense of privacy. In addition, there are two other senses of privacy hovering just below the surface here (5) pertaining to private property in a market economy; and (6) pertaining to intimate domestic or personal life, including sexual life.'* (Fraser, 1997: 85, 86).

Despite the mentioned above, it is possible to concede that there is no realm of personal and family life that exists totally separate from the realm of the state. The state defines both the family, the so-called private sphere and the market, the so-called public sphere. Private and Public exists on a continuum, where there is always the selective application of the law. Significantly, this selective application of the law invokes privacy as a rationale for immunity for protecting male domination (Schneider, 1994). The idea of privacy is resumed in the popular saying *'in the problems of wife and husband, third parties do not have to interfere.'* Stressing on domestic violence, the division between public and private has historically let victims of wife battering abandoned to the will of the abusers on the grounds of privacy. This concept, has been the justification for state, and community to do not intervene stopping husbands of abusing their partners. Particularly focusing on institutions of the state such as police force and Court, their constant failure to intervene in male battering of women due to privacy should be seen as part of the same violence women have to endure, and this failure implicated public rather than private patterns of conduct (Minow 1990). The articulation of the principle of privacy, and the discriminatory application of the law by the state –which

neglects and or/denies effective protection for its female citizens- are important contributors to making the battered women's isolation⁷ and captivity effect from it, possible.

Nonetheless,

'the challenge is not simple to reject privacy for battered women and opt for state intervention, but to develop both a more nuanced theory of where to draw the boundaries between public and private, and a theory of privacy that is empowering' (Schneider, 1994:36).

In so far, privacy has been outlined in its negative aspects. This author considers that privacy is not only the 'rationale' to do not intervene against male domination such as in domestic violence cases. Privacy is also associated to the private sphere of the individual's rights and intimacy. This idea implies a domain of individual's rights and interests that deserve to be respected by others, including the state. Following this idea to look at the family, although it should be seen as *a total of individual's privacy*, traditionally it is seen as *a unit with a unique privacy*. Since the male partner is widely considered *the head of the family*, it appears that the privacy of the home is identified with the 'privacy of the man'. However, to employ this logic is an error, and in the cases of domestic violence might result lethal. The other members of the family *also* have the right to privacy, the right to have a private sphere of personal interests protected from other's interference.

When domestic violence occurs the male partner is invading the privacy of his partner to impose his unlawful will. He is violating the rights of his partner in such a way that it might produce different types and degrees of damage and harm, and perhaps the death of the woman.

On the contrary the need of state's intervention in the '*privacy of the home*' when domestic violence cases happen does not imply a violation of privacy, but a lawful intervention to preserve the privacy of an individual who is being attacked. The adequate state intervention in those cases aims to stop an illegal violation of privacy carried out by the husband. The state, through this kind of positive actions, is enforcin individual's rights and moral standards in the home and in society as a whole.

1.1.1. Harm⁸ as a principle to define spheres of public attention

The debate⁹ surrounding the obligation of law to enforce moral standards might contribute to edify an empowering criteria to define public and private spheres, and hence, areas of public interest for the state.

⁷ See further comments about isolation and captivity of battered women in section 3.1.3. and 4.2.3 of this paper.

⁸ The idea of using the criteria of harm to make clear the public sphere of state intervention, belongs to Julia van Ooststroom.

⁹ Only Mill, Okin and Feinberg from the debate about state intervention, are mentioned in this essay.

Following Okin, she also argued that the public/domestic dichotomy is a misleading construct, which obscures the cyclical pattern of inequalities between men and women. She establishes that domestic life needs to be just and to have its reinforced by the state and its legal system (Okin, 1989 quoted by van Ooststroom, 1999). The idea of justice is central to legitimate governments and has to guide the state on ruling the lives of their citizens. When states discriminate against battered women through the lack of legal enforcement to protect them against the abuse, or punish their abusers, two elements at least, are playing an important role. One of them is the message sent to the society by the state, saying that women constitute a second class of citizens, who do not deserve the protection of the legal system. The second element is *harm*. Violence produces harm in the life of battered women, and the state failure on protecting them against it, shows the complicity of the state in the production of harm.

According to J. Stuart Mill '*...the only purpose for which power can be rightfully exercised over any member of a civilised community, against his will, is to prevent harm to others*' (Mill, 1974:68). In addition, what has to be understood by harm according to Mill, is when someone is affected in his/her lawful *interests*. Interests are something that decides someone's well being (van Ooststroom, 1999). Therefore, the conflicting interests have to be weighed on the principle of relevance for the well-being of the party concern and the society; and the state is allowed to prohibit certain kinds of behaviour if the harm by the loss of freedom is necessary to prevent more harm (Feinberg, 1984). Domestic violence is a clear example of conflicting interests between the will of the abuser partner, and the rights of the woman to physical, mental, sexual and economic integrity, and to have a life free from violence.

Following the previous ideas, an empowering distinction between public and private should focus not in physical domains or discursive spheres, but in domains of concrete individual's rights. In this form, when harms turns out in the home, the violation of rights this harm implies would be part of the public domain, and considered as public interest of the state and society.

1.2. International Conventions and the State Responsibility

Amongst the several international conventions informing on domestic violence and torture, there are three that imposed positive duties to the states to intervene, otherwise, the state is accountable before the international community for its failure to protect citizen's rights.

1.2.1. International Conventions

The international conventions that rule positive duties for states to follow regarding domestic violence and torture are (a) the UN Convention on the Elimination of All Forms of Discrimination Against Women [CEDAW] (1979), (b) the Inter American Convention on the Prevention, Punishment and Elimination of

Violence Against Women [Belém do Pará] (1994), (c) United Nations and Inter-American Convention Against Torture and other Ill Treatment (1987).

CEDAW specifically rules violence against women through its General Recommendation No. 19, passed in 1992. In this document it is set that gender-based violence is violence directed at women because she is a woman or that affects women disproportionately. *CEDAW* imposes positive duties to states, such as held them responsible for private acts if they fail to prevent violations of women's rights, or they fail to investigate and or punish violence against women. This convention rules for all countries in the world who have signed and ratified it.

The *Convention de Belém do Pará* states several women's rights, amongst them the right to life, to physical, mental and moral integrity, the right to privacy, and the right to protection under the law. This convention is the first one specifically on domestic violence and impose positive obligations to the state members. Amongst those duties, states have to guarantee the investigation and punishment of aggressors, and judicial protection for the woman, and redress for the damages she suffered. In this sense, states are forced to adjust their laws and criminal system to assure the enforcement of this convention. Because this convention was passed by the Organisations of American states, it is only forcible for the American states members.

The last conventions that impose duties to states to intervene are the Conventions Against Torture (the Inter American one, and the United Nations convention). Both conventions set the state responsibility for violation of human rights through torture, when the state is directly perpetrating torture by its agents, or another person who received the consent of the state, or when a particular carries out torture against an individual and he is not punished by the state.

Despite that the mentioned conventions imply a great advance that implies to have the mentioned conventions posing positive obligations to the states to take actions to protect women, there is still impressive gaps between the text of the convention and its enforcement by governments. This is a step which requires to be tackled to really make an impact on the reality of women lives.

1.2.2. State Responsibility

The principle of state responsibility defines the limits of government's accountability under international law for human rights abuses; responsibility that is generally understood to arise only when an act by a real person or persons can be imputed to the state (Brownlie 1990). In traditional human rights practice, states are held accountable for what they do directly or through an agent, rendering acts of purely private individuals [such as domestic violence crimes] outside the scope of state responsibility (Beasley and Thomas, 1994). However, more recently, the concept of state responsibility has expanded to include not only actions directly committed by states, but also state's systematic failure to prosecute acts committed

either by low-level or parastatal agent, or by private actors. *CEDAW Recommendation No. 19* and international jurisprudence doctrine set up by the Inter American Court of Justice in cases of disappearance of persons, and the *Convention de Belém do Pará* set the legal roots for this change. In those situations or abuse where the state may not actually be committing the primary abuse, however, its failure to prosecute the abuse amounts to complicity in it.

1.3. Aims of Torture and Domestic Violence

‘This struggle has many battlefields, and for its conclusion, the conquest of man’¹⁰

The Holy Inquisition during the Middle Ages implemented torture aimed to obtain the confession of the offender. Monarchs also followed this judicial method, and its powerful enforcement decreased through the weakening of monarchical systems. Yet its practices did not completely disappear through the nation state. In fact, the practice of torture became more subtle and clandestine (Foucault, 1989) According to Foucault, the main reason for torture during the monarchy times was to confirm the king's power. It seems this was the reason why torture of condemned prisoners –specially charged with betrayal to the king's sovereignty, or challenge to its authority- was carried out in public squares. The torture, in those cases, pursued to spread the confirmation of royal power, spread terror, and discourage other individuals to engage in unlawful activities (Foucault, 1989). In the 70's the goals of massive implementation of political torture by the Latin American terrorist state remained similar to those of previous historical times, confirming the regime's absolute power over a helpless civil society (Hollander, 1997). Moreover, the torture techniques employed by the Latin American military on the body of the tortured strikingly revealed similarities with those of the Holy Inquisition (Bunxter-Burotto, 1985). The goals pursued by abusive partners in an intimate relationship also resemble similar to those of monarchical times.

According to Amnesty International (1996:6), four are the purposes for which torture is used. *(1) to elicit information from suspects, (2) to break down individuals physically and psychologically, (3) to instil fear in communities and social groups, (4) to punish individuals.*

Regarding the first of those cited goals, Peters said that *‘it is not primarily the victim's information, but the victim, that the torture needs to win –or reduce to powerlessness’* (Peters, 1985: 135). In similar sense, Copelon (1994) also agrees that to elicit information appears as an excuse rather than a fact. Through the interrogation the torturer pursues the verification of his absolute power rather than information. Interrogation systems are present in cases of political prisoners, as well as in domestic violence. In the latter particularly those questions refer to jealousy, possessiveness, and control behaviours of the partner

¹⁰ General Ramón Camps, Chief of the Police force of Buenos Aires during the military Argentinean dictatorship 1976-1983, quoted in Gregory et.al. 1986:70.

who conducted the interrogation. Still, there are differences between both situations. When the interrogation is carried out by military or state repressors, the information given under torture might implied the loss of other lives, while in the domestic violence case well might signify the avoidance of further suffering to others (children, friends, and so on) (Copelon, 1994).

Concerning the second aim of torture 'breaking down individuals physically and psychologically' Copelon indicated that *'the purpose of obliterating the personality captures the ultimate horror of both torture and domestic violence as an assault on human dignity. While severe pain is world-destroying, when pain passes, the person usually regains the 'self'. Torture –both intimate and official- seeks more than temporal pain. It seeks to reduce a person to passivity and submission, to destroy self-esteem, confidence in life, and the capacity for resistance.'* (Copelon, 1994:135). Hence, torture of women in private or public domain are clear violation of human rights of women. Rape, and torture are particularly pervasive and efficient mean of social control over disadvantage groups, and so on.

In relation to the third goal of torture cited above, domestic violence and specially rape of women – regardless of the sphere where it occurs, are seen by feminists as a way of instilling fear in the wider female population in society, and hence it serves as a form of social control (Hanmer and Saunders, 1984; McKinnon, 1989; Walby, 1990). Political torture, even in times of democracy executed by death squads or police officers is a effective mean to spread dread and paralised workers or other members of the civil society demanding for their economic, social and political rights and carried out economic exploitation of these groups.

Finally, regarding the fourth objective cited, domestic violence appears as a systematic form of punishment that coexists parallel to the rule of law. Dobash and Dobash (1980), Walker (1979, 1984), Gelles (1972) have shown that domestic violence mostly comes up without any rational explanation or issues, such as the fulfilment of wives traditional roles. The Dobashes (1980) indicated that although the violence might be display under the excuse of those *'faults', 'jealousy' or 'possessiveness'*, in fact violence occurs every time *a wife challenges the husband's authority*.

2. SURVIVORS OF DOMESTIC VIOLENCE AND POLITICAL TORTURE

The following paragraphs include testimonies of women survivors of domestic violence and political torture. The testimonies are based on interviews with survivors of political repression and other testimonies were taken from various authors' work regarding this issue. All the under changes in the text are made for the purpose of this essay.

The classification of the torture technique observed in the cases will be made after each one of them. In this regard, we have to bear in mind the immediate effect of torture on the individual who is enduring it: **pain and fear**. However, the intensity of pain will depend on various facts. Peters proposed a *'view o pain*

as a perceptual experience whose quality and intensity are influenced by the unique past history of the individual, by the meaning he [sic] gives to the pain-producing situation and by his [sic] 'state of mind' at the moment. It is suggested that all the factors named before played a role in determining the patterns of nerve impulses that ascend from the body to brain and travel within the brain itself. And, in this way pain becomes a function of the whole individual, including his [sic] present thoughts and fears as well as his [sic] hopes for the future' (Peters, 1985:169-170).

A first case of a **battered woman** who testified at *Public Hearings of Minneapolis against Pornography*. (Dworkin, 1997:85), says that

"...He whipped her [his partner] with belts and electrical cords. He made her pull her pants down to beat her. 'I was touched and grabbed where I did not want him to touch me.' She was also locked in dark closets and in the basement for long periods of time...." (Dworkin, 1997:85)

A testimony of a woman **tortured by the Argentinean military** says:

"the electrical prods on the teeth were horrible...a thin cord with small little ball ... each little ball it was an electrical prod and when it worked out I felt as once thousand glasses were broken... they displaced along the body hurting it... I could not scream, neither weep, nor move...I am shaking... I want to see where I am, I put the bandage down from my eyes ...I am sitting here, this place is like a wardrobe..." (Strejilevich 1996:31).

Peters made a classification of torture techniques that allowed us to say that there were **somatic torture** in the two previous cases indicated. Peters says that 'somatic torture includes beating, punching, kicking, striking with truncheons, rifle butts, jumping on the stomach ... **The use of electricity:** probing with pointed electrodes (*picana eléctrica*) cattle prods (shock batons) amongst others. **Prolonged assumption or forced and stressful position of the body. Prolonged standing.** Traction alopecia: the pulling out of the hair. **Rape and sexual assaults.** Forced consumption of spoiled or deliberately heavily spiced food'. (Peters, 1985: 169, 170).

In the cases outlined above, the somatic torture was observed: the use of electricity, and the prolonged assumption of stressful positions of body due to their confinement in a closet the battered woman, and in a wardrobe the 'disappeared'¹¹ woman'.

¹¹ Disappearance was the technical name to name the organised plan of annihilation of the social and political activists, dissidents, etc. carried out systematically by the state terrorist in Argentina under the military dictatorship 1976-1983. The system consisted in breaking into the homes in the middle of the night with several men holding guns, destroying all what they could destroy, shouting and beating other's members of the home, stealing the money or other value things. After that, they abducted the person they wanted, handcuffed her/him, bandaged their eyes, and pushed them against the bottom of a car, usually of the mark Ford Falcon. By this way, the kidnapped person was brought to a clandestine concentration camp 'chupadero' (sucker) where all them, where tortured, interrogated, and after that killed. Their bodies, in most of the cases, were vanished [burned, thrown alive from helicopters and aeroplanes into the Atlantic Ocean, and so on. About 30.000 people were disappeared in Argentina in these forms. Very few survived, and most of them gave testimony in human rights organisations and in the trial against the military coup.

The next cases show the combination of somatic torture with psychological torture. Peters mentioned that *'witnessing the torture sessions of others: relatives, children. Threats made to witness the torture of others. Sham executions. Sleep deprivation. Solitary confinement. Threats'* (Peters, 1985:169, 170) are part of this kind of torture. The implementation of psychological torture aims to instil fear through threats to kill, mutilate, or torture the person, or her family members or friends. (Copelon, 1994). The so called 'family torture' in the political repression involves relatives, who are forced to witness how the others are torturing in a state of complete impotence.

Vila (1996) quoted a case of a **battered woman** who told her psychologist that:

"...She was eight-months pregnant when one night, after she sent her two daughters to bed, she had finished the cooking and she had also finished washing up the floor. During the dinner, her husband dropped the food on the floor and put her face in it. After that, he ordered her to stand next to his chair, he pointed a gun and ordered her to remain in this position till next day. ... he warned her that if she would move, he would kill her and the daughters..." (Vila 1996, 45).

Another case of torture to pregnant women is given by a survivor of an **Argentinean concentration camp**.

'...they weren't worried about my belly when they arrested me. The trip from Cutral-Co to Neuquén was pure hell... They knew I was pregnant. It hadn't occurred to me that they could torture me while we were travelling. They did it during the whole trip: the electric prod on my abdomen because they knew about the pregnancy...Each shock brought that terrible fear of miscarriage... and the pain,... I think it hurts more because I knew he was being hurt, because they were trying to kill him...' (Partnoy, 1988:53-54).

Psychological torture of women might involve the use of animals, which produces a devastating effect in damaging women's integrity. Ximena Bunxter-Burotto (1985) argued that there is a distinctive pattern of torture when female political prisoners are involved, based on violence against women as women through psychic and psychological torture aimed to destroy their female identity, their womanhood and their sense of human dignity. She pointed out that power and domination are exerted on the victims of sexual torture where women cannot leave nor fight back. Bunxter-Burotto mentioned specific cases of torture to women, where animals were used. This scholar analysing testimonies of **survivors of Chilean and Argentinean military dictatorships** said

'The use of animals to physically and psychically torture women is yet another phase in this unutterable process. Women's mental stability and physical health have been seriously threatened, sometimes destroyed, by the introduction of mice into their vaginas. Foreign objects, such as sticks

and dull instruments, have also been introduced into the vagina and anus...'(Bunxter Burotto,1985: 310).

Unfortunately, the use of animals and objects to be introduced inside the women's bodies, is not a torture reserved for military purposes. In the *Case of Lois* quoted by Russell (1982) Lois is **a battered and raped wife** who said

'...He would stick all kinds of things in my vagina, like the crucifix with the picture of Jesus on it. ...I remember one time crying because he took some goldfish I had just bought for the children. He wanted to see what would happen if he took a goldfish and put it all the way into my vagina. I'll never forget the sensation of the goldfish flapping around. Then he took his penis and stuck it in my vagina afterward, and it was him and the goldfish.... ' (quoted by Russell, 1982:278).

Bunxter-Burotto (1985) analysing testimonies of Chilean **women survivors of Pinochet's repression** also pointed out that

'Many female political prisoners in Chile have been raped by trained dogs –usually boxers (...) This is one of the most brutalising and traumatic experiences suffered by women in prison...With sickening canniness, the torturers traumatise their victims into feeling shame for their own bodies...' (Bunxter-Burotto, 1985:310).

To be raped by a dog, according to a Chilean survivor of this type of torture, is an attack to the identity of humankind. The message is *'you are a dog, not a human being, and because of that you have intercourse with a dog'*¹².

However, the phenomenon of women being raped by dogs is not a practice exclusively carried out by military state's repressors. The following case corresponds to **a battered wife raped by her husband**, and it was offered by Sylvia Wharton¹³. This was a case of rape in marriage, which was prosecuted for rape in California after legislation in the '80s made rape in marriage illegal. Reporter Sylvia Wharton cited the prosecutor as describing Rebecca Burnham's marriage as *'a bondage similar to that of a prisoner of war'* (quoted by Russell, 1982: 279).

'Episodes of torture with a battery-charged cattle prod and an egg beater, as well as forced intercourse with large dogs, were recounted in Merced County Superior Court ... by two of Victor Burnham's former wives...The present Mrs. Burnham told the jury her husband forced her to

¹² Testimony heard by the author in a mini seminar at the University of Kent at Canterbury, November 1998, given by a female Chilean refugee in United Kingdom

¹³ *'Sex Torture Charges Unveiled in Burnham Trial.'* Sylvia Wharton Reprinted courtesy of the Sun-Star, Merced, California, 1981; quoted by Russell, 1982.

submit to sex with dogs as well as his acquaintances. He took photographs which can only be described as pornographic... (Russell, 1982: 279-280).

One might think these types of men are exceptional rare cases of ill individuals. In fact, one would like to believe that. However evidence gathered by the numerous researchers on rape in marriage, such as Walker's (1979), Russell's work (1982), Finkelhor and Yllo's one (1985), United Nations Conference on Violence Against Women (1990) and United Nations IV World Conference on Women, Beijing, (1996) among others pointed out that torture inflicted by men to their female partners is not a rare phenomenon but the ordeal of thousands of women in the world.

Next the similarities in the mechanics of both types of torture and psychological effects for the survivors of those practices will be explored, drawing from general theories on torture to most specific feminist analysis of these commonalties.

3. SIMILAR EFFECTS OF DOMESTIC VIOLENCE AND TORTURE

Amongst the consequences of torture and domestic violence, physical and mental pain, disfigurement, temporary and permanent disabilities, miscarriage, maiming, and death are included. However, a psychological component of both types of violence, in all sorts of torture is the anguish, humiliation, debilitation, and fear caused by physical brutality, rape and sexual abuse; by threats of violence and death, and by methods of sensory deprivation, stress, and manipulations to try to break the will of the prisoner/woman (Copelon, 1994). Considering the legal effects of both phenomena we find the perception of a kind of '*parallel state*' (Copelon, 1994, Romany, 1994) punishing battered women and prisoners for breaking rules that are not written in the Acts and Codes. Problems in terms of legal evidence to suit abusers and repressors in the '*official state*' is another obstacle to guarantee individual's rights. The fact that most of those repressors and abusers enjoy impunity, is another shared effect. Finally, a different element is the legal consideration for be entitled to '*refugee status*', shows the relevant value that those crimes perceived as '*public*' in contrast with '*domestic*' crimes.

3.1. Psychological effects

For the purpose of this paper, some psychological and legal effects are explored and compared. Amongst the psychological effects, they are post traumatic stress syndrome, brainwashing: dependency, debility and dread techniques, and the Stockholm syndrome. Examining the psychological effects that violence produced in individuals, indistinctly of in which sphere it takes place, gives light to the public nature of domestic violence.

3.1.1. Post Traumatic Stress Syndrome

Pain as an outcome of political torture or family violence, brings about consequences in the body and psyche of the woman, amid others. Herman (1992) has developed the term *complex post traumatic stress syndrome* to make the adequate diagnosis for the psychological consequences of the torture in the battered woman -amongst other cases such as those of survivors of concentration camps and political prisoners-. Romken (1990)s (1989) and Vila (1996), employ the term *post traumatic stress syndrome/disorders* based on the North American Psychiatrist Criteria of Diagnosis to identify the psychological outcome of intimate violence in women. The different approaches coincide in that *all wife abuse has the common experience of being an event out of the range of the normal life of a human being*. The distinction regarding wife abuse and the other types of violence that might cause post traumatic stress disorder is the *intimate bond* with the perpetrator and the *length* and *repetition of the abuse along time*. Some symptoms of the *Post Traumatic Stress Syndrome* are: disattachment, social withdraw, anxiety, depression, numbing, incapacity to have intimate ties in a couple, irritability, sporadic explosions of aggressions, nightmares, hypervigilance, avoidance of memories of the trauma, phobic avoidance of activities that might remain the traumatic experience to the woman, self-blame feelings, attempts to commit suicide, amongst other (Romken, 1990, Vila, 1996). These symptoms might emerge in combination with some of each others, and it could last different length of time. However, it is important to stress that the healing process of the syndrome could start *only* when the violence which caused the trauma has stopped (Vila, 1996).

3.1.2. Brainwashing: Dependency, Debility and Dread Techniques

Two texts, one on rape in marriage (Russell 1982) and another comparing wife battering with torture (Copelon 1994) point out the relevance of understanding the effects of intimate violence as the consequence of manipulative techniques employed by the abusers. The term “*brainwashing*” which became fashionable after the Korean War to explain the **submissive and often collaborative behaviour of American and other prisoners of war**¹⁴ was described by Biderman, as the outcome of manipulative techniques this scholar and his colleagues referred as *DDD-Dependency, Debility and Dread*’ (Russell, 1982:282). Russell quotes the ‘*Chart of Coercion*’ developed by Biderman, which lists eight general methods of coercion with their effects. The application of this Chart of Coercion to domestic violence cases is observed as

1) Isolation: Social isolation is a common trait in domestic violence promoted by the husband upon different arguments: jealousy is the most frequent. This is probably the first strategy the abuser employ

¹⁴ Remark made by this author.

because it deprives the woman of all social support or her ability to resist, while makes the woman dependent on him.

2) Monopolisation of perception: The possessiveness that some husbands display toward their partners regarding all kind of social interaction, activities or individual interests acts as a monopolisation of perception as well as isolation and dependence.

3) Induced debility: this is the result of somatic torture, as well as rape and sexual abuse. However, psychological violence such as insults and cruel put-downs can be very effective too.

4) Threats: as an element of psychological torture, is very common in wife battering and as it was shown it might be devastating.

5) Occasional indulgence: As it was proved by Walker (1979) with her description of the cycle of violence, there are periods in the life of a battered woman when her partner shows affection and apologises. Besides, intimate relations are couples who were not born out of violent acts (such as war, kidnapping, hostages and so on), but out of affection. Therefore, it is reasonable to expect that not all the relations and not all the time, does violence permeate the lives of women.

6) Demonstrating 'omnipotence': Much wife rape and imposition of unwanted sex appears to convey 'omnipotence'. Another common form is to mention all the relevant personalities and authorities, personal connections with politicians and economic power that the husband has, to discourage the woman from charging him or leaving him. When the institutions do not respond adequately to the battered woman's request for help, they are helping to reinforce the 'omnipotence' of the abuser¹⁵.

7) Degradation. Many women comply with their husband or do not fight back because they believe that resistance is more damaging to their self-esteem than capitulation.

8) Enforcing trivial demands. Arbitrarily and discretionality are common characteristics of abusive husbands and torturers. Many battered woman prefer to meet their abuser's requirements, even the most tyrannical, to prevent the violence. Russell says that '*many battered women describe their husband's violence as being set off by the most trivial things, such as an undusted shelf, a meal they do not care for, or food not being ready when they get home, even when the wife may have no way of knowing when they will be home*' (Russell, 1982: 285).

The military methods described above proved effective in obtaining the compliance of prisoners of war, and have been effective in obtaining the compliance of wives. However, we should reflect on how is it possible

¹⁵ This is very obvious in Argentina, in the cases of battered women assisted and interviewed by the author.

an abuser husband knows those 'military' methods so well. Perhaps, the socialisation into traditional male identities evolves an informal training into aggression and domination that resembles similar to the same of military. Nonetheless, another psychological comparison of political violence and domestic violence situation is posed by the *Stockholm Syndrome*.

3.1.3. Stockholm Syndrome,

There is a type of political violence, namely *hostage* taking, which has many similarities with wife abuse, including the intimate bonds observed in both violent situations. Though in the case of the hostage these *intimate bonds are the consequence of long term continuation of the situation of hostage*. It seems possible to say that within the marriage, the woman has chosen the intimate ties with the man who will batter her along with the relationship, while in hostages' case, the woman did not chose the relationship, nor the man who is abusing her. Nonetheless, in those circumstances, violence and intimate relationship, and captivity and isolation are present. Regarding hostages the isolation is provoked by the jailer. Nonetheless, the isolation experienced by a battered woman is the result of her partner's action and threatens and the complicity of society and state. In this regard, the legal and social concept of privacy grants husbands impunity to isolate their women from any kind of assistance.

Graham et al (1989) analysed the *Stockholm Syndrome*, which was developed in previous years to account for the paradoxical psychological responses of hostages to their captors. This approach suggested that when a person has been threatened with death by a captor who is also kind in some ways, hostages may also- develop a fondness for the captor and an antipathy toward authorities working for their release. This kind of strange behaviour on the part of source who has been subjugated and threatened by his/her captor, was illustrated with cases of hostages in the Netherlands in 1975, by Ochberg et. al. (1981). It is relevant to point out that the '*Stockholm Syndrome*' (and therefore, fondness for the captor) is gradually diluted once the captivity is stopped (Ochberg et. al., 1981). Thus, *the 'Stockholm Syndrome' appears as a direct consequence of the situation of captivity and threats towards a person's life, and the individuals suffering from that syndrome overcome those effects once the situation of violence is eliminated.*

Graham et. al. go on to point out that this model shows how the psychological characteristics observed in battered women resemble those of hostages. These characteristics, the model suggested, are *the result of being in a life-threatening relationship rather than the cause of being in the relationship*. Besides, in both cases the extreme power imbalances between an abusive husband and battered wife, as between captor and hostage, can lead to strong emotional bonding that will be outlined later in this section. It was reported by hostages and battered women that victimisers of hostages and battered women assert control and guarantee submission by threats of violence, which do sometimes end in death or numbing. At the same time, these survivors reported that the kidnappers or batterers will show some kindness (Walker, 1979). The conditions which give rise to the development of the *Stockholm Syndrome* are: '(1) a person threatens to kill another and is perceived as having the capability to do so; (2) the other cannot escape, so her or his

life depends on the threatening person; (3) the threatened person is isolated from outsiders so that the only other perspective available to her or him is that of the threatening person; and (4) the threatening person is perceived as showing some degree of kindness to the one being threatened' (Graham et. al. 1989 :219).

As it was said before one of the effects of the Stockholm Syndrome is some sort of fondness experienced by the hostage, or the battered woman with her jailer. This situation is an outcome of the life threatening situation and it can be reverse.

The hostage and the battered woman, both need to survive the violence. In doing that, some *strategies for staying alive include*: denial; attentiveness to the victimiser's wants; fondness for the victimiser, accompanied by fear; and adoption of the victimiser's perspective. '*Some of the techniques of rationalisation that battered women's shelters residents report having used are: the assumption that the batterer is a good man, whose actions stem from problems that she can help him solve; denial that the batterer is responsible for the abuse, which instead is attributed to external forces; denial that abuse ever occurred; belief that she is the instigator of the abuse and thus deserves the punishment; denial that she would be able to survive without the batterer's support (emotional and/or practical); and belief that marriage and/or following the beliefs of her religion, which may tell her to obey her husband, are more important than her health*'. (Ferraro, 1983 quoted by Graham et. al. 1989: 224). Additionally, following a beating the battered woman also needs emotional support. The only person most readily available to provide support and emotional distress is the batterer. The woman learns to depend on him to ease the emotional distress he has created (Graham et. al., 1989). The effects of Stockholm Syndrome, which are strategic behaviours to survive the violence, however, are not identified in most of the Courts. That brings negative consequences within the context of legal procedures that do not translate it into legal steps and evidence rules the reality of misbalance of power present in domestic violence relations.

3.2. Legal Effects

Some of the international legal aspects of wife battering and torture were outlined in the first section of this paper. Following some of the similarities and differences between political torture and wife abuse have to be made. Issues related to the *impunity of the repressor and evidence matters* are outlined next. However, a necessary element to facilitate both the impunity of the repressors and obstacles made by evidence legal procedures, is the existence of a sort of '*parallel state*' in society.

3.2.1. 'A Parallel State'

The existence of a '*parallel state*' (Copleon 1994:136) in many societies where torture and wife battering prevail, makes the punishment of repressors and redress of the victims more difficult.

It is suggested that domestic violence operative structure in the private sphere is a 'parallel state' (Romany, 1994), under the rules of an informal customary system of social control and with the explicit or implicit permission of the formal state. *'Wife beating is, not an individual, isolated, or aberrant act, but a social license, a duty or sign of masculinity, deeply engrained in culture, widely practised, denied, and completely or largely immune from legal sanction'* (Copelon, 1994:132). This situation is also present in the case of political torture. *Head of states* who designed and carried out genocide and various military and non-military dictators all around the world were charged¹⁶, and some of them even in trial before International Courts¹⁷. However, these cases are the exception not the norm. Besides most of them remained unpunished still after many decades of the crimes they order, and finally they were arrested. This situation points out the reality of an inefficient national and international legal system of states, and head of states' accountability for their gross violation of human rights. Thus, a sort of '*parallel state*' breaks the rules that the state and the international community set, but they are not punished. The same state shows a doubling face with two different aspects, one respectful of law, the other one of the impunity¹⁸. It seems that most of the states in the world, in some way or in another tolerate the existence of violation of human rights due to political reasons, or for domestic violence¹⁹. This author suggests that the state tolerance of crimes is also a political question which solution is in the hands of states. The lack of punishment guarantees the impunity of crimes, and encourages violation of human rights. In those cases of military state terrorism, the state sends the message to society that, citizens lives are not worthy enough as to received state protection. In turn, the rationale for the lack of punishment, is posed in the dearth of legal proof. In fact, the legal system of most of the states and the United Nations have never been designed as to make [male] *head of states*, and [male] *head of families* accountable for the use of unlawful violence²⁰ contra their 'socially' subordinated wives or citizens.

¹⁶ Latin American former military dictators such as General Videla in Argentina, or Augusto Pinochet in Chile, are being suited in the Spanish Court by judge Baltazar Garzón.

¹⁷ Yugoslav president Milosevic has been suited in the United Nations Tribunal for the Former Yugoslavia, in The Hague, charged with genocide in Bosnia.

¹⁸ The author is currently working in a paper, developing this idea of doubling comparing domestic violence and the cycle of military dictatorships in Argentina, as well as the profile of abuser husbands and states repressors.

¹⁹ Amnesty International Annual Reports show the alarming number of countries in the world that violate the human rights inside their territory.

²⁰ Currently the situation is gradually changing. An example of that is the fact that the Inter-American Convention for the Prevention, Punishment and Elimination of Violence Against Women rules positive duties to the state members. In this regard, they are obligated by this Convention to adapt their legal systems in such a way as to provide effective protection to women who are victims of male violence, and punishment to the abuser. In the case of genocide and state terrorism, new advancements are witnessed by the International Legal system with cases as the Pinochet's, former dictator of Chile, and the U.N. Tribunal for the Former Yugoslavia, in The Hague.

3.2.2. Legal Evidences

In general, national legal systems are not adequately prepared to change torture and wife battering cases. The obstacles posed by legal evidences are amongst their inefficiencies. Because torture and wife battering tend to occur through the captivity of the survivor, it is difficult to produce witnesses. Amnesty International (1996) suggested changing the charge of proof to state's hands, instead of being in the hands of the survivor, as currently it is. Furthermore, it seems that psychological consequences produced by traumatic situations (such as torture and wife battering) should be taken into account as an important part of the legal evidence.

A more complex technique of legal evidence needs to be elaborated to deal with these types of crimes, with the political will to protect the powerless party through legal mechanisms. Presently, most of those procedure legal systems pose the burden of the proof in the plaintiff, assuming a balance of power between both parties. In addition to that, one of the most valuable source of legal evidence are *witness and visible physical marks*. These types of proof are not efficient to prove the commission of torture and domestic violence since both are rendered indoors. Torture and domestic violence happen within clandestine concentration camps or inside 'homes', and repressors and abusers make their efforts to do not have any witness. Besides, the proof of the physical marks for instance, could not count to show the consequences of psychological torture and rape.

As it was shown through this essay, precisely the misbalance of power in a relationship is what facilitates violence against the weakest party, like in the case of state terrorism against a citizen, or a husband against his wife or kids. Hence through the traditional procedures ruling legal proof matters the misbalance of power observed in the violation of human rights is reproduced, the lack of punishment of the crime and consequent impunity of repressors is the natural outcome.

3.2.3. Impunity of Repressors

In addition to that, Bunxter-Burotto argued that female sexual torture of women prisoners *'is the most difficult crime against women to punish and eradicate because the oppressors, the torturers, the persecutors, and executioners of women are all members of the authoritarian state, the military state, that has done away with all the basic human rights to which individuals are entitled'* (Bunxter-Burotto, 1985:317).

Nonetheless, we might reasonably question why wife-rape, wife battering and wife-torture are one of the most difficult crimes against women to punish and eradicate. Following Bunxter-Burotto's reasoning, perhaps we must think that *men are part in large of the state, or that the patriarchal nature of the state* gives impunity to those violations of human rights carried out by men against their female partners. If the

subservient dependent passive, and unequal position in society that women experienced as opposed to men [in the case of Latin American states] in a '*machista*'²¹ -patriarchal society is exacerbated in torture (Bunxter-Burotto, 1985, Hollander, 1996) we have to say identical words to the torture performed against women in the domestic sphere.

However, it appears what makes it difficult to change abusive husbands is the tolerance of the state to their violence against their partners. Nevertheless, in the cases of torturers and abusive husbands, impunity is a unlawful and unfair trait. Dick Oosting has said '*For too long, governments have failed to live up to their commitment to abolish torture*' (Amnesty International, 1996:3). In a similar sense, feminists have denounced the same situation regarding wife battering (Copelon, 1994; Mausolf Buel, 1988; Combrinck, 1998; UN IV World Conference on Women, Beijing, 1996). Though impunity is the feature for torturers and abusive husbands, developments in international law through the last three decades are creating new channels and more methods to change states for their failure to reinforced citizen's rights guaranteed by their National Constitutions and International Conventions (Combrinck, 1998). The principle of '*state responsibility*'²² born in 1948 with the Universal Declaration of Human Rights, became in the '90s a special tool of advocates for human rights and women's human rights. Nevertheless, issues of legal evidence to prove the commission of torture or wife battering are still obstacles to gaining the full attention of the state.

4. DIFFERENCES BETWEEN POLITICAL TORTURE AND DOMESTIC VIOLENCE

Amid the differences between Political Torture and Wife Battering are issues of affective bonds between survivor-repressor, the gender of both of them, outside concern and refugee status.

4.2.1. Affective Bonds between Survivor-Repressor

One issue is mainly the gender of captors and hostages, which usually are male both, while, in an abusive marriage consists of a heterosexual couple, in which the woman is made into the position of hostage.

Affective ties between survivor and repressor differ from situations of wife battering to political torture. The situation of marriage or intimate relations, was chosen by the woman and her partner, while in the situation of hostages, the intimate bond was a relation forced by a stranger. In addition, the ordeal of a battered woman might be '*for several years, while for the hostage is a question of days, weeks or at the most*

²¹'Machismo' is understood as the cult of virility, and it has been described as embracing an '*exaggerated aggressiveness and intransigence in male-to-male interpersonal relationships and arrogance and sexual aggression in male-to-female relationships*', (Stevens 1973:91) mainly referred to this type of gender relations between Latin Americans, still, it is possible to find these features amongst many other countries in the world such as Italy, Spain, Greece, Arabic and in general Muslim countries.

²² State Responsibility was outlined in the first section of this essay, 1.2.2.

months' (Graham et al, 1989:226). According to Ochberg (1981) it takes three to four days of captivity for the Stockholm Syndrome to emerge in hostages; after that, duration is not relevant. Nonetheless, in cases of prisoners of concentration camps or tortured people, the time of their captivity and suffering might be prolonged through several years²³. Still, hostages and some tortured prisoners develop their attachment to their captors *after* the captivity, while the battered women developed it *before* the union with her male partner. Case of marriages between tortured female prisoners and their torturers were made public in one of the concentration camps of the Argentinean last military dictatorship [1976-1983] (Heker, 1996). Nonetheless, those intimate heterosexual relationships were initiated in what Graham et al (1989), and Vila (1998) understand as a consequence of the *Stockholm Syndrome*. Furthermore, from two of those known relationships, since one couple still remain united in marriage (Noticias, March 1998) questions arise about the real reasons supporting the intimate ties and the extent of the *Stockholm Syndrome* on individuals. Developing the intimate relationship '*after*' the captivity has further implications and different effects on the psychological and social outcomes of the survivors of hostage and wife battering. According to Finkelhor and Yllo (1985) '*findings indicate that rape by one's husband is experienced as worse than rape by a stranger because the women came to doubt their judgement in choosing intimate partners, had to live with their rapists, and felt unable to talk with others about the rapes and to get outsider support*' (cited in Graham 1989:227). In similar sense, Herman (1992) argued that violation by a state or soldier is not necessarily more despoiling than violation by an intimate. In fact, according to Vila (1996) the violence carried out by a partner is more devastating in psychological terms than the violence endured by a woman from a stranger. Consequently, it seems possible to expect women being held hostage, or political prisoner will not develop identical²⁴ problems regarding choosing intimate partners as battered women.

The following testimony of an Argentinean woman **survivor of domestic violence and political torture** is illustrative of the point mentioned above.

"... I was tortured by the Military, and then my husband also battered me. I can assure you that my husband's hits were more awful than the 'picana [electric prods] of the Military. I chose my husband and I loved him. The military were just sons of a bitch, they were my enemies. But my husband no. That was more humiliating for me than the picana". (Author's interview with Argentinean refugee in Amsterdam, July 1998).

In this testimony the trust and confidence built up in an familiar relationship was betrayed by the husband, while the repressor state, was a stranger without emotional bonds to the woman, and therefore, the woman could distinguished that repressor as an enemy. It is precisely the breaking down of the compromise by the abuser husband, that leads to immense psychological pain for women, and makes both torture and the battering situation similar despite the level of violence endured or techniques employed by torturer and abusive partner.

²³ This report recorded cases of prisoners who spent almost seven years in the clandestine concentration camp of the Navy in Buenos Aires. (Nunca Mas, 1985).

Another element of affective bonds in the relationships of hostages or battered women is the presence of others sharing the same situation. Graham et al recounts that a person may be taken hostage and maintained in captivity singly or in a group, and that the presence of other adults may become a source of affective support and solidarity. This situation was also described and illustrated by Ochberg et al (1981). On the contrary, a battered woman tends to be maintained in isolation or with her children, who in turn might be used by the abusive husband to inflict psychological violence to her. Although, empirical work and researched on battered women pointed out that in many situations of long term abuse, women only decided to fly the home when one of their children was also assaulted by her partner.

In addition to that this peculiar characteristic of intimate and affective ties in the domestic violence relationship is strengthened by the lack of outside concern, while on the contrary, in those situations such as the *hostages*, or prisoners of war, state and society give support to the victim.

4.2. The Gender of Survivors and Repressors

Graham et al mentioned that *'the typical hostage is male, while the typical battered spouse is female'* (Graham et al, 1989: 226). On the contrary, Ochberg et al (1981) illustrated their study of victims of terrorism, presenting the cases of hostages taken in a Dutch train, in 1975. Women and men were amongst the hostages. If we look at the situation of prisoners of concentrations camps, such as the Nazis extermination camps, we also will see that female and male comprise their population. In Latin America, there are counts of the percentages of female and male amongst the victims of the state terrorism. In the case of Argentina, the *National Commission for Disappearances* asserted that about 33% of all the 10.000 cases reported to that Commission were women (Nunca Más, 1985). Furthermore, a gender analysis of torture exerted on women and men by terrorist states carried out in Latin America showed the gender distinction between the type of torture performed on men and women. Bunxter-Burotto (1985), and Hollander (1996, 1997) stressed that although torture for men and women is always extremely painful, torture against women strained destroying women's sexual identity, and women's identity as mothers and wives, while this is not the case of torture performed on men. In this sense, as it was shown previously through the testimonies and cases of torture and wife battering, the techniques and forms of torture on women carried out for political reasons are similar to those performed by abusive partners.

Additionally, in the situation of political torture there is also a gender peculiarity related to repressors. Borrowing, again from Argentinean studies, it appears that overwhelming men are repressors with few exceptions of women (Paolletti, 1987). Nevertheless, those women who are involved in political repression tend to be subordinated to men repressors (Bunxter-Burotto, 1985; Portnoy, 1988), and they never performed torture on women but on men (Paoletti, 1987).

²⁴ Though the consequences of rape by a stranger or rape by a partner might differ between each other, it is known that rape always affects survivors' sphere of intimacy, affection and sexuality.

What makes the gender of repressors and survivors relevant in domestic violence, is the nature of the private domain. Moreover, this private sphere is strengthened as a place of male power because of the social, cultural and legal context where families are located. In the cases of political torture or hostages however, violence turns out either by public authority against political and social activists (public domain), or in public places such as trains, embassies, air-planes, and so on. In these cases, the survivors of torture or hostage situation tend to receive outsider concern. While in most of the cases of state terrorism in Latin America the outside concern came from the international community, in the cases of hostages, the public concern comes from their own society, community and state.

4.3. Captivity and Outside Concern

Graham et al also suggested another difference between the *Stockholm Syndrome* and domestic violence. *Outside concern* for the life and negotiation for the situation of the hostage is one factor of preoccupation for the well being of hostages. On the contrary, the lack of outside concern for the life of battered women, underlies the politics of wife battering, and the devaluation of women's lives in society.

The battered woman herself has to negotiate her life and safety with her abuser. Nonetheless, it is relevant to mention that the scarcity of outside concern in cases of wife battering has to be understood within the context of Capitalist societies from which the data for these studies was gathered. Hence Western capitalist societies observe strong individualist ethics, and patriarchal legal structures based on disempowering concepts of 'privacy' and the division of spheres, the situation of battered women uncovers inappropriate need of outside concern. The violence endeavoured on women's lives by their partners is considered a private issue that neither deserves the public attention of institutions, such as the police, nor allows third parties to intervene to 'destroy' the 'holiness' of the family.

From this observation, we can indicate further contrasts between both situations. Graham et al observed that *captivity*, the isolation from outsiders' is one of those facilitators of the Stockholm Syndrome. Captivity is also related to the 'outside concern' for the case of battered woman. The isolation in the situation of the hostage is physically and geographically clear, for outsiders, for captors and for the hostage. It might be –or not- in a different physical place from her home or workplace, or it can be the same one. However, what makes it different is the kidnapping by somebody who threatens to kill the hostage and who wants something in exchange. The captor makes visible the situation, because what he is asking for, money, political concessions, or whatever, is 'outside' the place where the hostage is held in captivity. Therefore, the captor makes clear to the outsider he is abusing the hostage, depriving her from freedom, and is willing to kill her if his claims are not satisfied. In the case of domestic violence the abuser could get the concessions he is asking for directly from his wife, in doors house.

In the case of a battered woman, the social and familiar isolation where the woman is situated is not openly declared but naturalised by society. While *'hostages usually are released from their captivity by their*

hostage-takers or are rescued by the state, a battered woman, must find a way to leave her captivity more or less on her own (Graham et al, 1989:27). The battered woman is being abused, and she will have to enforce her own isolation, for instance, when her husband does not like her relatives or friends coming over to visit her, or he dislikes her working outside the home. The partner, in these cases, probably will not say any word about his wishes, but he will abuse the woman in case she would not obey him. Furthermore, the abusive partner does not express his clear goal of subjugating his partner. He will minimise his violence or otherwise strengthen it, according to the circumstances. Yet, most of the time, he will do so in private, without the presence of outsiders.

In terms of place, where the battered woman is held hostage is her own house, her own home. Thus is a place which is socially, religiously, and politically understood as a 'safe place', where as it was already said 'nobody has the right to intervene'. In addition, some material aspects of the economic, and social dependency of women on men, need of shelters, and subsidies, housing and so on, also contribute to the battered woman's situation of imprisonment.

4.2.4. Refugee Status:

A final remark on differences between torture and domestic violence regards the *status of refugee*. In many developed countries individuals who survived torture or have concrete information about the possibility to be victimised due to their political and social opposition to a regime could apply the status of refugee. The way of political exile is one possibility to survive after having been tortured, and released or escaped. As it was shown, there is a special technique of torture within the title of psychological torture that evolves to be forced to witness the torture of a relative (husband, or child). This technique of torture is named 'family torture' (Peters 1985: 169/170) and it is the experience most frequent in the life of children of battered women, who are obligated to see the violence endeavoured on their mothers by their own fathers/step fathers.

Despite these identical experience of torture children of battered women, as well as their mothers are not entitled to fill forms seeking exile²⁵. The suffering of million of children and women in the world as a consequence of domestic violence is being ignored and silenced through this lack of international legal recognition of their torture²⁶.

²⁵ Testimony of a Chilean woman before the *Tribunal for Human Rights of Women*, reporting she and her children escaped from a violent husband to United States during the first years of Pinochet's dictatorship, and she was denied the possibility to apply for refugee status. (UN World Conference on Human Rights, Vienna 1993, in video).

²⁶ Perhaps, one of the reasons underlying that dearth of recognition of the political nature of domestic violence is the effect that uncovering the massive violation of children and human rights all over the world that act would imply. Only in

5. CONCLUSION

The phenomenon of wife battering has come a long way since being recognised as a violation of human rights and as a crime that deserves punishment and concern by the state.

Women authors seem to be the first ones in stressing the severity and seriousness of the problem naming it wife torture. More than one century after Frances Power Cobbe triggered that concept and ideas, women scholars are denouncing once again the similarities between wife battering and torture. Psychological, social and legal elements of both phenomena accent the similarities between them, and particularly the especial political nature of both types of violence.

Numerous theories studied wife battering illuminating different aspects of the problem. Nevertheless, the political bonds of domestic violence and the state are still missing a deep analysis. It appears to be a difficult element to be observed and theoretically elaborated. In fact, this political element that reveals the role of the state in the production and reproduction of wife battering, as well as its power to eradicate this social problem, is an element under theorised in the social sciences. This fact might not be seen strange if we look at the state, society, and legal system, embodied in the male dominated context of the public sphere. State and its institutions are historically part of the public province, which has been a male domain for centuries. Hence, it is not extraordinary that the [male] state does not punish men who abuse their women in intimate relations.

The issue of wife battering is a theme of abuse of power, and the dynamics of this power are complex to be grasped. The existence of so many theories to explain the same phenomenon, as well as the reality of domestic violence still thirty years after the academia and the women movement put the theme on the agenda, demonstrate the complexity of this phenomenon and its causes.

In this essay, the political nature of wife battering was uncovered throughout the comparison of testimonies of female survivors of wife abuse and political torture, the dynamics and aims of torture, the psychic and emotional isolation, psychological and legal effects. Despite that many cases of wife battering could result in maiming or even death, the peculiar feature of wife battering that makes it so severe as torture is the *'emotional fraud and betrayal implied in being abused by the man who promised to respect, love and caring you in life'*. Affective ties certainly are, the main difference between cases of domestic violence and political violence. However, this difference is what makes the effects of wife abuse identical to those of torture. Translating the said into torture techniques we can affirm that domestic violence is a form of 'family torture' existing in manuals of torture techniques for political prisoners. Yet, domestic violence is more complex than the latter, because the repressor is a beloved one.

The findings of the mentioned comparison between domestic violence and torture show that male are mostly the abusers of wives in the home, and the torturers in political violence. Despite that, the results also draw attention to the need of society concern for abuses perpetrated in the home. Otherwise, society would be facilitating the transformation of women's homes into their concentration camps.

All in all, domestic violence is a crime, and therefore, it requires state intervention through the legal system that aims to punish crime, and eradicate it from society. To assure that intervention, an empowering definition of privacy is required. A concept of privacy will have to include the idea of protection of rights of each member of the family, and the idea of harm, as criteria for state to intervene. The '*privacy of the home*' is a treacherous idea because it assumes that the family is the 'male head of the family', thus denying recognition of wife's and children's rights.

States have the positive obligation to protect their citizens from violence. International Conventions against Torture, on Discrimination Against Women, and on Violence Against Women make states accountable for the violation of human rights in their territories. However, the prevalence of legal obstacles to suit the abusers and repressors leads the impunity of the crimes, and the subsequent state tolerance of it.

The various theories on wife abuse are contributions to a better understanding of the roots and causes of the phenomenon. Nonetheless, only by looking at wife battering from a political perspective, we will have a more complete feature of the roots of the problem. Wife battering is a crime equal to other crimes, not less important because it targets mainly women's lives. Taking into account that women's rights are human's rights and their citizen's rights are not being protected, we will understand that the state is in the stake of the politics of wife abuse.

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