

When Home Is Where The Hurt Is

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The Duluth Domestic Abuse Intervention Project is a multi-disciplinary American program aimed at stopping domestic abuse. It protects and gives support to the victims and provides court-ordered counselling to rehabilitate offenders. The Project's "Power and Control Wheel" outlines common characteristics of abusive relationships, and is frequently used by Alberta counselling agencies.

Domestic abuse is a gendered problem. In Alberta, in the first quarter of 1993, in cases of violence between couples, police laid almost 95% of the criminal charges against men. About 3% of the charges were laid against women, and in about 2% of cases, the police charged both parties. These men and women usually live in social and economic circumstances that reinforce the man's power and dominance over the woman. To break out of this cycle, a victim needs support in many areas of her life.

What can Darlene's lawyer do?

Darlene can apply for a restraining order -- an order that prevents her husband from contacting her for a certain time, often three months. In cases of urgency, a victim can obtain a restraining order without notice to the abuser. If Darlene also wants a divorce, her lawyer would start the action by filing a Petition for Divorce (in divorce, a restraining order is called a non-molestation order).

Darlene may also want to move back into the matrimonial home with her children. Her lawyer would file a Statement of Claim under the Matrimonial Property Act seeking exclusive possession of the home, the household goods, and a vehicle. This order can both force the husband out of the house and keep him away once she moves back in.

If Darlene were not married, she could apply for a restraining order by filing a Statement of Claim for assault and battery. She could not, however, seek exclusive possession of the home as this is presently available to legally married spouses only.

What other legal avenues can Darlene follow?

The husband may face a criminal assault charge. As a condition of bail, the husband may be ordered not to contact Darlene before the trial. If convicted and placed on probation, the judge may restrain him from contacting Darlene during the probationary period.

Darlene can also apply for a peace bond under the Criminal Code. She would contact a justice of the peace and swear that she fears her husband will cause injury to her or her child, or will damage her property. Both parties then attend a hearing. If the justice of the peace or judge finds reasonable grounds for Darlene's fears, he or she may order the husband to stay away from Darlene, keep the peace, and be of good behaviour.

How effective are these legal remedies?

According to a survey of victims of domestic abuse conducted by the Alberta Law Reform Institute and published in a Report for Discussion, often the legal system did not respond effectively. The Institute concluded,

* restraining orders are too expensive, the procedure to obtain them too complicated and drawn-out

* restraining orders need to be easier to interpret, more enforceable, and often need to extend longer than the standard three months

* the legal system does not recognise the debilitating effect of living in an abusive relationship

* frequently, custody and access arrangements seriously compromise the victim's safety

* some participants in the legal system hold stereotypical attitudes about race or gender which are unhelpful to victims.

Consequently, the legal system can go only part way to resolving the issues in Darlene's life. She has lived for years in a situation where her basic freedoms have been compromised. Darlene may choose to establish herself in a new life, where her physical and sexual integrity, autonomy, privacy, and property are respected. Here, psychological counselling may help.

How can Darlene's psychologist empower her?

When Darlene comes for therapy, she presents quite a challenge. She may have spent most of her life being demoralized and become a victim through and through. She may have lost the belief that she can actually do something good with her life. To understand the principle of Battered Wife's Syndrome one can look at the psychological experiment in which a dog was placed on one side of a kennel and his food on the other side. In between was an electric field which the dog could not see. Each time the dog tried to go to the food, he received an electric shock. He would turn back and lie down. As he got more and more hungry and tried to get to the food, he received the electric shock each time. After a time, the dog stopped trying to reach the food and instead lay helpless in the cage, starving. Even after the experimenters removed the electric field, the dog would not try to cross to the food. The result of this experiment was labeled "Learned Helplessness." This same syndrome is created in a spousal abuse situation. For Darlene, she has learned not to see options in her life and has lost the determination to even try.

Her therapist must resist the temptation to tell Darlene what to do. The prime objective is to enable Darlene to begin to make decisions for and to give her the necessary social and emotional skills to carry them out. To start, any decision is praiseworthy. Often the decision to come for therapy was not hers -- someone else insisted. In seeing someone so weak and vulnerable, it may seem plain to the therapist what Darlene should do. However, if the therapist begins telling Darlene what is best for her, it mirrors the role of the batterer, even though the intention is different. The therapist could become just one more person who directs Darlene's path.

Darlene lacks self-esteem and ego strength. She needs constant praise for independent thoughts, for considering what is good for her, and for making a decision, however small. There may be areas of Darlene's life outside the home where she exhibits great competence. The therapist can use those accomplishments to point out to her that if she can conquer that area of her life, she has the potential to conquer her self.

Darlene will often ask the therapist what she should do. The therapist turns these questions back -- "What do you see as your options?" When Darlene responds, "I don't know," the therapist must challenge her further and ask, "How can you go about finding out what your options are?" Darlene must come up with at least one option for herself. Then, the therapist can propose at least three other options. (If the therapist presents only one other option, Darlene may think that this is the best choice because the therapist knows best.) Darlene then considers each option by looking at the positive and negative consequences of choosing that course of action. She may make a bad choice and needs to be allowed to make that choice. When she discovers that her choice was a poor one, the process starts again, and Darlene looks at her other options. This is the process of rebuilding a fractured ego. It is painstaking and slow. The therapist needs to respect Darlene's autonomy by constantly treating her as an autonomous person, whether she currently is or not. At the end of the first session, Darlene asks, "When should I come back

and see you again?" This is a therapeutic question and of no small importance. The response must be, "What do you think is best for you?"

Counselling for Darlene involves reality therapy and includes an educational component. Darlene needs to know about the laws of the land and about the good husbands who would never hurt their wives as she was hurt. She will learn about the cycles of abuse from examining the cycles in her own marriage. The therapist will encourage Darlene to think about assertiveness training and other self-improvement courses. Darlene will come to understand that she is a valuable person and deserving of respect from everyone, including her husband. The therapist works to empower Darlene and teach her how to draw on her own resources and resources in the community that can help her achieve her goals. Darlene needs to learn that she has a mind of her own and is competent and capable to direct her life, with or without her husband. Her therapist wants to teach her that no one is more of an expert on her than she is. She's the only one who knows what is good for her. The therapist may spend a year or more helping Darlene to think and figure out what she really wants and how she can go about getting it.

The therapist must resist being her expert and must constantly defer power back to her. At the end of therapy, Darlene may say, "If it weren't for you, I never would have gotten healthy." In fact, if it weren't for Darlene's own drive and determination, she never would have succeeded. Darlene needs to take all the credits for her success. The therapist did not mould her; Darlene merely learned the skills of how to mould herself.

In Summary

All individuals deserve protection from violence and abuse. The Law Reform Institute's Report recognises that significant improvements to the law are both desirable and feasible. However, the Institute also acknowledged that no legal response can be a complete answer to this problem. If you know of someone in this situation, encourage them to seek professional help. While a lawyer can take legal steps to help protect an abused spouse, the victim also needs to make lifestyle changes if she wants to end the cycle of abuse. A competent therapist can make all the difference in empowering a victim to break free.