Domestic Violence

A Multi-Professional Approach for Healthcare Practitioners

June Keeling and Tom Mason

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Senator Anne Cools

Introduction

As a Canadian senator born in the British West Indies, I am pleased to contribute to this book in the sincere hope that some will use it to advance their knowledge of, and their responses to, those difficult human problems which attend intimate relationships. I am indebted to the international leaders on domestic violence, in whose work the treatment and study of family violence originated. In particular, I thank Erin Pizzey, who in England in the early 1970s founded the world’s first women’s shelter, and Dr Murray Straus, an American who in the USA initiated the research into and scholarship on domestic violence. Their contributions are truly remarkable. About her initial experiences at her shelter, on 5 July 1998, Erin Pizzey wrote in The Observer: ‘Of the first 100 women coming into the refuge, 62 were as violent as the partners they had left. Not only did they admit their violence in the mutual abuse that took place in their homes, but the women were abusive to their children’ (Pizzey 1998: 24).

Dr Straus, in his article ‘Physical assaults by wives: a major social problem’ in the 1993 book, Current Controversies on Family Violence, wrote about his and his colleagues’ work on the National Family Violence Survey: ‘Of the 495 couples in the 1985 National Family Violence Survey for whom one or more assaultive incidents were reported by a woman respondent, the husband was the only violent partner in 25.9% of the cases, the wife was the only one to be violent in 25.5% of the cases, and both were violent in 48.6% of the cases’ (Straus 1993: 74).

The foremost American scholars, Dr Murray Straus, Dr Richard Gelles, Dr Susan Steinmetz and Dr Jan Stets have found symmetry and reciprocity in rates of violence between men and women. In Canada, their findings have been confirmed by Canadian scholars Dr Donald Dutton, Dr Kim Bartholomew, Dr Marilyn Kwong, Dr Eugen Lupri, Dr Merlin Brinkerhoff and others. Canada’s pre-eminent scholar Dr Donald Dutton wrote about these data in an article entitled ‘Transforming a flawed policy: a call to revive psychology and science in domestic violence research and practice’. Critical of the prevailing American Duluth model, he said: ‘Most professionals are still unaware of these data patterns. In fact, in many states a court mandated “intervention programme” that specifically eschews psychological treat-
ment is in place, based on the notion that interpersonal partner violence is a form of gender oppression akin to slavery...’ (Dutton and Corvo 2006: 460).

In writing, I offer my experience working with families in the 1970s and 1980s as the Canadian pioneer in social services, assisting families afflicted by domestic violence. I say ‘families’ because my helping work has always included men. Simultaneously, from 1980 to 1984, I also served on the National Parole Board and denied, granted and revoked paroles to many inmates, some in certain domestic homicides then called ‘passion crimes’. I also offer my work as a senator, especially on the divorce law, which, like the criminal law, has been ravaged by ideological, mean-spirited and misandrous practices. My perspective is that of balance, fairness and equilibrium, grounded in the notion that human beings and human relationships are extremely complex, and that intimate family relationships involve personal vulnerabilities, elusive dynamics and multiple emotions. Managing human relations and human dynamics is challenging even for the well-equipped personality. For the not so well-equipped, managing human relations is daunting and sometimes nearly impossible. Life and human intimacy is a difficult road for many. Human emotions such as love, anger, expectations and disappointments are driving forces. Human needs and human emotions are compelling. Human complexity is further complicated by the fact that human beings frequently have little or no understanding of what and why they feel, and little or no insight into the effects of their own behaviour on those with whom they live. Jesuit priest Father Thomas Green, in his 1984 book, Weeds Among the Wheat, employs Jacques Guillet's work on personal discernment (Guillet 1970). Father Green quotes Guillet: ‘... there is the darkness in man himself who is incapable of seeing his own heart clearly, incapable of grasping completely the seriousness of his actions and the results deriving from them...’ (Green 1984: 29).

On observing human behaviour, the inescapable conclusion is that human beings, both men and women, are afflicted by their own imperfections, frailties and woundedness. This condition governs most human behaviour. Interestingly, the more imperfect and wounded a person is, the less tolerant that person is of imperfection and woundedness in others. Human capacity for misunderstanding is great. Men and women are equally capable of vice and virtue. Vice and virtue are human characteristics not gendered ones. I have politically repudiated the too-prevalent notion introduced into the public discourse by radical gender feminist ideology that women are morally superior to men, that men are morally inferior to women and that somehow men are naturally morally defective. The false proposition of women’s inherent virtue and men’s inherent vice has dominated and deformed family and criminal law policy for the past three decades. Much public policy on domestic violence, particularly arrest, charging and prosecuting policy, has been founded on this deformity, wreaking havoc in the lives of people, most of whom are ill-prepared and ill-equipped to handle such havoc. These policies have bequeathed incalculable pain and suffering and unspeakable tragedy. The empirical evidence on violence within intimate partner relationships and within families confirms that domestic violence has been falsely framed as violence against women and as a gender issue, a women’s question. Men and women are equally capable of violence and aggression,
and have perpetrated them on each other for centuries. Violence and aggression are a pathology of intimate relations, not a pathology of the male of the species.

In the 1970s, Erin Pizzey broke new ground. She introduced to the world the notion that domestic violence was a social problem needing the attention of policy-makers, government, helping professionals and academics. Having started the world’s first shelter for women and children fleeing violent homes, she soon thereafter wrote the first popular book on domestic violence, Scream Quietly or the Neighbours Will Hear (Pizzey and Forbes 1974). Pizzey had great influence in Canada and the USA. During the 1970s in Canada, I created the first of my two shelters in Toronto. I also assisted in the creation of many other shelters in Ontario, working successfully with municipal and provincial governments on funding formulas and operating standards for them. In 1977, with the Ontario Institute for Studies in Education, I organized Canada’s first conference on domestic violence, ‘Couples in Conflict’. Its featured speaker was Dr Richard Gelles, who had studied with Dr Murray Straus. I endeavoured to advance the public consciousness of the undesirability of family violence, and, simultaneously, lobby for public support for the amelioration of those who suffered. This work led me to enter federal electoral politics as a candidate in the 1979 federal general election with Pierre Elliott Trudeau, then prime minister of Canada. In 1984, when inviting me to join the Senate of Canada, Mr Trudeau asked for and received my promise that I would maintain my work with families in conflict. This was an easy pledge for me to make.

By the late 1980s, the 1970s’ humanistic concerns about close relationships had succumbed to radical gender feminist ideology. Family relationships and man-woman intimate relations became battle grounds, subject to the ideological notions known as ‘the patriarchy’ and ‘men’s power and control over women’. Public policy and the administration of justice took a terrible turn away from helping and healing families and towards persecuting and punishing men – in a word, coercion. ‘Battered women’s syndrome’, ‘recovered memory syndrome’, ‘Svengali influence’ and other empirically questionable, even dubious phenomena, dominated the legal consciousness. Some, with whom I disagree, called it ‘feminist theory’. Mere accusations of physical or sexual assault were treated as findings. Some ideologues even argued that, based on women’s credibility, mere accusations of violence were sufficient to obtain convictions. This atmosphere fostered the growth of much unscrupulous behaviour, often rewarded by awards of spousal support, child support and exclusive possession of the family residence. False accusations abounded. Wrongful convictions were plentiful. It was a dark era in human relations, particularly male-to-female relations. Radical feminist ideological orthodoxy prevailed. It was all very simple: women were angels and men were devils. Any person – social worker, academic, lawyer or judge – who questioned the orthodoxy faced derision and career ruination in very nasty and mean-spirited public circumstances.
Patriarchy, heterosexism and the feminist lens: the menace of ideology for families and its wreckage

Around 1990, the government of Canada sponsored a multi-million dollar project called the ‘Canadian Panel on Violence Against Women’. Its 1993 report was named Changing the Landscape: Ending Violence – Achieving Equality. Its titles and subtitles were steeped in radical feminist nomenclature. Part 1 was called ‘The context’ and Chapter 1 was entitled ‘The feminist lens’. Chapter 1 also contained a section called ‘Looking through a feminist lens’. Another section was called ‘Patriarchy and violence’ while another was entitled ‘Heterosexism’. The report informed that the concept of patriarchy was essential to the Panel’s analysis of the nature of gender inequality and violence against women (Canadian Panel on Violence Against Women 1993: 14). The report explained patriarchy thus: ‘Patriarchy is not just a central concept in feminist analysis. For many women it is also a daily reality – the most violent and profound expression of patriarchal power sits at their dinner tables every evening and sleeps in their beds at night’ (p. 17).

The report described heterosexism: ‘Heterosexism is the assumption that a woman’s life will be organized around and defined in relation to a man’ (Canadian Panel on Violence Against Women 1993: 16). The report also told us that ‘Canadian society is organized around compulsory heterosexuality’, and that ‘Heterosexism is imbedded in all state institutions that women are likely to call upon – the police, the justice system and religious institutions’ (p. 16). These concepts had more to do with constructing an ideological framework and little to do with assisting families in crisis. This was a sorry example of money wasted on ideologically-driven initiatives to the neglect of families.

By the time of this report, I had been distancing myself from the radical gender feminists’ attempts to subject troubled human relations to dubious ideology, by which all human behaviour was adjudged by an artificial, even fictitious construct, termed the ‘patriarchy’ and ‘men’s power and control over women’. This contrived construct was a subversion of justice itself. By quoting two women, I would like to illustrate by their words why I had taken a different road away from this rapacious and devouring ideology. The first is Sally Miller Gearhart, an American who described herself as a radical lesbian feminist. Her article ‘The future, if there is one, is female’, was published in her 1982 book, Reweaving The Web of Life: Feminism and Nonviolence. Gearhart wrote: ‘To secure a world of female values and female freedom we must, I believe, add one more element to the structure of the future: the ratio of men to women must be radically reduced so that men approximate only ten percent of the total population’ (p. 280).

The second is Justice Bertha Wilson, a Supreme Court of Canada judge from 1982 to 1991. In her 1990 speech entitled ‘Will women judges really make a difference?’, she asked: ‘Will this growing number of women judges by itself make a difference? The expectation is that it will; that the mere presence of women on the bench will make a difference’ (1990: 16). Justice Wilson cites the work of Carol Gilligian, a US feminist professor and the author of the 1982 book, In a Different Voice: Psychological Theory and Women’s Development. Justice Wilson said:
Gilligan's work on conceptions of morality among adults suggests that women's ethical sense is significantly different from men's. Men see moral problems as arising from competing rights; the adversarial process comes easily to them. Women see moral problems as arising from competing obligations, the one to the other, because the important thing is to preserve relationships, to develop an ethic of caring. The goal, according to women's ethical sense, is not seen in terms of winning or losing but rather in terms of achieving an optimum outcome for all individuals involved in the moral dilemma. It is not difficult to see how this contrast in thinking might form the basis of different perceptions of justice.

(Wilson 1990: 20)

I repudiate the unsubstantiatable claim that women are more ethical, caring or moral than men. This was symptomatic of the moral and intellectual bankruptcy of radical feminist ideology and its stranglehold over the public discourse.

Challenging orthodoxy, ideology and shibboleths: breaking the stranglehold

On International Women's Day, 8 March 1995, while speaking to a large meeting of government employees to warm applause, I said a few unplanned words that challenged the orthodoxy of radical feminist ideology. In mentioning domestic violence, and in my words the 'other side of the equation', I said that '... behind every abusive husband is an abusive mother'. My remarks were like a thunderbolt. They immediately became the dominant media story of print, television and radio from coast to coast. I gave media interviews by the dozen. My remarks dominated the media for days, especially the talk shows. Supportive letters and phone calls deluged my office. Unknowingly, I had performed a much needed national service. The country was relieved that someone finally - a woman - had said that women were capable of violence too. This public expression went on for several days. My remarks and I were sustained. For example, on 8 March 1995, Toronto's CFRB radio station held a survey during its all-day talk show about my remarks. CFRB put the question to its listeners: 'When you were growing up, which parent was more abusive - your mother or your father?' Of 200 respondents, 62 per cent said mothers, and 38 per cent said fathers. In Ottawa, CFRA radio's The Lowell Green Show found that 70 to 80 per cent of the callers agreed with me. On 9 March 1995, Maclean Hunter Broadcast News placed my remarks before its viewers asking: 'Do you agree?' Of the 273 respondents, 57 per cent agreed and 43 per cent disagreed. Though not scientific, these three public dialogues - a few among many - revealed the extent, the magnitude, of the public discussion, and the public's interest in this subject.
The abuse of abuse: false allegations of violence, vexatious and malicious prosecutions: a heart of darkness in the body politic

One example of false allegations of domestic violence is the 1998 case, R. v. Ghanem, in the Provincial Court of Alberta, Canada. On 31 October 2000, I testified before the Standing Committee on Justice and Social Policy of Ontario's Legislative Assembly, about Bill 117, the Domestic Violence Protection Act 2000 (Official Report of Debates 2000). In asking the government of Ontario to rethink this bad bill, I cited this judgement. Mr Ghanem, the defendant, had been charged with assaulting his wife. He was tried and acquitted of this charge. Mr Ghanem's wife, supported by her mother, had him charged in an effort to imperil him in their divorce proceeding. Mr Ghanem was elsewhere when the assault was alleged to have taken place. He had an alibi. About this alibi, Judge Fraser stated, at paragraph 2: 'I am advised the alibi was formally disclosed to the Crown. It was also disclosed to the police officer immediately upon being told of the allegations. The officer chose not to investigate the alibi and instead just laid the charge. Apparently he didn't feel he had any responsibility to do so'.

Judge Fraser, at paragraph 19, in stating his reasons for acquitting Mr Ghanem, said about the wife, 'I find the evidence of the complainant and her mother to be contradictory, confusing, contrary, conflicting, irreconcilable and quite frankly, false' (Fraser 1998). Judge Fraser spoke of the dangers of the zero tolerance policy in domestic cases and said, at paragraph, 21:

I want to make two further comments because one is curious as to how a man could be falsely accused in these circumstances right up to and including a trial. The reasons are quite clear to me and disturbing. First, the police apparently have a policy of zero tolerance in domestic assault cases. Any zero tolerance policy is dangerous. It is especially dangerous when it is not properly applied.

(Fraser 1998)

There are many cases like this. I chose Ghanem because it was a criminal proceeding seeking to damage a husband in a civil divorce case. Interestingly, despite an acquittal, under Bill 117, someone like Ghanem, though acquitted, would find himself back in court. Bill 117 was passed, but it has not been proclaimed. Happily to date it is not in force.

I shall cite another divorce-related case of false accusations of abuse, within a civil proceeding of child custody in the Ontario Court of Justice (Provincial Division) in Milton, Ontario. In the 1995 judgement, A.L.J.R. v. H.C.G.R., Judge Fisher stated at paragraph 17: 'I find that the father committed no physical or sexual abuse and the mother programmed her child to give fictitious complaints' (Fisher 1995). Continuing at paragraph 23, Judge Fisher confessed, 'When, in the past, I have read evidence of alleged abuse, I have decided to err on the side of caution and order supervised access. Judges often do this. I confess to have been taken in by the mother's evidence.
However, it appears in making such an order that I simply erred. It is to be hoped that this order corrects that error’ (Fisher 1995).

The precondition of false accusations of abuse is the reliable expectation that women must always be believed, that men must always be disbelieved and doubted, because women are virtuous truth-tellers and men are liars of dubious moral character who are naturally inclined to hurt, rape or maim their wives and children. This has caused enormous injustice and unspeakable pain and suffering. It has destroyed families. It has undermined the basis of the helping professions. It has undermined the administration of justice. This plethora of false accusations of physical or sexual abuse by mothers against fathers is a heart of darkness. It is soul destroying.

**Police and prosecutorial responses to intimate partner violence: the need for study and reform**

I shall cite Grant A. Brown, a PhD from Oxford University and a lawyer in Edmonton, Alberta. He wrote an article entitled ‘Gender as a factor in the response of the law-enforcement system to violence against partners’, about prosecutorial and judicial responses to intimate partner violence. This was published in the 2004 journal *Sexuality and Culture*’s special issue on gender and partner violence. Not surprisingly, there is little data in Canada on the role of prosecutors in determining outcomes in cases of partner violence. Yet all know that men are disproportionately prosecuted, and that practice is most uneven. Dr Brown wrote:

Canadian judges sometimes comment from the bench on the differences in treatment they perceive to exist between men and women who are accused of partner violence. In finding Darryl Arsenault not guilty of assaulting his common-law partner Susan Himmer, B.C. Provincial Court Judge Brian Saunderson said, ‘There are far too many prosecutors declining to make the hard decisions, lest they offend some interest group or incur the displeasure of their superiors who themselves are subjected to pressure from the same groups ... The result can be made to work hardship in individual cases.’ The judge ruled that Arsenault was defending himself when he slapped Himmer after she verbally abused and assaulted him. Himmer testified that she was drunk and in an ‘out of control’ rampage after Arsenault’s ex-wife insulted her. Judge Saunderson criticized the Crown for not charging Himmer for her assaults, saying it created a double standard. ‘The mere fact of this prosecution sends a very clear message: a woman in a relationship with a man can provoke him, degrade him, strike him and throw objects at him with impunity, but if he offers the least physical response, he will be charged with assault ...’.

*(Brown 2004: 37–8)*

**Conclusions**

Governments in Canada, the USA and elsewhere must reconsider their misguided and foolish policies on domestic violence. They must turn away from ideology towards a
more humane and balanced approach. My Senate office files are bursting with correspondence, judgements, affidavits, press clippings and scholarly research that describe heartbreak, pain, fathers' suicides, children's suicides, psychic injury and terrible injustice. Thousands of distressed people appeal to me for help. The patriarchal notion, a contrived and artificial construct introduced at the instance of radical gender feminist ideologues, drove out common sense, reason, law and humanity from the treatment of family violence. Governments, in adopting policies based on feminist ideology to treat complex, intimate human relations, chose policies which were not only deeply flawed, but were doomed to failure because they misunderstood and underestimated human needs and human actions as ideology usually does. This public policy, by severing male-female relations from our sense of humanity and justice, drove out all other human considerations such as weakness, psychopathy, emotional immaturity, character disorders, couple dynamics, identity disturbances, jealousy, mental problems and deviances such as drugs and crime. It also drove out all other human and personal factors like psychic injury and the tendencies described by Erin Pizzey as 'violence-prone'. This artificial construct in public policy was superimposed upon all male-female relationships, denying all the empirical data, and even proper treatment itself. This ideological construct ran amok and was akin to a mental disease, a disorder in the mind of the body politic, raging to criminalize manhood and to drive many men into the criminal classes and the underclass.

That our governments, despite the compelling and conclusive evidence to the contrary, would adopt this construct as public policy and thereby put its full coercive power behind it, pitting itself against its own citizens, testifies to the paucity of politics. It testifies to the paucity of the human condition, and proves the notion that evil frequently masquerades as good. These artificial constructs have menaced human relations and family relationships while offering no healing to families in need. The challenge of the future is to recast these policies, to take up the cause of families afflicted by domestic violence and to continue its treatment by assisting families in need. We must assist research by probing deeply into the hearts and minds of human beings who use violence. We must endeavour to understand the recesses of the mind, the pathologies that surface and act out in intimate family relationships, and to discern and correct the dynamics, thereby offering hope and renewal.