

# **TRAGIC TOLERANCE**

**... of Domestic Violence**

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## Forward

The writing of this book was much easier than the preparation. All I wanted to do was to make the simple point that domestic violence was not only a women's issue but a societal issue. It started with a surf of the WEB under "domestic abuse" which generated over 7 million sources. Ten months later, there's no end to the linkages to virtually every political and social issue imaginable.

The battle fronts are many and the allegations are broad and serious. The police and our judicial system are under attack for failing to do their jobs. Women's groups are outraged at the lack of support and some have evolved into hard line activists working to break the perceived male monopoly on power and control in our society. Men's advocacy groups are growing larger and stronger in their battle for custody and access to their children. Child and elder abuse are on the rise and families are breaking down in large numbers to the detriment of all. Experts on domestic violence are accusing researchers of unethical practices in order to provide evidence people want rather than the truth. Some are even suggesting that women are more violent than men. Still others are saying that legislators are afraid to look the emotionally charged issue of domestic violence because they are worried that the findings may not be politically correct.

On several occasions, the frustration of how to knit it all together became so overwhelming that I wanted to drop the whole project. The research was filled with contradictions,

bias, exaggeration and emotion. Why was there so much debate and disagreement? Then it came to me. Although everybody agrees that domestic violence, in all its forms, can have tragic consequences, its existence makes it the most powerful weapon in the much larger battle for gender equality. For some, it must therefore be preserved exclusively as a women's issue.

It is a tragic and undisputed fact that women are abused by men. However research evidence also finds that women are also the perpetrators of abuse against men. If you are not open to that possibility, do not read this book. You may get upset and you may get angry. However, if you are secure in your convictions, you may want to examine some of the evidence. If the information is not credible, you can expose it, discredit it and come out with even stronger convictions. If, however, you find that the evidence shakes your resolve, you may want to ask some questions of those who produce and use research data. Could it possibly be that some have ignored, suppressed or otherwise manipulated data which undermines the credibility of their own assessment of domestic violence? In the event that you conclude, as I do, that the major research on which our attitudes are shaped, does not provide sufficient information, then we have to ask the question "Why not?"

Violence against women has spawned an enormous and influential industry and the issue has become a powerful tool of social advocacy. In some respects, it has also become the social weapon of choice because there is no excuse for abuse. If a woman claims abuse, she is a victim. If a man claims abuse, he is a wimp. It is often said that women are oppressed by the power and control exercised by men. Those are the social truths which are exploited by some and feared by others. Those are the social truths that breed convenient - tragic tolerance of domestic violence.

## Chapter 1

# THE SOCIETAL ISSUE

Domestic violence is not just a woman's issue, it's a societal issue since we are all affected by its impacts. In general, the optimal approach to addressing societal issues is not to marginalize any group, but rather to embrace every legitimate source of support and assistance. In regard to domestic violence, that means that both men and women, collectively and united, must play a role in addressing the negative consequences which we all find so abhorrent.

The white ribbon campaign, sponsored by “Men Against Violence Against Women”, is an international success in terms of its ability to mobilize public awareness during a specific period of time. The cause presumes that men, for the most part, are the problem and reaches out to suggest that some men do not feel comfortable being left out of this issue by feminist groups. Often is the case that a man displaying the white ribbon on his lapel will be mocked by a woman because of the polarization of views that some hold. However, the facts are clear that the incidence of violence is actually common to both genders and that we all share in the responsibility to mitigate the consequences. Abuse of men should not be viewed as merely the opposite side of the coin of abuse of women. Both are part of the same problem which should be described as one person abusing another person. The problem must be faced and dealt with, not in terms of

gender, but in terms of humanity. In that context, violence is a societal issue.

It would be naive to think that domestic violence could be totally eliminated. Often the concept of “zero tolerance” has been suggested as an achievable objective. And yet over the decades not only has the problem not been reduced, it has in fact increased according to Statistics Canada.

One of the most frustrating aspects of discussing the subject is finding that terminology is often used interchangeably depending on who you are talking to or which material you are reading. Domestic violence, domestic abuse, domestic assault, spousal violence, spousal abuse, spousal assault, wife abuse, wife assault and violence against women are all examples of terminology that one will find in research documentation. However, how each is defined or qualified could give substantially different results, thereby opening the door to misuse, deliberate or otherwise.

Abuse is often categorized as physical, emotional, or sexual. Physical abuse includes hitting, punching, slapping, pinching, spitting, hair pulling, pushing, kicking, choking, arm twisting, using a weapon, or forcible confinement. Emotional abuse includes threatening, insulting, isolation from friends or family, destroying of personal property, withholding money or food, controlling personal activities, public humiliation, threatening to abandon spouse or children, blaming for things that were not their fault, name calling, belittling, scolding, and swearing. Sexual abuse includes unwanted sexual touching, forced sexual activity, sexual degrading, forced prostitution and forced viewing of pornography. This collective definition of abuse is such that there is likely not a person on the face of the earth who has not been abused. As such, if you wanted to demonstrate high rates of prevalence, abuse is the best term to

use. Not all the above are offences under the Criminal Code and not all can be characterized as violent. Those that are violent can also be broken down into minor and severe. The term “spousal” may or may not include common-law and the term “domestic” may or may not include ex-partners. You also need prevalence information so that you understand whether an incident occurred once in a person’s entire lifetime or whether the occurrence is current or repetitive.

Here are just a few definitions that I found in my research:

- Domestic violence is the learned pattern of behaviour used by one person in a relationship to control the other person. The partners may be married or not married, living together, separated or dating.
- When spouses, intimate partners, or dates use physical violence, threats, emotional abuse, harassment, or stalking to control the behaviour of their partners, they are committing domestic violence.
- Domestic abuse is a pattern of assault and controlling behaviour, both criminal and non-criminal, perpetrated on one adult intimate by another.
- Domestic violence is intentional physical injury, and/or a pattern of intentional acts that affect psychological well-being, and/or forced sex or sexual activity.
- Violence against women includes physical assault, sexual assault, neglect, verbal attacks, insults, threats, harassment, and other psychological abuses.
- The United Nations Declaration on elimination of violence against women defines it as any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.

The range of the definitions is so broad that it would be extremely difficult to put real focus on the issue at hand. My preference is to use domestic violence for discussion purposes although I find that abuse or violence by a person on another person is more reflective of my concerns.

Domestic violence is often referred to as spousal abuse or more specifically wife abuse. And yet informed experts have stated clearly that the incidence of criminal violence is equally applicable to both men and women. In fact, the severity of abuse is worse in the case of women against men for a very simple reason. When a man physically abuses a woman, he typically uses his hands. When a woman abuses a man, she normally uses a weapon or an object.

At this point, it might also be useful to introduce some facts about the law. Any type of forced sex constitutes sexual assault under the Criminal Code of Canada including between married partners. The Criminal Code specifically says that husband and wife can be charged with the crime of assault or sexual assault whether they were living together or not. Any type of intentional or unwanted force applied to another person constitutes assault under Section 265 of the Criminal Code.

This section could be used for the most serious to the least serious forms of assault. A simple nudge is an assault. The Criminal Code also prohibits, and more severely punishes, other forms of assault classified as assault with a weapon, assault causing bodily harm or aggravated assault (where a wound or disfigurement results from the assault or the life of the victim was endangered).

Sexual assault is a separate crime, as is sexual assault with a weapon, sexual assault facilitated by threatening a third party, and sexual assault which causes bodily harm. The Criminal

Code also covers, and more severely punishes, aggravated sexual assault which, as above, includes situations where a wound or disfigurement results from the assault or the life of the victim was endangered.

The Criminal Code now has anti-stalking protection, known as criminal harassment. It punishes any person who recklessly harasses another person by engaging in contact causing that person to reasonably fear for their safety or the safety of anyone known to them. You do not have to wait until you are assaulted to avail yourself of the provisions of the Criminal Code. Preventative justice is available in the form of Section 810 which allows you to go before a provincial court judge and request a "keep the peace" promise on the part of the aggressor. It is a crime in and of itself to refuse to sign a peace bond ordered by the court, or to disobey an existing bond.

Some provinces have unique laws to deal with family violence. For example, Manitoba has a special court set up to deal with family violence. Saskatchewan has new legislation which enhances the powers of Justices of the Peace to judicially intervene instantly in family violence cases. Tort remedies always exist above and beyond criminal or statutory law remedies. Assault and battery is a long-standing tort for which damages can be sought against the perpetrator. Note that while criminal remedies seek to address the perpetrator's conduct, civil remedies under tort, seek to financially compensate the victims for damages suffered. Further detailed information on Legal Rights is included in the Appendix 1.

Beyond the laws of people, there are also certain natural laws which should be kept in mind. For example, women give birth and that exclusive role has a great deal to do with how we have evolved as a society. Being a mother and raising children is, in my view, the single most important job in the world.

However, under growing social pressures for individual equality, this role is losing recognition for its value to our society. It is also an important factor relating to domestic violence since 21% of assaults of women occur during pregnancy.

Among the other more obvious differences, women, on average, are shorter and weigh less than men. It's a striking example of what scientists call sexual dimorphism, a phenomenon found in many species that goes beyond differences directly linked to reproduction. A fossil female from 3.2 million years ago, was a diminutive adult of 3 feet 7 inches tall and no more than 60 pounds.

In comparison, the male fossil measures about 5 feet 3 inches and 110 pounds. As the evolution of the species progressed, the size differential narrowed but still remains significant. By contrast, modern humans are not only bigger but their body-size dimorphism has declined. On all whole, men today are only about 15% to 20% heavier and 5% to 12% taller than women.

The amount of dimorphism has significant implications to behaviour. In primates for example, those that are highly dimorphic, like gorillas, tend to be a polygamous species, not monogamous. Males fight with each other for sexual access to females, and the larger, stronger ones would presumably have an advantage among them and thus pass on more of their genes to succeeding generations.

While this would have favoured the continuation of large males, it presumably would also have tended to produce larger females over time. This has been the long-term trend. Scientists note that the gap in male-female sizes in the human lineage has been closing less as a result of slight increases in

male stature than as a result of the tremendous leap in female size.

As dimorphism diminished toward current levels, there was a transition in human sexual and family life when humans began to bond, as a rule, with only one partner. Gradually large size ceased to be such an overwhelming advantage for males as the level of sexual dimorphism narrowed. In other words, as the size differential between males and females became less pronounced, social equity began to evolve.

On average men are bigger than women and that difference has roots going back millions of years. In an uncivilized society, size mattered to survival, and leadership had strong links to size. Today in our society, physical size still has an influence, not so much in terms of use, but rather, more in terms of perception. In the absence of all other factors, size is seen to be an attribute which allows a person to assert dominance, control or leadership.

There can be little doubt that over time, men have taken advantage of the size differential to assert themselves. However, as a society evolves in terms of its values and norms, the utilization of one's size for the sake of power becomes unacceptable. Those who are unable to control their physical advantage or who use it to overpower a situation, are looked upon in a negative light for their opportunism. However, it is no wonder that the traditional view of domestic violence is a man physically abusing a woman.

In a civilized society, size shouldn't matter but when all else fails, it does provide a significant advantage. The size differential is a fact which will continue to affect the issue of domestic violence. It will be held against men and used by women as leverage in advancing women's issues. As long as

there is someone who is larger, some will continue to exploit that reality to lever their position or to exercise control or dominance. All we can reasonably hope for, is for society to adopt values which teach that taking advantage of one's size to the detriment of others is wrong. Our laws reflect the principle, but special interests continue to abuse the size differential mainly because of our collective tolerance.

The terms "wife beating" and "battered women" have become political expressions and the issue of domestic violence has been substantially taken out of the arena of serious sociological study and thrust into the political arena. The definitions of spousal abuse and the proposed remedies, will therefore likely be political ones, not necessarily ones which respond to the reality of the existing problems.

Domestic violence is a two-way street and should be acknowledged as such. Some sociologists suggest that as long as women do not take responsibility for their participation, they will remain disempowered and completely dependent upon men to change. Is that what women really want? Domestic violence should not be tolerated and we should deal with it on those terms. As a start, we must better understand the conditions that women and men create that allows for and sustains that violence. Male bashing and protection of women's innocence only perpetuates the problem.

Domestic violence is a confusing and disturbing phenomenon, perhaps rooted in the frustrations and disappointments of a hectic society, but it is not gender specific as some would have us believe. In what has been called the "dance of mutual destruction", mainstream research indicates that men and women abuse each other with almost equal frequency.

According to family violence researchers, Dr. James Sniechowski and Dr. Judith Sherven, blaming men doesn't stop domestic violence. They describe the issue of domestic violence as having at least two sides. One is the physical, impulsive and vicious act of abuse. When that occurs, the only reasonable response is to take whatever means is necessary to stop it. However, the heightened debate has remained fixated on the urgency of the violence. That keeps us focused on punishment of the abuser who is almost exclusively the male.

The other side which receives almost no serious attention, is the prevention and ultimate resolution of the problem. It receives almost no serious attention because the roots of domestic violence can only be found in the co-created, interpersonal relationship dynamics between both people that foster the violence. Solutions will emerge only from an objective look at how the two people are participating in the situation of ongoing brutality. That, however, is considered to be politically incorrect and the denial surrounding co-responsibility is enormous.

There are those who claim that domestic violence occurs unexpectedly, with little warning, even for people who were in long-term relationships and supposedly knew one another. This is simply not the case. Psychologist, Dr. Lenor Walker, Ph.D., made the idea of "learned helplessness" part of the diagnosis of the woman's role in domestic violence. According to Dr. Walker, women interviewed in shelters described the process as having three distinct stages; 1) the tension building stage where both persons sense the oncoming eruption; 2) the battering incident when the violence erupts; and 3) the remorseful stage in which both parties expressed sorrow for what took place. There is an entire phase of warning, especially for people who have turned their

awareness and responses to the violence. In most cases, the violence is present during the courtship although not as severe as it later becomes.

Is it possible that people would enter into, or return to, a relationship in which they knew they would be at risk of being beaten or killed? Unfortunately, the answer is yes. The proof is in the recidivism rates for both men and women who return to an abusive relationship or leave it only to resume the violence with a new partner. According to recent research, some women take the position that hope springs eternal for people in love and they shouldn't be held accountable for the abusive choices they make. This is precisely the kind of romantic notion that men and women cling to and use to seduce themselves into staying in relationships in which there is clear evidence that they should leave.

Often friends and parents try to intervene but the obvious dangers are overlooked, when the women says something like "I just love him enough that he may change." Battered men say exactly the same kinds of things. What is needed in situations of verbal and physical abuse is not romantic fantasy but a critical and self protective assessment of the facts followed by a decision based on those facts. Anyone who has any experience with shelters for battered women will know that more than 80% of women will return to their abusive spouse because "I love him." Rarely will any counselling or mediation take place.

In an 1994 article entitled "Backlash and Battered Husbands", co-authored by Dr. Sniechowski and Dr. Sherven, they discussed the subject of how partners in an abusive relationship are drawn together. It was their view that men and women, consciously and unconsciously, design together the relationship arrangements that house their lives. In varying

degrees over time, both are responsible and accountable for what happens. A focus on laws and police policies will not change the battered woman's character. If she assumes no responsibility for involvement in the violence, she will remain blind to her collusion and the likelihood of her developing a healthy relationship is very negligible. The same is true of men.

## Chapter 2

# VIOLENCE AGAINST WOMEN

When you hear about family violence or spousal abuse, it is not surprising that most people would assume that you were talking about women. There's no question that the vast majority of published articles and data refer to wife abuse or abused women and the information is serious and troubling. About 70 Canadian women die at the hands of their male partner each year and so many more are physically or emotionally abused. Having served 5 years on the Board of Directors of the women's shelter in my own community, I am well aware of many specific tragic cases which have sensitized me to the severity of the problem. I am also a firm believer that there is no excuse for abuse and I support zero tolerance initiatives.

Most of the literature addressing the issue of abuse of women makes substantial use of the concepts of power and control. The most prevalent indictment of men is that they maintain a power imbalance and control over women through abuse. Women's advocates say that the abuse manifests itself in a number of ways such as the following:

- Using Intimidation - making her afraid by using looks, actions, gestures, smashing things, destroying her property, abusing pets, or displaying weapons.
- Using Emotional Abuse - putting her down, making her feel bad about herself, calling her names, making her

think she's crazy, playing mind games, humiliating her, and making her feel guilty.

- Using Isolation - controlling what she does, who she sees and talks to, what she reads, where she goes, limiting her outside involvement, using jealousy to justify the actions.
- Minimizing, Denying and Blaming - making light of the abuse and not taking her concerns about it seriously, saying the abuse didn't happen, shifting responsibility for abusive behaviour, and saying she caused it.
- Using the Children - making her feel guilty about children, using the children to relay messages, using visitation to harass her and threatening to take the children away.
- Using Male Privilege - treating her like a servant, making all the big decisions, acting like a master of the castle, being the one to define men's and women's roles.
- Using Economic Abuse - preventing her from getting or keeping a job, making her ask for money, giving her an allowance, taking her money, not letting her know about or have access to family income.
- Using Coercion and Threats - making and/or laying of threats to do something to hurt her, threatening to leave her, to commit suicide, to report her to welfare, making her drop charges or making her do illegal things.

There also is a cycle of violence against women which has been generally accepted in the industry. The following is a concise description extracted from the Peel Regional Police Training Manual:

The cycle of violence has three distinct phases: a tension-building phase, an explosive incident, and a honeymoon phase. In the tension-building phase, a man begins to feel angry, frustrated or out of control, often as a result of the incidents or

experiences that are external to his relationship. The man is unable to express his feelings or to connect them to his external experiences, and so he tries to legitimize his feelings by blaming them on real or imagined things that his partner has said or done. The man may release his growing anger and frustration by initiating minor abusive incidents, such as pushing, shoving, or calling the woman names, which become more frequent and intense as time goes on. At the same time, the man may become increasingly jealous of the woman and attempt to exert more and more control over her activities and interactions with other people.

The woman often does not understand why the man is angry and frustrated. She may blame the man's behaviour on outside forces, such as pressures at work or the consumption of alcohol, but she may also wonder whether she is in some way contributing to his anger and frustration. As the man's behaviour becomes less and less rational, the woman may begin to believe, at some level, that the abuse is legitimately directed at her. The woman attempts to handle the man by being placating or conciliatory, or by trying to stay out of his way. Her goal is to prevent further abuse by diffusing the man's tension and anger, in the belief that if she waits long enough, the situation will change and the abusive behaviour will stop.

Despite the woman's efforts, the man's tension inevitably builds to the point where he loses control and an explosive incident occurs. The abuse is again often triggered by an external event in the life of the man, but is blamed on, or related to one or a number of complaints about the woman or the woman's behaviour that the man raised in the tension-building phase. The first explosive incident which occurs may be relatively minor, such as a man pushing a woman or calling her a hurtful and abusive name. Subsequent abusive incidents

become more and more significant, and may ultimately involve serious violence including punching, choking, rape, and use of weapons or objects. If sexual assault is involved, particularly when objects are used during the assault, the likelihood increases that even greater acts of violence will follow. The police or other service agencies are generally contacted at this point, if at all.

Shock, disbelief and denial follow the explosive incident for both the man and the woman. They try to rationalize the seriousness of the incident: the man may attempt to reduce his feeling of responsibility for the abuse by emphasizing the woman's behaviour which he believes triggered the incident; the woman may minimize the extent of her physical and emotional injuries or convince herself that the abuse was somehow warranted. At this time, the woman invariably experiences depression and feelings of helplessness.

The honeymoon phase follows. The man becomes contrite and behaves in a charming and loving manner. He apologizes for the abuse, asks the woman for her forgiveness, and promises that further abuse will never occur. Typically, he reinforces his apologies with candy, flowers, cards and other gifts, or promises to change behaviour, such as consuming alcohol or working overtime, which the woman believes contributed to problems in the tension-building phase.

The honeymoon phase of the cycle of violence gives the woman a false sense of hope and power. She sees the positive characteristics of the man she fell in love with, and she feels she has the power to force the man to seek help for his abusive behaviour. As a woman becomes more committed to saving her relationship, she isolates herself from relationships with friends or family which were a source of the man's jealousy in the tension-building phase. The man and woman become

increasingly emotionally dependent upon each other and convince themselves they can resolve their problems alone. At this time a woman who has called the police will often urge the Crown to drop charges which were laid against the man as a result of the explosive incident.

As time goes on, tension mounts, another incident occurs, another honeymoon follows: the cycle of violence repeats itself. The cycle may take days, weeks, months, or even years to be completed. However, it often grows shorter over time, and the severity of the explosive incident generally increases with each cycle. Each cycle a woman passes through tends to lower her self-esteem and impair her judgment. It becomes more and more difficult for her to leave the relationship, or to recognize that she is not responsible for the violence in the relationship.

It is also well accepted that the impact of abuse has a significant adverse affect on children in the family. The following is a summary of the impacts as compiled by The National Clearinghouse on Family Violence:

- From 40% to 80% of children witness domestic violence.
- In 52% of violent relationships in which children witnessed the violence, women feared for their lives, and in 61% of abusive relationships where the child is a witness, the violence was serious enough to result in the woman being injured.
- When a woman is forced to flee her home, children suffer disruption of their home routines, relationships with friends, and often, their schooling. They may be pre-occupied with fear that violence will re-occur, and are often aware of threats and attempts at contact, or stalking, by their fathers. At the same time, children may be relieved to be in a safer place.

- Child witnesses of violence against their mothers, experience similar emotional, health and behavioural problems as children who are themselves directly abused.
- In a Canada-wide study of abused women, women reported that their partners have abused their children physically (26%), psychologically (48%), and sexually (7%).
- 25% of children who have lived in a shelter for assaulted women felt it was all right for a man to strike a woman if the house was dirty. After group counselling, none of the children supported a man hitting a woman.
- Children of abused women show a number of common characteristics including: blaming themselves for the violence, physical complaints such as stomach aches and headaches, sleep disturbances such as nightmares or insomnia, eating problems, rigid gender role identification, with girls acting withdrawn, passive, compliant and acting as mothers little helper, whereas boys were aggressive, bullying and showing self-destructive behaviour.
- Studies indicate that the above child adjustment problems relate more to witnessing domestic violence than to the separation, divorce, or loss of parents.
- An estimated 30% - 40% of children who witnessed violence against their mother by a partner are also abused directly by the partner, whether or not he is their father.
- A pattern of physical and emotional abuse of mother by father, or other male partner, is common in families in which children are sexually abused by fathers.
- Children who witnessed violence are at risk for further violence, either as a perpetrator or a victim.

One of the most common questions asked is why a woman in an abusive relationship does not leave. Based on some of the literature produced, the following are the most common responses:

- She hopes the relationship will get better
- She doesn't want to break up a family
- Her partner's abuse isolates her from friends and family
- She fears for her own and her children's safety
- She depends on her partner's income
- She has lost her self-esteem because of her partner's abuse
- She has nowhere else to go
- Her partner has threatened to harm her if she leaves

The tragedy of violence against women is a complex problem which has no simple solution. It will take a comprehensive strategy of both preventative and remedial approaches and it needs the active support of all concerned, including men.

### Chapter 3

## VIOLENCE AGAINST MEN

If you want to push some hot buttons, just try suggesting that women also abuse men. While the very idea of a man being beaten by a woman runs contrary to many of our deeply ingrained beliefs about men and women, female violence against men is a well-documented phenomenon almost completely ignored by both the media and by society.

Even the most open-minded find it difficult to imagine that husband battering could take place. Although feminism has opened many of our eyes about the existence of domestic violence, and newspaper reports often include incidents of abused wives, the abuse of husbands is a rarely discussed phenomenon. One reason researchers and others have not chosen to investigate husband battering is because it was thought to be a fairly rare occurrence. Police reports seemed to bear this out by showing a ratio of 10 to 15 female victims for every one male victim. Another reason for this is that women were seen as weaker and more helpless than men, whereas men were seen as more sturdy and self-reliant.

The image of a battered wife is firmly established in the public consciousness. In the aftermath of the Nicole Simpson murder (and the nearly forgotten Ron Goldman), the national media almost exclusively portrayed the male as the brutal, overpowering, must-be-stopped perpetrator of domestic

violence and the female as the helpless, innocent victim, deserving our collective sympathies. That situation may be accurate in some instances and should not be tolerated. However, to consider the possibility of a battered husband is so far from our universal image of men, it is hard for some to accept. Nevertheless, many studies have been done to demonstrate the reality of the husband who has been assaulted and seriously injured by his wife or girlfriend.

In 1975 and again in 1985, researchers Murray A. Straus, Ph.D., and Richard J. Gelles, Ph.D., conducted the National Family Violence Survey, one of the largest and most respected studies on family violence ever done in America. Their findings confounded conventional beliefs on the subject. Not only are men just as likely to be victims of domestic violence as women, but also the study showed that between 1975 and 1985, the overall rate of domestic violence by men against women decreased from 12.1% to 11.3%, while women's violence against men actually increased from 11.6% to 12.1%. In 1991, to avoid accusations of gender bias, Straus recomputed the assault rates based solely on responses of the 2,947 women in the 1985 survey. The new results confirmed that even according to women, men are the ones more likely to be assaulted by their partners. When I saw this data, I admittedly was skeptical so I decided to look for other sources and found several which reported similar results.

In 1993, the Children's Rights Coalition, a children's advocacy and research organization in Austin, Texas, reviewed every state's child protective services annual report and found that overall, mothers physically abused their children at a rate twice that of biological fathers. They further found that the second highest percentage of abusers were mother's boyfriends or new husbands. Similar findings were released by the U.S. Justice Department in July 1994 in a report entitled

“Murder in Families.” The report finds that in the majority of cases of child murder, they are murdered by their mothers, with their boyfriends and new husbands being the next highest group of perpetrators. Biological fathers accounted for only a small percentage of familial child murders.

Further evidence supporting the Straus-Gelles study appeared in the November 1986 Journal of the Association of Social workers. In their report on adolescent dating relationships, they found that girls were violent more frequently than boys. As well, a 1986 study done by the Family Violence Research Laboratory of the University of New Hampshire reported that 3.2% of elderly persons had been abused. 52% were abused by men and 48% by women.

The idea of women being violent is a hard thing for many people to believe. It goes against the stereotype of the passive and helpless female. This, in spite of the fact that women are known to be more likely than men to commit child abuse and child murder. In the 1988 Daly & Wilson Report, 54% of parent child murders, where the child is under 17, were committed by the mother in Canada between 1974 and 1983. The Statistical Abstract of the United States in 1987 reports that of child reported maltreatment cases, between 1980 and 1984, between 57% and 61% of these were perpetrated by the mother. It should be noted that because mothers tend to have more access to children than do fathers, these results should not be interpreted to mean that if there was equal access, women would still commit more abuse.

Violence takes various forms. There is no question that since men are, on average, bigger and stronger than women, they can do more damage with their fists. However, research shows that the average man's size and strength are usually neutralized by weapons such as guns, knives, scissors, lamps,

frying pans, boiling water, bricks and other tools. A 1984 study of 6,200 cases of domestic assault found that 86% of female-on-male violence involved weapons while only 25% of male-on-female violence did.

According to many women's rights advocates, female violence against a man is purely a self-defense response to male violence. Several studies, however, show that women initiate about one quarter of all domestic assaults, men initiate another quarter, and the remaining half are classified as "mutual." Other research, attempting to discredit the findings on men as victims, claims that since women are physically weaker and do less damage, only "severe assaults" should be compared.

The results of that analysis show that men are only slightly more likely to initiate the violence. Overall, Dr. Straus found that whether the analysis is based on all the assaults or is focused exclusively on dangerous assault, about as many women as men attack a spouse who has not hit them in the past year. Clearly, then, the claim that women's violence is purely "self-defense" is unsubstantiated.

If female violence against men is so widespread, why haven't we heard more about it in the discussion of domestic violence? There are several reasons. First, men, in general, are extremely reluctant to report that they have been victims of any assaults. After all, men are supposed to be tough and able to take care of themselves. And what would people think? Men are trained not to ask for help and a man not being able to solve his own problem is seen as a sign of weakness in our society. According to a 1990 U.S. Department of Justice Survey of Criminal Victimization, men report all types of violent victimization 32% less frequently than women.

Confessing to being assaulted by another man is easy compared to admitting being victimized by a woman. Why? Most likely, men fear society's traditional reaction. In the 18th and 19th century, the husband who had been pushed around by his wife would be forced by the community to wear women's clothing and to ride through the village, sitting backwards on a donkey. Today's punishment is ridicule and shame by ones peers. In 1991, the Reverend Jesse Jackson had a T.V. show on domestic violence. During the program one man related how his wife repeatedly hit him and attacked him with knives and scissors. The audience's reaction was exactly what male victims, who go public, fear the most: laughter and derisive snickering. Even when they are severely injured, men will go to great lengths to avoid telling anyone what they have been through.

When it comes to domestic violence, society seems to have one set of rules for men and another for women. Perhaps it's because we have been programmed to view women's violence as somehow less real than men's violence. A 1989 study published in the *Journal of Interpersonal Violence* found that both men and women evaluated female violence less negatively than male violence. When it came to domestic violence, the researchers found that physical violence of any kind was perceived less negatively when the female in the arguing couple was the aggressor. The double standard for violence apparently extends as far as a murder. A recent survey of 60,000 people over the age of 18, conducted by the Department of Justice, found that people rated a husband stabbing his wife to death 40% worse than a wife stabbing her husband to death.

There are several very serious effects of society's reluctance to acknowledge the female potential for violence. First, women are subtly encouraged to be more violent. Dr. Straus found

that a large number of girls had been told by their mothers to slap him if he gets fresh. Images of women kicking, punching and slapping a man with complete impunity are not only widespread in the movies, T.V. and books, but the viewers or readers reaction is usually "Good for her." Second, while it is possible to argue that a slap is unlikely to do any severe damage, not recognizing that slapping is still violence, sets a rather dangerous precedent. Arresting a man who slapped a woman, while dismissing a woman who slaps a man as "nothing to worry about", both condones the violence and reinforces a double standard.

Men's victimization is a fact. Nevertheless, some questions still remain. First, if men are so much bigger and stronger, why don't they protect themselves? The answer, when you think about it, makes perfect sense. First of all, at the same time little girls are being taught it's okay to slap, the boys are being told "Never hit a girl." And while these little boys grow up, they are told that any man who hits a woman is a bully. But if a woman hits them, he is supposed to take it like a man. Secondly, according to professor Suzanne Steinmetz, Director of the Family Research Institute at Indiana University, men recognize the severe damage they are capable of doing and therefore consciously try to limit it. These reasons explain why most abused men, no matter how capable they are of doing so, offer little or no resistance to their partners' physical violence. Many women, well aware of these fears, may continue their abuse, knowing they can get away with it.

In 1977, Professor Steinmetz also released results from several studies showing that the percentage of wives who have used physical violence was higher than a percentage of husbands, and that wives' average violence tended to be higher, although men were somewhat more likely to cause greater injury. She also found that women were as likely as men to initiate

physical violence and they had similar motives for their violent acts. She concluded that the most unreported crime is not wife beating but rather husband beating. In 1980, a team of researchers, including Prof. Steinmetz, attempted to address some concerns about earlier surveys. They created a nationally representative study of family violence and found that the total violence scores seemed to be about even between husbands and wives, and that wives tended to be more abusive in almost all categories except pushing and shoving.

The latest Canadian study to be produced on domestic violence was a Manitoba study by Reena Sommer, a research associate at the Manitoba Center for Health Policy and Evaluation. The study is entitled "Male and Female Partner Abuse: Testing a Diathesis-Stress Model." The study, an integral component of Ms. Sommer's Ph.D. thesis, was conducted in two waves over a 4 year period. The first wave, during 1989-1990, collected data from a random sample of 452 married or cohabiting women and 447 married or cohabiting men, who completed self-administered questionnaires as well as a 90 minute formal interview with a researcher. The second wave during 1991-1992 gathered follow-up interviews from 369 of the same women and 368 of the same men.

In both waves of data collection, and both by self report and report by their partners, women were found to be more abusive than men. The study defined abuse as: "An act or acts carried out with intention, or perceived intention of causing physical pain or injury to another person." Note that this definition removes from consideration such incredibly dubious types of abuse as simple yelling, while including abuse such as threatening violence without actually doing violence. Acts of abuse also included throwing an object, pushing, grabbing,

shoving or hitting. The study also examined who were the perpetrators of the violent act.

Under the category of minor violence, 23.6% of women threw or smashed an object compared to 15.6% of men; 14.9% of women threatened to throw an object compared to 7.3% of men; 16.9% of women threw an object directly at the partner compared to 4.6% of men; and 16.2% of women pushed, shoved or grabbed a partner compared to 17.2% of men. Under the category of severe violence, 15.8% of women slapped, kicked or punched compared to 7.3% of men; and 3.1% of women struck their partner with a weapon compared to .9% for men.

Other categories included 9.9% of women claiming that they perpetrated the violence in self defense compared to 14.8% of men; 8% of the women admitted to consuming alcohol during the violence compared to 16% for men; and 14.3% of women admitted that their partner needed medical attention compared to 21.4% for men. On an overall basis, 39.1% of the women were found to have perpetrated violent behaviour compared to 26.3% for the men.

Other studies and reports also give the same message. On July 11, 1994, the U.S. Department of Justice released a study on domestic violence and spousal homicides. In this study, it is reported that women kill men at approximately the same rate as men kill women in spousal homicides. A spousal homicide is a husband or wife killing the other partner or a homicide perpetrated by a common-law partner on the other partner. In addition, this study also reported that children were killed by mothers in 55% of all parental homicides.

On December 9, 1994, a survey for the British Broadcasting Corporation reported that one in five men in the United

Kingdom have been victims of domestic violence and that men are more likely to be beaten up at home than women. The survey found 18% of men had been victims of domestic violence by a partner, compared with 13% of women. In an interview for the BBC program, neuroscientist Malcolm George said “You are confronting here two taboos. One is that women can be violent and the second is that men can be beaten up by their wives. And that is something that nobody wants to take on board.”

In addition, on July 19th, 1994 at the 13<sup>th</sup> World Congress of Sociology, it was also reported that in the U.S. in 1992, husband-on-wife severe assault occurred at a rate of 2% whereas wife-on-husband severe assault occurred at a rate of 4.6%. Husband-on-wife minor assault occurred at a rate of 9.9% whereas wife-on-husband minor assault occurred at a rate of 9.5%. It was also reported at the conference that although male-on-female violence has been slowly decreasing over the last decade, female-on-male violence is now increasing sharply.

Further evidence of the societal problem came in a press release dated August 27, 1997 from the Journal of the American Medical Association. Entitled “Battered Men”, the press release stated that while medical groups champion campaigns to reduce domestic violence against women, a new study indicates that men are victims as often as women.

The study included 516 patients who presented at the emergency department of Charity Hospital, New Orleans, La, in July 1995. Using the Index of Spouse Abuse (ISA), a validated survey tool, researchers determined the prevalence of domestic violence in four areas: physical violence that occurred recently and that more than a year ago and non-physical violence that was recent and that had occurred in the

past. Based solely on the ISA scoring, the researchers said 19% of the women patients and 20% of the men had experienced recent physical violence. The researchers also wrote that recognition of the global nature of violence may be more realistic than assuming that only women are victims.

Finally, in September, 1995, an article entitled “Assaultive Girlfriends” appeared in the AP Monitor, a monthly publication of the American Psychological Association. Two psychologists, Kathryn Ellis D.Ed. and Dr. Irene Freize, Ph.D. had found that college women kick, push, bite and slap their male partners more often than vice versa. In a study of more than 300 University of Pittsburgh college women in the early 1992, Dr. Frieze found that women reported being significantly more violent towards their male partners than men reported being towards their female partners. Most women cited romantic jealousy as the reason for insulting their boyfriends. In the same study, Dr. Freize found that women did just as much damage as men during fits of anger.

Dr. Freize speculates that women have become more aggressive because they think they can get away with it more easily than men. Men tend not to take such physical violence very seriously and women see it as an expression of independence. Contrary to many psychologists’ beliefs that strong identification with the male role promotes violence, Dr. Freize found that traditional men who hold conservative beliefs that men are providers and women are care takers, were less likely to be violent and more likely to be benevolent and protective of women. Surprisingly, she found that less traditional men, with more progressive views of women being leaders and having successful careers, were more likely to be violent with their more traditional counterparts, who see men as more capable and able bodied than women.

Given the range of evidence, it is clear that men are also victims of abuse. This is not to suggest that abuse of women is any less serious but only to make the point that it is a two-way street. Domestic violence regardless of who perpetrates it should not be tolerated.

Not fighting back is one thing, but why would any sane person stay in an abusive relationship? It may surprise some that studies have shown that men's reasons differ very little from women's, namely economics and concern for the children. Although the average male victim of domestic abuse has more financial resources available than his average female counterpart, this is changing fast. As more and more women enter the workforce, it is getting harder and harder to find a traditional family any more. In addition, many abused women fear that if they leave their husbands, the violence they have experienced may be directed against their children. Despite widespread stereotypes to the contrary, abused men are just as concerned for the children as are women.

We cannot hope to solve the cycle of violence until we are prepared to admit that women can be as violent as men. Failing to acknowledge the violence perpetrated by a woman, prevents us from developing effective programs to address the societal problem in the true light of reality.

## Chapter 4

### PERPETUATING THE BIAS

Without question, the preponderance of literature on the issue of abuse in our society is dedicated to abuse against women. What is often missing however, is the aspect of context in which the assertions are being made. Even if the presentation or literature is being prepared from a woman's perspective, to perpetuate a universal bias only serves to entrench an attitude. This is counter productive to the understanding of the problem and therefore to its potential mitigation or resolution. The first hurdle is to convince those in denial that domestic violence is not just a women's issue but rather a societal issue.

As an example, a paper developed for the Canada-U.S.A. Women's Health Forum in August 1996, entitled "Health Aspects of Violence Against Women" gives the classic feminist spin. The authors, Dianne Kinnon and Louise Hanvey, stated their premise as follows: "Violence, including physical assault, sexual assault, neglect, verbal attacks, insults, threats, harassment and other psychological abuses, is an issue central to the quality and well-being of Canadian girls and women. Violence has enormous individual and social costs. Violence against girls and women is both a result of a lesser status of women, and also maintains a power imbalance by keeping all women in a state of fear".

The definition of violence presented is so broad, very few could claim not to have been victims of violence. The fact that the statement only addresses women refutes the fact that men can also be victims of the same sorts of abuse. To ignore or to deny that fact is misguided. The real issue is the abuse of a person ranging from criminal assault to basic meanness and the consequential negative impacts on individuals as well as on society as a whole.

Imagine for a moment the reaction to a speaker, addressing an audience of women attending a seminar on domestic violence, who declares that men can also be victims of violence. Needless to say the scene would be ugly, maybe even violent. That virtual reality is indicative of the high emotion and sensitivity of the issue but it should not breed denial. As with most social problems, overcoming that denial and acknowledging the facts are critical outcomes before progress can be made.

There should also be an acknowledgment that the impacts also have a broad range of severity. Physical and sexual abuse are serious crimes which carry commensurate consequences including imprisonment and prima facie grounds for divorce. The subject matter is described as violence but the authors rely heavily on a range of non-criminal actions such as neglect, verbal attacks and insults. Whether it be deliberate or otherwise, the effect is to embellish or exaggerate to make a point, and they have succeeded.

The authors also made a revealing attempt to rationalize the cause of the problem in their statement that violence against girls and women is both a result of a lesser status of women, and also maintains a power imbalance by keeping all women in a state of fear. Put another way, women are inferior and men keep it that way by threatening. This is the language of

militants and provocateurs. The next call is a call to arms to defeat the enemy. Do all women really believe that they have a lesser status in society than men? Do the authors really believe that domestic violence would cease to exist if the roles were reversed or even if men and women had equal status in society?

Equality in the workplace is an important social issue and I have provided some thoughts for consideration later in the book. However, status in society is not, in my view, merely a function of your job in the external workplace and how much money you make. The authors suggest it is a matter of power imbalance and to maintain that power, a man resorts to threats of violence. Does it then follow that a woman in a position of power would resort to violence to maintain it? The answer is clearly no. In fact the statement contradicts the statistical reality that domestic violence crosses all demographic boundaries.

The discussion paper also goes on to state that: “We live in a social structure that through its institutions, laws, social values and individual relationships has glorified violent acts, accepts power over others as a sign of strength and has tended to blame the victim of violence while excusing the abuser.” This broad based indictment of our society reflects an extreme level of cynicism and anger which is hardly constructive.

Unfortunately, this is typical of the rhetoric that has been used by many to entrench traditional biases that all men are bad and all women are victims. Since this is the attitude of most writers and lecturers on this subject, is it any wonder that no progress has been made over the decades? If you pit all men against all women and paint each gender with the same brush, all you have done is to establish the lines for endless battle rather than creating an environment for resolution. To choose

that course of action is very troubling since it suggests a commitment to the status quo. Are we as a society really prepared to tolerate no progress? Are the consequences of addressing the problem more troubling than the problems we face today? On reflection, it appears that society has opted to tolerate the tragedy of domestic violence and the question is “why?”.

Dr. Murray A. Straus, a sociologist and co-director for the Family Research Laboratory at the University of New Hampshire, blames women in the battered women’s shelter movement for denying that women physically abuse husbands, ex-husbands and boyfriends, or they play down such abuse. In his view, there is this fiction in a shelter movement that in all cases, it's him not her who is responsible for domestic assaults. In an interview with the Washington Times on January 24, 1994, Dr. Straus stated that at least 30 studies of domestic violence have shown both sexes to be equally culpable. But he said some of the research, such as a recent Canadian national survey, “left out data on women abusing man ... because it's politically embarrassing.” He was referring to the 1993 Statistics Canada survey on violence which will be discussed later.

Women and men are almost identical in terms of frequency of attacks such as slapping, shoving and kicking according to Dr. Straus. Using information on married couples obtained from 2,994 women in the 1985 National Family Violence Survey, Dr. Straus said he found a rate for assaults by wives of 124 per 1,000 couples compared with 122 per 1,000 for assaults by husbands.

The rate for minor assaults by wives was 78 per 1,000 couples, and the rate of minor assaults by husbands was 72 per 1,000. For the category of severe assaults the rate was 46 per 1,000

couples for assaults by wives and 50 per 1,000 for assaults by husbands. Neither difference is statistically significant according to Dr. Straus. As these rates were based exclusively on information provided by women respondents, the near equality in the rate of assaults cannot be attributed to gender bias reporting.

In 1979, Dr. Lenore Walker wrote a book entitled “Battered Woman Syndrome” from which the legal defense of the same name originated. Few books of modern times have had such a significant impact in law, in popular culture or in understanding as this one. Every woman who has obtained mitigation in punishment for an act of violence against her mate by pleading “battered woman syndrome” is a direct beneficiary of Dr. Walker's feminist advocacy and research.

Considering the notoriety of the book, I was surprised to come across a highly critical review of the book by writer Robert Schaefer. He started by asking where the sample of women she used for the study of battered woman came from. He also asked whether she had performed a careful selection to obtain a representative sample. In fact she had not. She simply interviewed those women who contacted her in the course of her giving speeches, radio and TV interviews and appearing in news stories, on the subject of research into battered women. Acknowledging that this was a problem, Dr. Walker included the following statement in the introduction to her book: “This is a self volunteered sample. These women were not randomly selected and they cannot be considered a legitimate database from which to make specific generalizations.” Having noted this purely for the record, she then proceeded to utterly disregard her own caveat and develop a long list of generalizations derived from this so-called research.

Mr. Schaefer notes that Professor Walker makes mention five times of the largest scale study on domestic violence yet undertaken, the National Institute of Mental Health-financed survey of Straus, Gelles and Steinmetz later published as a book. She cites the book approvingly as the first epidemiological study of battered women undertaken in the country. This however is a serious misrepresentation since it was a detailed study of violence in the American family and not of battered women. She uses findings from the study when it suits her purpose says the critic. However, nowhere does Professor Walker see fit to tell the readers what the final conclusion of the study is being that women initiate violence in intimate relationships at least as often as men. In fact the study found that the number of wives who threw things at their husbands is almost twice as large as the number of husbands who threw things at their wives. The rate for kicking and hitting with an object is also higher for wives than their husbands. Overall, however, the researchers found that there is little difference between husbands and wives in this study.

Mr. Schaefer concludes that like many feminists, Dr. Walker seems not to be trying to improve marriage, but rather to destroy it. The principle faults she finds with the psychiatric treatment of battered women thus far is that psychotherapy has generally emphasized the value of keeping families intact whenever possible. In working with battered women, however, Dr. Walker argues that psychotherapists must encourage breaking a family apart for the protection of the woman.

I was interested to learn that Dr. Walker had also discovered another novel form of battering called "working late". In the book she describes the case of a woman who admits physically attacking her husband. There's no doubt that she began to assault her husband physically before he assaulted her. She

argued that her husband had been battering her by ignoring her and by working late in order to move up the corporate ladder for the entire five years of their marriage. Using this logic, Dr. Walker transforms a violent woman, who admitted to hitting her husband in the head with a glass when he came home late from work, into a victim of battery. Surely this represents an example of logic stood on its head and indicates how creative some can be when stakes are so high.

The bias has also been reflected in the reporting of statistics. For example in the United States one of the most prominent educational messages includes the statement that: “One woman is battered every 15 seconds” or 1.8 million per year. However, that data is based on research which also indicated that women abuse men at a rate of 2 million per year or “one man battered every 14 seconds.” The same study also found that 54% of all violence termed “severe” was committed by women, not men. Selective use of information is too common a practice in regard to social issues and therefore the onus is on the reader to question the context and validity of data

When you talk about domestic violence, most people will automatically think about violence against women. In fact most provincial police policies that I have seen are written assuming that the violence being discussed is against women. The Ontario provincial police procedures manual is exclusively written to address the victim as a woman. I did however find one police manual which treated domestic violence as a societal issue.

The Winnipeg Police Service has developed a detailed and comprehensive family violence policy and procedure to promote consistent, effective intervention in domestic violence incidents. Significant features of the policy include:

- The definition of domestic violence includes common-law, dating, and marital relationships. It recognizes that violence can and does occur in all types of intimate relationships, and that both men and women perpetrate violence. The broad application of the policy allows police officers to intervene early on in an abusive relationship. It recognizes that domestic violence should be eradicated in all types of intimate relationships.
- Police officers are instructed to lay charges and to arrest all offenders whenever there are reasonable grounds to believe that domestic violence has occurred. Charges can be laid even if the victim is opposed. There is no requirement that injuries be visible. It is not necessary for there to be corroborating witnesses. The mandatory arrest component of the policy reduces the influence of non-legal factors in the decision as to whether to lay charges. A police officer's belief as to what is in the best interests of the parties, or his evaluation of the credibility of the victim, should not affect whether the offender will be charged and arrested. Nor should that decision be influenced by the lifestyle of the parties, where the parties live, or the attitude of either party. Mandatory arrest promotes a consistent approach to domestic violence incidents. It sends a clear message to the offender and the victim, that domestic violence is unacceptable and will not be tolerated.
- Domestic violence calls must be flagged on their computer information system when an incident occurs or as soon as it is apparent or suspected that an incident involves domestic violence. The computer flag can only be removed if a police officer's supervisor is satisfied that domestic violence did not occur. This requirement increases the accountability of the police officers who respond and investigate the incident.

- Police officers are required to respond to and investigate incidents of domestic violence immediately. An immediate response is critical to prevent further or ongoing acts of violence. Early intervention increases the likelihood that the cycle of violence will be interrupted before the honeymoon phase commences. This improves the possibility of obtaining a complete and accurate account of the incident from the victim.
- Police officers are required to give paramount consideration to the safety of the victim. This includes helping the victim obtain medical attention, escorting the victim to a place of safety, advising the victim when the offender may be released from custody, or informing the victim about shelters and other resources.
- Police officers have wide discretion to enter premises where they suspect that domestic violence is occurring or has occurred, which enables them to fully investigate the domestic violence complaints without the cooperation of the offender or assistance of the victim. Police officers are able to enter premises where an offender refuses to respond to them, or a victim is prevented from responding to them when they arrive.
- Police officers are required to respond promptly if a complaint involves a breach of restraining order, including an order issued pursuant to the Family Maintenance Act or a no-contact no-communication condition of an offender's recognizance. A prompt response is important in breach situations since continued contact between an offender and a victim jeopardizes the safety of the victim and interferes with the prosecution of the outstanding charges against the offender. A prompt response also reinforces the fact that offences involving domestic violence are being treated seriously by the police and the criminal justice system.

- Police officers are required to write detailed reports and complete full background and record searches in all cases where charges are to be laid or have been laid in connection with domestic violence. This requirement increases the accountability of the investigating police officers and ensures that Crown Attorneys receive the information which is needed for an offender's bail hearing or trial.

After this policy was implemented in 1993, the Winnipeg Police Service developed a program to educate recruits and existing members about domestic violence and to train them in implementation of the policy. As part of their training all officers receive a booklet entitled "Family Violence, A Guide for Police Officers".

The booklet is a condensed information package on topics related to domestic violence. It includes information to make police officers aware of some myths and facts about domestic violence. It also explains the cycle of violence and some of the reasons why a victim may remain in an abusive relationship. Finally, it outlines various kinds of assistance a victim may require from police officers.

Hats off to the Winnipeg Police Service for at least acknowledging that domestic violence is not just a women's issue but a societal issue. Domestic violence is a crime and it is the crime that should be responded to without reference to gender. On the other hand, it is disturbing that major police forces such as the Ontario Provincial Police wrote their entire policy as violence against women. One can only wonder what they do when they come across a case where a woman abuses a man.

I had the same concern when I received the Seventh Edition of the Health Canada publication “Preventing Family Violence” published in 1998. It is presented as a catalogue of Canadian videos on family violence for the general public and for professionals working in the field. Although the subject matter is “Family Violence”, the 64 films cover Child Abuse and Sexual Abuse, Wife Abuse / Violence Against Women and Abuse of Older Adults. Not one was on family violence generally which at least might give an opportunity to address the subject as a societal issue in which both men and women are perpetrators.

In January, 1998, Health Canada also produced its “Publications Available from the National Clearing House on Family Violence”. Not one of the 101 publications is dedicated to family violence as a societal issue perpetrated by men and women. Although I have not read all the publications, the extracts or descriptions are focused on violence against women. I can’t help but wonder whether Health Canada is in denial. There has been so much research that exposes the duality of the problem that it is hard to believe that they cannot be aware. How can you purport to produce a publication on “Family Violence” and ignore a significant part of the problem? The answer to the question is not politically correct.

## Chapter 5

### The Faces of Feminism

The concern about credibility of information was the subject of a book by Christina Hoff Sommers entitled “Who Stole Feminism? – How Women Have Betrayed Women”. In the book she wrote of a few examples of how numbers travel. As an example she cited a quote from Gloria Steinem’s book “Revolution From Within” which stated that “in this country alone ... about 150,000 females die of anorexia each year.” That statistic, which is more than three times the number of fatalities from car accidents in the U.S., was attributed to another feminist best-seller, Naomi Wolf’s “The Beauty Myth” in which she compares it to a holocaust. Her source was from the book “Fasting Girls: The Emergence of Anorexia Nervosa as a Modern Disease” by Joan Brumberg, a historian and former director of women’s studies at Cornell University. Brumberg, too was fully aware of the political significance of the startling statistic. She points out that the women who study eating problems “seek to demonstrate that these disorders are an inevitable consequence of a misogynistic society that demeans women ... by objectifying their bodies. Professor Brumberg, in turn, attributes the figure to the American Anorexia and Bulimia Association. They in turn said that they were misquoted. In a 1985 newsletter, the association had referred to 150,000 to 200,000 sufferers (not fatalities) of anorexia nervosa. The National Centre for Health

Statistics actually reported only 101 deaths from anorexia nervosa in 1983, 67 deaths in 1988 and 54 deaths in 1991.

Ms. Sommers writes that the false figure, supporting the view that our “sexist society” demeans women by objectifying their bodies, is widely accepted as true. Anne Landers repeated it in her syndicated column in April, 1992: “Every year, 150,000 American women die from complications associated with anorexia and bulimia.” It also appears in the preface of a women’s issues text book called “The Knowledge Explosion.” As far as Ms. Sommers is concerned, the erroneous figure is out and no amount of correction or retraction will stop its perpetuation. It is a provocative statement that will live on despite the fact that it is inaccurate information.

In another case on November 4, 1992, the President of the National Women’s Studies Association issued a statement on The Women’s Studies Electronic Bulletin Board stating: “According to the last March of Dimes Report, domestic violence is now responsible for more birth defects than all other causes combined. Personally this strikes me as the most disgusting piece of data I’ve seen in a long while.” Sommers thought the assertion seemed implausible. On February 23, 1993, however, The President of The National Organization of Women claimed in a PBS interview that: “Battery of pregnant women is the number one cause of birth defects in this country.”

Sommers contacted the March of Dimes to obtain a copy of the study or report backing up the claim. They claimed that they had never seen the research before. As expected the statement continued to appear in a variety of publications including Time Magazine. After tracking down a long string of sources, Sommers found Sarah Buel, a founder of the domestic violence advocacy group at Harvard University. It seems that when she was introduced as a speaker at a

conference for nurses and social workers, the host mentioned that according to March of Dimes research she had seen, more women are screened for birth defects than are ever screened for domestic battery. Sarah Buel erroneously took it to mean that there was a link between domestic violence and birth defects and included it in an unpublished manuscript which was circulated to family violence professionals. They saw no reason to doubt the authority and repeated the claim to others. Needless to say the inaccurate information continues to circulate.

Sommers suggests that these two examples are typical of the quality of information that we are getting from feminist researchers, women's advocates and journalists. She goes on to speculate that a closer look at the supporting evidence on eating disorders, domestic battery, rape, sexual harassment, bias against girls in school, wage differentials, or the demise of the nuclear family will raise grave questions about credibility, not to speak of objectivity.

Journalists are usually thought to be on guard because they supposedly check sources and seek dissenting opinions. However, in January 1993, newspapers and television networks reported an alarming finding that the incidence of domestic battery tended to rise 40% on Super Bowl Sunday. NBC actually made special pleas on their broadcast for men to stay calm. Feminists also called for emergency preparations in anticipation of the expected increase in violence on January 31<sup>st</sup>. They also used the occasion to drive home the point that maleness and violence against women are synonymous. Nancy Isaac, a Harvard School of Public Health research associate who specializes in domestic violence, told the Boston Globe: "It's a day for men to revel in their maleness and unfortunately, for a lot of men that includes being violent toward women if they want to be." Journalists blindly

accepted the 40% figure at face value and continued to report it. However it turns out that the story had no basis in fact. Super Bowl Sunday was in no way different from other days in the amount of domestic violence according to all the research available. Despite the subsequent finding of inaccuracy, millions of people are unaware that it was untrue and they still believe that males, particularly those who are sports fans are a dangerous and violent species.

All of this raises a number of questions. Are some women so predisposed against men that they will deliberately spread false information to support their cause? Are men so afraid of touching the issue of domestic violence that they will do whatever it takes to be seen not just neutral but compliant?

Christina Hoff Sommers also expressed some blunt thoughts in her book about active feminists. She suggests that American feminism is dominated by a group of women who seek to persuade the public that women are not the free creatures they think they are. The leaders and theorists of the women's movement believe that society is best described as a patriarchy in which the dominant gender works to keep women cowering and submissive. Those who hold this divisive view of our social or political reality believe we are in a war, and they are eager to disseminate stories of atrocity that are designed to alert woman to their plight. Some feminists believe that all our institutions, from the government, to the family, to the schools, perpetuate male dominance. Believing that they are virtually under siege, they seek not only recruits for their side of the gender war but also vindication and ammunition.

Ms. Sommers also asserts that not everyone, including many women who consider themselves to be feminists, believe that women live in an oppressive "male hegemony". To confound

the skeptics and persuade the undecided, she says that gender feminists are constantly on the lookout for proof of the smoking gun or the telling fact that will drive home to the public how profoundly the system is rigged against women. To rally women to their cause, it is not enough to remind us that many brutal and selfish men harm women. They must persuade us that the system itself sanctions male brutality. They must convince us that the oppression of women, sustained from generation to generation, is a structural feature of our society.

The allegations made by Ms. Sommers are serious and the examples given tend to support her case. However these are the views of one person, and therefore caution should be taken. The views do, however, raise a context in which potential consequences could be considered. If a man were to pose these allegations, it would not be surprising that a backlash would present itself. In this case, we have not just a woman, but a well-known feminist leading the charge. It appears that her general position is that feminism has spawned an extremist element which uses the guise of traditional feminism to cloak other motives. These could have devastating impacts on the fragile gains already achieved by the feminist movement.

There are also other consequences to consider if the facts are not known or are not fairly represented. Regarding legislation, it could be possible that the scope or tone could be biased and the intent could be less comprehensive than would otherwise be warranted. This applies not only to domestic abuse but also to child and elder abuse. With regard to divorce involving children, there have often been judgments based on allegations of abuse. In most cases, the allegations are usually enough to decide a case of custody. Recent data suggests that two-thirds of alleged abuse have ultimately proven to be false. The real

issue is whether judges are able to fairly make their judgments when the stream of social opinion is so strongly in support of women. Some legislators, such as M.P., Roger Gallaway, have suggested that those guilty of making false allegations should be dealt with in the criminal justice system and face charges of perjury, obstruction of justice or mischief. The legal profession is also under scrutiny for taking advantage of social pressures to view women as oppressed victims. Generally accepted views based on narrow or misleading information can and do have serious implications which should not be ignored.

In July 1997, The Globe and Mail published an interesting feature on feminism titled "You've, come a long way, baby. . . And for what?". The marquis statement read as follows: "Most women love their husbands, fathers, brothers and sons. No wonder they feel little attachment to the women's movement that is plagued by anti-male hostility, intolerance and extremism."

Author Donna Laframboise writes that in her view, women have come as far in three decades as they have in the last three centuries. Long held convictions about female inferiority have all but evaporated during our lifetime. She also asserts that the belief, that women are equal to men and deserve the same opportunities, now dominates the way our society thinks about gender.

Her assessment is that feminism has triumphed. However, she also feels that begrudging the widespread cooperation from men, the movement is more likely to express dissatisfaction than to celebrate its success. Undermined by intolerance and extremism, and guilty of propagating dubious statistics, its credibility and relevance are now in question.

The article also does a brief assessment of the major feminist groups in North America. The author writes that while the vast majority of women regularly tell pollsters that they support female equality, only a few are willing to call themselves feminists and fewer still want anything to do with the organized movement that claims to speak for them. For example, there are more than one hundred million females in the United States, yet the National Organization for Women only has a membership of 270,000 willing to pay annual dues. By comparison, the National Rifle Association claims a membership of three million people. Regarding the National Action Committee on the Status of Women in Canada (NAC), the author suggests that the organization would have to close if it had to depend on dues from individual woman. Long supported by the government grants, NAC has described itself as an umbrella organization of 550 member groups representing three million Canadian women. But dozens of those groups are union locals whose members may never have heard of NAC. Also included are people who belong to the Anglican and the United churches, the YWCA and the Women Teachers' Federation.

NAC claims that in 1996, its fee-paying member groups, including rape crisis centers and University women's groups, swelled to 670. But only 173 of these groups sent delegates to its last annual convention. Attendance at locally organized international women's days events is another way of measuring support for the movement. In 1996, between five thousand and eight thousand people participated in Toronto's annual women's day parade held in early March. In the 1997, those numbers dwindled to a couple of thousand. That doesn't necessarily reflect on the level of support of women. It is not enough to be right. You have to be right at the right time and in the right way.

There are also growing signs that feminist groups are not only beginning to disagree with one another but they are also experiencing substantial internal dissension. The author noted that as early as 1977, noted feminist Betty Friedman warned that conflicts within the movement were becoming so vicious that only those who can devote 24 hours a day to the movement can play. These are women who have made the women's movement their profession, their career and even their personal life. In other words, women with jobs and families, and a sense of perspective and proportion have long been at a disadvantage in the movement. This insularity explains why active feminists are often more extremist or left-of-center than the average woman.

Every social movement has its extremists. What's different about the woman's movement is that these extremists have not been shifted to the margins but remain highly influential. As such we should not be surprised to find that some people think that feminism is about hating men and we should not be surprised to wake up to a world where all men are seen to be violent and dangerous. Because the careers and often the personal and social lives of active feminists have been built on the idea that contemporary women are hopelessly oppressed, they are not about to suddenly lay down their arms and declare victory. In fact some have suggested that the extreme feminists have no interest in winning but rather are interested in perpetuating an endless war in which women are pitted against men.

There is however a big risk in writing about the flaws of feminism. Some fear it will be used by some to characterize all women while others fear it will jeopardize the fragile gains made by women to date. Sensitivity is necessary because there are many effective women's groups who are working hard to address domestic violence and gender equity. Exposing the

extremist elements should not, however, undermine their achievements. Battered women do not need false information and exaggeration to gain the support of a caring public. The extremists do not have a grass roots constituency and therefore broad-based public advocacy is the best approach to addressing women's issues.

## Chapter 6

### Integrity of Information

Professor John Fekete of Trent University wrote the book “Moral Panic” in which he develops the regression from politics called biopolitics. He writes: “Biopolitics has no time for humankind; nor does it care about individuals. In fact, even its concern for individual members of its own group depends on the extent to which they behave and express themselves in accordance with the stipulated essence of the group. Their concern is to promote the group, and to advance the group’s cause against its enemies.”

In the book, he also takes a close look at “Changing the Landscape”, the Final Report of the Canadian Panel on Violence Against Women (1993 commissioned by the Canadian Ministry of Supply and Services). At one point the report concludes that “...the tentative responses of the international community to the systematic rapes of women in Bosnia-Herzegovina were constant reminders to us that tolerance of violence against women knows no geographic boundaries.” Fekete cites this as an extreme example of biopolitics and characterizes the report as being obsessively self-dramatizing, fixated in gender-thinking and bristling with hostility while it opportunistically pirates the terrible ordeal of an entire people to service its own political agenda.

He concludes that the \$10 million report is a scandalous document which does a great disservice to those of the female population who suffer in Canada, as well as to suffering men and to the general well-being of all Canadian adults and children. He says: “Those of us who are surprised to find the Canadian government supporting, financing and issuing a document that accuses Canadian society and Canadian institutions of abuse of power and hatred of women will have to take stock of the extent to which organized biopolitical advocacy is becoming official policy in the Canadian Government.”

Professor Fekete also writes about the genesis of the white ribbon campaign which became a symbol of men’s collective guilt about violence against women. He says the demonstration needed an official scapegoat who could serve as the object of universal hatred and that was to be the mass murderer Marc Lepine.

Fekete writes: “December 6, 1989, when this obscure figure went supernova in public and made international headlines, has become unofficially commemorated in Canada as the day to reflect on the demon. Lepine’s own personal story has now completely disappeared into the myth of male evil. Marc Lepine, crazed with hostility, walked into a classroom at the Ecole Polytechnique in Montreal with a gun and slaughtered 14 female students. We all felt – with various asymmetries – the terror and the pity and the tragic necessity that every so often shatter the veneer of our remarkable systems of sublimation and control. But the panic that followed the mourning transformed individual deaths into biopolitical symbols. The 14 young female students became the essence of woman-victim; Lepine, the essence of male-predator. “Beasts in suits and ties,” Craig McInnis’s article for *The Globe and Mail*, summarizes the lesson learned: “Never before has

Canadian society had more insight into the nature of the beast and the certainty of its gender.” One year earlier, in contrast, Laurie Dann, a Chicago woman, shot five elementary-school boys, poisoned food at two fraternities, burned down the Young Men’s Jewish Council, burned two boys in their basement, shot her own son and justified her murder of an 8-year old boy by claiming he was a rapist. This story did not garner international headlines; nor did it come to symbolize a bloody and fundamental biological divide between women and men. In the aftermath of a single, male psychotic’s twisted internal narratives and outward violence, we continue to be robbed of the common humanity of a dark moment, which now survives only under glaring illumination as a sectarian cliché, and therefore a dangerous fraud about the nature of violence in the world.”

No one can deny that some men do commit unjustifiable acts of violence against women and that some women also manifest terrible violence. Therefore, to seize the issue, the argument shifts to semantics and numbers. Some research suggests that the incidence of abuse of men is so insignificant, that social violence is a women’s issue. In fact the sensationalized numbers are actually causing panic. However there is other research that finds that social violence is evenly split between men and women. The disagreements are rooted in defining what constitutes violence and how the data is collected and analyzed.

Marc Lepine, Paul Bernardo and O.J Simpson all contributed to the growing panic in the early 1990’s. Coincidentally, three major Canadian surveys hit the public in 1993. In February 1993, the first national study of woman abuse in Canadian university and college dating relationships reported their astounding figure of female victimization at a level of 81% combined sexual, physical and psychological abuse based on a

random sample of 1,835 women and 1,307 men. In July, 1993, the Canadian Panel on Violence Against Women claimed a global sexual violation rate of 98% of all Canadian women based only on a figure offered by two women calling themselves the Women's Safety Project. And finally in November, 1993, Statistics Canada published the results of its national telephone survey of a random sample of 12,300 women over the age of 18 on violence against women. It claimed that 51% of Canadian women have suffered from male violence at least once since the age of 16 and that 39% have been sexually assaulted, 5% in any given year, 16 to 20 times more than get reported to the police. The largest group, 25%, said they had been pushed, grabbed or shoved by their spouse at least once; 19% were threatened; 15% were slapped, 11% were the target of a flying object; 11% were kicked, bitten or hit; 9% experience severe physical or sexual assault; 7% were choked; and 6% were hit with an object. When StatsCan isolated the number of women who had been assaulted in the last 12 months, the figure was 10%. Each survey, reported in hundreds of articles, helps to build the panic but according to Prof. Fekete, each is fatally flawed in one or several respects.

Statistics Canada is highly respected and generally has a very good reputation because of the diversity and complexity of its reporting. Prof. Fekete, however, took a close look at this study and apparently has not only shattered the myth but put into serious doubt the credibility of StatsCan. In their November report, StatsCan concludes: "The threat of violence is considered so real that fully 60% of women in Canada who walk alone in their area after dark feel worried doing so." According to Prof. Fekete, StatsCan interviewers asked a leading question, bonding with the interviewee, woman to woman, signalling what is the rational position that they can share. The telephone interviewer starts the "Fear of Violence"

section of the interview by reading the following from the questionnaire: “I would like to start by asking you some questions about your personal safety. I am going to ask you about some everyday situations, and I would like to ask you how you feel about each of them. First, when walking alone in your area after dark, do you feel: Very worried? Somewhat worried? Not at all worried about your personal safety?”

The StatsCan Daily reports “Six in ten Canadian women who walk alone in their own area after dark feel “very” or “somewhat” worried in doing so.” Given the leading question and one in three possible responses, the 60% seems plausible. However the detailed data shows that only 41% of respondents fell into the “very” and “somewhat worried” categories and 27% in the not worried at all. But 33% of the women said they are never in that situation at all. Effectively StatsCan just excluded those women and recalculated the 41% as a percent of 68% giving them 60%. That’s the same answer you get if you assume the 33% split in the same ratios. This is flawed logic and constitutes fabricating information. The actual result was that only 6% of women surveyed were very worried when walking alone in their areas after dark. The headline using 6% would be true and doesn’t create panic but it doesn’t give the desired spin. According to Prof. Fekete : “Statistics Canada is making up the numbers and making up the interpretations that give the numbers meaning. The ends are expected to justify the means.” Since over 10% of the population suffers from some sort of anxiety disorder, the 6% who are very worried theoretically could have no relation whatsoever to violence.

In my experience, particularly in the area of family research, Statistics Canada has from time to time provided editorial commentary which has not been a fair reflection of the data collected. They have structured the answers to questions such that there are more options for the positive response than the

negative response and then they group the responses in a way that produces high enough numbers to support a consensus view. Ostensibly, the answers can be configured in a way that the conclusion you want is virtually assured. Since the data gathering organization is the highly regarded Statistics Canada, who is going to question the validity or perceived bias either in the questions or in the options for a response.

In his book, *Moral Panic*, Professor John Fekete also shares that view. He talked about the Statistics Canada survey “Violence Against Women” which he characterized as being against basic scientific integrity and fairness. He said the survey uses standard CTS questions to measure spousal violence. CTS or “Conflict Tactic Scales” were developed by Dr. Murray Straus and Dr. Richard Gelles and have been used extensively in their research, and internationally, including all three Canadian research studies published in 1993. In fact, it has become the standard in the field of violence research. It turns out that numbers look more alarming if research subjects tick off micro-actions from a list of event descriptions, rather than describing their interpretation of their own experience.

The CTS is a quantitative instrument designed to measure how couples settle their differences and conflicts. It presents the interviewees with a choice of 18 micro-acts, 10 non-violent and 8 violent, including the degrees of minor, severe and very severe. The idea is to measure the use of tactics of reasoning, verbal aggression and physical aggression ranging from “discussed the issue calmly,” to “refused to talk about it” or “did or said something to spite the other.” It also uses a list of physical acts in order of escalating possibility of injury like grabbing, slapping, hitting, beating up and knifing.

Another reputable research tool is the Sexual Experiences Survey (SES) developed by Mary Koss which she used in a study of sexual aggression and victimization in a national sample of higher education students. Like CTS, the SES contains a list of 10 acts in descending order of sexual coercion and force, from being talked into a kiss to forced intercourse and other sexual acts. The CTS assumes a continuum of conflict tactics in the relationships; similarly, the SES assumes a continuum of sexual aggression and victimization.

Both the CTS and SES have high degrees of credibility in research on violence provided the methodology is not modified. This appears to be the case according to Fekete who says that it is scandalous that the Statistics Canada study which purports to provide pioneering national information about relationship interaction in Canada, is a single-sex survey. He suggests that the decision to ask only women about acts of violence perpetrated against them is highly partisan and biased.

To quote Professor Fekete directly, he writes: “In other words, the reputation of Canada's number one number cruncher, the gold standard of the truth about Canadian life, is hostage in all this to the tyranny of pain, grievance, fear, and resentment. Still, it boggles the mind that Statistics Canada would have opted for the inferior, biopolitical option, the panic option of going through the motions of a fake survey. The one-sex survey of Canadian women is a completely uncorroborated, worthless waste of money and public trust.” This is serious charge against StatsCan which should not go unanswered.

He also notes that the survey follows up on the transformation of Canadian sex laws on consent and sexual assault. The change from rape laws to sexual assault laws has meant that

casual fondling gets thrown in with shattering transgression, with the result that although the statistics in the sex crime category get much bigger, they tell us much less about what's going on. Pressing ahead with legislative changes, which give greater recognition to victims' rights, the government has also created a new definition of consent and removed the evidentiary requirement of corroboration from the sexual assault law. Fekete concludes that: "Statistical science now puts itself at the service of this fictional Canadian woman, whose uncorroborated testimony about all the unwanted incidents in her life raises her to a level of mythic participation in a sacrificial ritual beyond her death, where her chances at real equality are sacrificed to the creation of Woman-as-Victim."

The most significant claim in the survey is that 51% of Canadian women have experienced at least one incident of violence since the age of 16. However by defining it as a strictly male-to-female victimization survey, based only on complaints, they gave up any serious interest in the nature of interactions between men and women. This means that they made no effort to discover if men and women might have different perceptions of the questions they asked. They also made no effort to verify the accuracy of memory recall. Many of the questions, as is characteristic of CTS and SES type measures, include poorly conceived categories of violence often combining threatened, attempted and actual violence that are not mutually exclusive. As an example, the question from which estimates were arrived at on sexual attack by non-spouses was: "It is important to hear from women themselves if we are to understand the very serious problem of male violence against women. Has a male stranger, date or boyfriend, or other man known to you ever forced you to or attempted to force you into any sexual activity by threatening

you, holding you down or hurting you in some way? Yes or no.

Professor Fekete also notes that the question that was one of the two main staples for generating the survey's physical assault data is a yes or no question: "Now I am going to ask you some questions about physical attacks you may have had since the age of 16. By this I mean any use of force such as being hit, slapped, kicked, or grabbed to being beaten, knifed or shot. Has a male stranger, date or boyfriend, or other man known to you ever physically attacked you?" Later in the marital violence section, this question is simply broken into the usual CTS range, from pushing, grabbing and shoving to being knifed or shot.

Professor Fekete also highlights further misleading information in the Statistics Canada survey. They reported that: "For one-in-three (34%) victims of wife assault, the abuse or threats of abuse were so serious that they feared for their lives. While this percentage was higher in the case of past marriages (45%), it is important to know that 13% of women reporting violence in a current marriage had at some point felt their lives were in danger (130,000 or 2% of all currently married women)." In fact Statistics Canada misreported its own data since the figures actually referred to perpetrators and not to victims.

It was not that 34% of women fear for their lives; nor that 45% of women feared for their lives in the past marriage. It is that 34% of those partners who were complained about made the woman fear for their lives, including 45% of the allegedly violent partners in past marriages. Fekete points out that this makes a difference because Statistics Canada is double counting in its tables. Women who have experienced violence in both the current and a previous partnership are counted as

two partnerships. If the issue is what percentage of ever-married women have ever feared for their lives from their partner, at some time in their lives, it does not matter how many partners frightened them. One woman, one life. What Statistics Canada has presented is perpetrator data, presented as though it were victim data though we are never told how many partners these ever-married women had altogether. We learn only how many partners they complain about.

On a technical point, Fekete demonstrates the kind of manipulation that severely distorts the presentation of data. He points out that what is more significant is how little purpose these data have apart from validating and promoting fear. The survey showed that about one million current male marital partners (1 in 6) stand accused of some form of abuse; of those, 13% are accused of being the cause of mortal fear which means that 2.6% of the six million currently married Canadian women have experienced mortal fear from their partner.

Notwithstanding, Statistics Canada still reported that 34% of women fear for their lives. It doesn't seem to be a plausible figure since the actual number of women killed by their spouses was 13 for every 1 million couples or 76 female homicides in the past year.

The Statistics Canada survey was a relationship survey, but they did not ask any men any questions at all. They did not ask any woman to report on her own acts of violence towards the man in a relationship. As such it is a victimization survey of violence against women. Even as a victimization survey, they could have asked whether any woman has ever hurt her, such as a mother or sister. They could have asked whether a sister had said any unkind things about her body or whether a daughter pushed or shoved her around in her older years. And

they could have asked whether a female superior has taken advantage of her sexually.

Prof. Fekete concludes that Statistics Canada has sold its soul to the dark powers of demonization and has traded in science for voodoo. There was no excuse for a one-sex survey. It shows that there is some reason to believe that StatsCan has politically embarrassing data on women abuse against men. If it is true, but not being reported, then StatsCan has lost its objectivity and may, directly or indirectly, be under the control or duress of those in whose interest it is to suppress the information.

The criticism of the StatsCan survey was also written up in the Alberta Report of December 6, 1993 in an article titled "Is It StatsCan or Propcan? - Another lopsided report ignores women's violence, and sticks to the feminist model." In the article they wrote that feminist groups tried to stop StatsCan from doing the study. They feared it would produce too low a number. But now that StatsCan has given them a percentage they can work with, feminist groups are using the report to lobby the federal government for more money. With the National Action Committee on the Status of Women leading the charge, they are demanding a change to government funding structures which will guarantee them a core funding base each year.

The story goes on to say that there is no unanimity among experts that women are victimized by men because they are women, as the feminist faction believes. Dr. Reena Sommer, a family violence researcher at the University of Manitoba, is glad that the study on violence has finally come out which is broadly representative of the Canadian female population.

Earlier studies were skewed, she says because they amounted to theoretical extrapolations using data collected from women's shelters and victims' groups, where naturally, nearly 100% of the respondents were victims.

But while Dr. Sommer is grateful for a more accurate study on violence against women, her applause of the StatsCan report ends there. She is extremely disappointed that StatsCan spent \$1.9 million to produce what amounts to a lopsided view of what is really happening, especially in homes. StatsCan should also have asked questions relating to female perpetrated violence, since most family violence is mutual. It would have cost more money to ask more questions, she concedes, but it would have produced a far more valuable result.

Dr. Sommer also faults StatsCan for insufficient analysis of the limited information it did get. She considers it almost irresponsible to publish findings like the 51% number, without offering any indication of how prevalent the violence occurs. Paul Brantingham, Professor of Criminology at Simon Fraser University, agrees that the 51% figure is misleading if it isn't also revealed how often the violence is a present an ongoing occurrence for women. He adds that StatsCan should have asked the women why they did not report the assaults to the police; in other surveys women have frequently indicated that it was too trivial to bother with.

Professor Brantingham also adds that StatsCan failed to distinguish between different types of violence in some categories. For instance, sexual assault included both rape and gropings. One is unambiguously violence against women, but the other is one of the more unfortunate experiences in teen dating. He asked why the two were lumped together and the question should be answered.

Dr. Sommer's own survey, which was part of a larger study funded by Health and Welfare Canada, found that although women are more often injured when men hit them, women are more likely to perpetrate household violence against men. Though feminists and most news media have ignored her findings, they confirm the findings of many similarly ignored Canadian and American studies. In a sample of 452 married or cohabiting females randomly selected in Winnipeg, Dr. Sommer found that 39% of female subjects participated in some form of spousal abuse: 38% had committed acts of minor violence, while 16% admitted to seriously abusing their partner. The rate of male-perpetrated violence in marriage, according to the Sommer study, is 26%, very close to StatsCan's 29%.

There were also two Alberta studies, one at the University of Calgary, the other at the University of Alberta, which also found high rates of female-perpetrated violence. In the former study of 562 couples, 38%, admitted to spousal abuse ranging from mild threats to using a weapon; 80 cases involved mutual abuse; 75 were wife-to-husband abuse; and 58 were husband-to-wife abuse.

Holly Johnson, project manager for the Canadian Center for Justice Statistics, an arm of StatsCan, together with feminist groups, criticize the findings which show that women are as physically aggressive as men. They suggest the method of inquiry most often used in the studies, the Conflict Tactics Scale, CTS, is inaccurate. Indeed, argues Ms. Johnson, asking women if they ever perpetrated violence is utterly inappropriate. She claims women tend to overstate their own violence because they feel guilty while they accurately report male-perpetrated violence. However, she cannot cite any clinical evidence to support this hypothesis.

Both Dr. Sommers and Professor Straus say that although every methodology has its flaws, the CTS is the most widely used tool in North American family violence research. They note that when the CTS found higher rates of male-perpetrated violence in the U.S., feminist groups used its findings to lobby the government for funding. Only when the same scale reported violence by women did they get critical.

Ms. Sommers considers these objections mere double-talk since the questions asked in the StatsCan survey are actually modeled after the CTS. Professor Straus writes in a recent report on female-perpetrated violence that “attacks on the CTS are examples of blaming the messenger for the bad news. Moreover, no matter what that one thinks of the CTS, at least four studies that didn’t use the CTS also found roughly equal rates of violence by women.”

Professor Straus takes the modern view that all violence is bad and that all disagreements can and must be pursued in other ways. He maintains that even minor assaults by wives are a serious social problem. The idea persists that a woman is justified in slapping a man who makes an insulting or outrageous statement. Even if these acts rarely produce injury, contends Professor Straus, they increase the chances of violent retaliation. In fact, he cites the 1985 National Family Violence survey of U.S. women which found that in 53.1% of mutually violent exchanges between husbands and wives, the female struck the first blow.

Prof. Fekete notes that Canadian national data on family violence tends to corroborate trends established in the United States. All revealed high rates of wife to husband violence. Even the renowned researcher Murray Straus is quoted as saying: “It is painful to have to recognize the high rate of

domestic assaults by women. Moreover, the statistics are likely to be used by misogynists and apologists for male violence.”

There are also examples where survey data did not get published for some reason or other. Straus notes that a survey conducted for the Kentucky Commission of Women in 1979 showed that 38% of attacks in violent couples were attacks initiated by women. This data on female perpetrated assaults was intentionally suppressed. Straus suggests that this brings out a troublesome question of scientific ethics.

The problem does not however seem to be unique to Kentucky. In Canada, Eugene Lupri, in Alberta, has conducted a random national survey on conjugal violence, based on 652 women and 471 men. Although he has not published his results in English, his study fully confirms Straus’s work and all the other random two-sex surveys showing symmetry of violence up and down the severity scale.

Lupri used the self-report approach to gather offender information and found that in every category including hitting, kicking, beating up, threatening, or violating with a weapon, women reported that they perpetrated more incidents of violence against their partners than men did against women. Before and since, Lupri has published work on male perpetrators but the report on female perpetrators has so far been withheld.

Lupri’s story is not untypical of today’s family violence research. Many male feminists in the field of family violence research are deeply embarrassed by their own findings of sexual symmetry in violence perpetrated. On the 1993 Canadian study on university dating abuse, one of the researchers, Dr. Kelly writes that the study was designed for a

specific purpose: to survey women's experiences with abuse. It would appear from all they published, as well as from the way they show their questions and analyze the data, that they asked women for self-reports only on victimization and men for self-reports only on perpetration. The presentation of the results in several articles and to the media leaves a distinct impression of women as victims in assaultive relationships.

The range of examples raises some serious flags about the credibility and ethics of research and reporting. Legislators and a host of others depend on scientific research and studies to make judgements and decisions. We assume that the work is comprehensive and is in accordance with generally accepted principles and practices. Apparently, at least in regard to domestic violence, this may not be the case.

## Chapter 7

### The Weapon of Choice

The divorce rate in Canada peaked at 50% in 1994 and has since levelled off at close to 40%. This is due in large part to the growth of common-law relationships which now number over 1 million. Studies have shown that they breakdown 50% more often than married relationships. Statistics Canada no longer collects data on family breakdown, but it is not unreasonable to estimate that about half of families ultimately breakup. Needless to say, custody and access disputes do occur very frequently and the issue of domestic abuse is often linked to court proceedings.

Research studies have found that in 70% of cases where domestic violence is an issue, there has also been alleged child abuse. The courts have also awarded custody of children to the mother in over 80% of cases. Considering the research findings that domestic violence is likely perpetrated equally by men and women, it is not surprising that the legal battles have become more complex.

In the U.S., domestic violence advocates are actively working to persuade state legislatures to ban joint-custody. They are pushing even more so to prevent fathers from being involved in their children's lives, based on the myth of fathers being a potential for domestic violence. Research, on the other hand shows that the safest place for children is with their biological father. Likewise, the safest place for a woman is when she is

married to and lives with the father of her children. This research indicates that there is a lot that can be done from a policy perspective to combat the problem of domestic violence. Allegations of domestic violence and actual instances of domestic violence surface three times more for separating wives than for divorced women and 25 times more than for married women. Since married, intact families proved to be the least violent environments, family formation and preservation policies would go a long way toward creating safer environments for all family members. Therefore policies which fit best are those that promote marriage and minimize needless divorces.

Custody battles are the other source of tension which often lead to domestic violence allegations. While eliminating a source of controversy, implementing joint custody policies will help insure that fathers remain involved in their children's lives, fulfilling their role as natural protectors of their children. Since the vast majority of intimate offenders come from absent father homes, joint custody has the additional benefit of decreasing the likelihood of children growing up to be such offenders.

Illinois is one State which has enacted new legislation to address problems with enforcing access orders. It is known as "Unlawful Visitation Interference" under the Illinois Criminal Code – Section 10 – 5.5 and it reads as follows:

*Every person who, in violation of the provisions of a court order relating to child custody, detains or conceals a child with the intent to deprive another person of his or her rights to visitation shall be guilty of unlawful visitation interference.*

A person guilty of unlawful visitation interference is guilty of a petty offence. However, any person violating this Section

after 2 prior convictions is guilty of a Class A misdemeanor. This means that a judge can set a higher fine or order incarceration.

Any law enforcement officer who has probable cause to believe that a person has committed or is committing an act in violation of this Section shall issue to that person an order to appear. This is a ticket or citation which prescribes the fine, etc.

In their introduction to the legislation, it was stated that a child has a right to maintain a relationship with a mother, father or grandparent and the child shall not be used as a pawn by a vindictive parent. Parents must learn to love those children more than they hate each other.

When a parent pits a child against the other parent, it has been called "Parental Alienation Syndrome." This is a clinically recognized disorder characterized by one parent programming the child to hate the other parent. The children can show a variety of symptoms as follows:

1. The child is obsessed with hate for the alienated parent.
2. It only takes a little bit of prompting for that child to display that hate particularly in the presence of the alienated parent. However whenever the alienated parent and the child are alone, that hate is not displayed.
3. There usually is no rationalization or reason for the child to display the hate.
4. The children usually wants to have their personal property divided between the parents' houses. That however is viewed by the child to be undesirable since it is not

acceptable to the programming parent who would react with hostility.

5. The children often do not recall what it was like or what events occurred at home before the parents broke up.
6. The bond between the child and the programming parent is based on fear. It is a dysfunctional bond which is very unhealthy. The child feels that they would suffer if they displayed any loyalty or affection to the alienated parent. This represents a no win situation for the children because they cannot risk losing the only bond they have.
7. The child will create their own scenarios and add that to the denegration of the alienated parent. This may be something like a false sexual abuse allegation which has been suggested by the programming parent.
8. The child may refuse to go with the alienated parent during a visitation even without much prompting since they are reflecting the views they were trained by the programming parent. They also display a low level of self-esteem or self-worth.

Due to Parental Alienation Syndrome, the child will suffer long term effects because they have learned some terrible traits which they will carry into adulthood such as:

1. They will learn to hate, not only a parent and extended family, but others because it is an acceptable social reaction.
2. They will have learned how to cope through anger and rage which is what they saw in the role model of programming parent.

3. They learn deceit and how to lie and manipulate.
4. They have an absence of guilt and will not know how to express gratitude or affection.

By being in the middle, the child has effectively been used as a weapon. The consequences are so severe to children and that is why most experts agree that joint custody is a preferable arrangement. We need to recognize that both parents have a vital role to play in raising their children and that their physical and mental well-being is at risk when the child is pitted against one parent.

The issue of custody and access has also become a major issue for the Parliament of Canada. As a consequence of the new legislation in Canada dealing with child support payments, it was recommended by Senator Anne Cools and accepted by the Government that a Special Joint Committee of the House of Commons and the Senate be appointed to address the issue of custody and access. Their terms of reference is to examine and analyze issues relating to custody and access arrangements after separation and divorce, and in particular, to assess the need for a more child-centered approach to Family Law policies and practices that would emphasize joint parental responsibilities and child focused parenting arrangements based on children's needs and best interests.

The committee has been conducting consultations across Canada and I had an opportunity to participate in the hearings which took place in the Toronto area. Having monitored the proceedings of previous meetings, it became very apparent that the issue of violence or abuse against women and men was a critical issue to the consideration of custody and access. Numerous witnesses had advised the committee that over 80%

of court judgments had awarded custody of children to the mother and that allegations of abuse had been a significant contributor to that result. There was also substantial concern about the impact of domestic abuse on children which many characterized as a form of child abuse.

One of the experts appearing before the committee was Dr. Marty McKay, a clinical psychologist, who has 20 years experience carrying out custody and access assessments. She spoke very eloquently about the pain she saw in the lives of children and the difficulties she has experienced in continuing in her role as an assessor due to what she characterizes as significant shortcomings and room for abuse that prevail in our family law system.

The following is an extract from her testimony:

*“As consultant to the Children’s Aid Society for 15 years, I worked with battered women in transition homes. Within the past ten years, I have come to see that men, or fathers, constituted a vulnerable group within the family law system. By a decision for a woman to leave the marriage, a man may be bereft of his children, falsely accused of abuse, have his children coached to give evidence against him, and end up fighting for his reputation, access to his children, and his freedom in some cases. I have seen some terrible cases that have caused me great concern for the future of children who are being deprived of half of their heritage and who have half of their emotional life torn away from them. I’m surprised, starting out as a feminist myself and one concerned about abuses and fairness toward women, to reach a position where I am genuinely concerned about the future of fathers. ... I believe that without the adversarial system and the ease with which false accusations and adversarial fires can now be fueled and burned, without those opportunities, most couples*

*can come to reasonable arrangements in caring for their children post-divorce. They need education; they need the assistance of professionals who are committed to fairness, who do not see one parent as virtuous and another parent as evil, who give both parents the right to continue having meaningful relationships with their children, who are not informed by some kind of misguided political correctness.”*

Mandatory mediation had been the recommendation of many experts that came before the committee. During the questioning of witnesses, I had the opportunity to ask Dr. McKay about her view of mediation in cases of custody and access disputes. Her answer in part is as follows:

*“I feel that mediation needs to be done even when there are allegations of violence. There's a joke going around that's really not very funny: all men are suspects until accused at which point they become guilty. When we're talking about allegations of violence, I think the pictures in people's minds are of men battering women. If we reverse that and say that a man alleges that his wife hit him over the head with a frying pan, do we then scuttle the mediation process too, or are we thinking that men are the abusers? In my experience, it's about 50-50. Allegations are things that come up in the course of assessments, and I think they come up because people want to get an edge, they want to come out on top. As long as it is a contest, people are going to be motivated and there aren't that many negative ramifications to someone launching a trial balloon of abuse. So to answer your question, I think that mediation is helpful and should be carried out in almost every case.”*

I also asked Dr. McKay the question that since over 80% of custody awards are to the mother, would she be surprised if we came to the conclusion that maybe the courts have erred in judgment in a lot of cases? Her response:

*“Yes, I think they have. My finding is that there are a lot of very nurturing fathers out there. I’ve had some women tell me that they don’t care how the assessment turns out because they’re going to get custody of the children anyway, because they always give custody to women.”*

Also appearing as a witness, was Ms. Beth Bennett, Program Director for the Assaulted Women's Health Line. Her intervention was from a different perspective and extract of her testimony is as follows:

*“All of us who currently work in the field of women abuse recognize that problems related to custody and access present one of the biggest hurdles for women who are trying to escape from violent partners. Some observations are as follows. It is custody and access, as currently enshrined in law and interpreted by the courts, that keep women trapped in abusive relationships, since the two most common threats an abused woman shares from her partner are that she’ll never get the children if she leaves him and that he’ll kill her if she leaves him. It is access ordered by the courts that allows men to find their ex-partners and kill them after they leave. This also includes the murder of children. It is custody and access that make it impossible for abused women to make a fresh start free from abuse. It is custody and access that judges do not understand in the context of violence. It is custody and access that allow abusive men to continue to abuse, creating the intergenerational effects of family violence. Peter Jaffe’s research demonstrated clearly that witnessing violence has the same effect on children as being abused directly. Past conduct has not been considered relevant by the courts unless*

*it has been deemed relevant to the ability of that person to act as a parent. The onus needs to be shifted so that abusive fathers will have to prove that access is in the best interests of the child. A man who abuses his wife has committed child abuse, and any new custody and access legislation needs to be framed in such a way that this reality is acknowledged. Both witnessing wife abuse and/or being abused have long-term and devastating effects on children. Therefore, men who abuse their partners should have no right to continue to abuse their children. Any new legislation should be drafted in a manner that reflects an understanding of the pervasiveness of wife abuse in our society and an understanding of the effect on children of witnessing wife assault. The assumption that as much access as possible to both parents is good for children must be challenged. Such a right should only be earned by a history of involved parenting and a past free of spousal abuse. The tone of this committee's mandate implies that separating parents are articulate, reasonable, and able to work out their disagreements amicably. It also appears that they have been framed in the context of a white, middle class, anglophone couple.”*

Ms. Bennett continues her remarks by saying that joint parenting responsibilities becomes a non-issue when abuse is present. Where there is a clear risk of further abuse, this is hard to challenge. However she also went on to state that joint parental responsibilities in matters where abuse is not present are still not necessarily conducive to a child-focused parenting model, and hence not in the best interests of the child.

Ms. Bennett does not seem to believe that fathers have anything to contribute to the healthy outcomes of children when the marriage breaks down. This is where I have a problem. In March, 1997, I published a book titled “Divorce - The Bold Facts”. In my research, I found studies that showed

that 40% to 50% of children whose parents have divorced no longer see their fathers. The most frequent reason for fathers fading from their children's lives is the interference of the mother. In addition, access and visitation schedules are not always flexible enough to allow children's relationships with their parents to continue to grow.

The Canadian research is not readily available but there is substantial American research from places such as the Center for Disease Control and the U.S. Department of Justice. They have found that fathers are crucial to the normal development of children. In the United States current research has shown that fatherless homes account for the following:

- 85% of all children that exhibit behavioural disorders
- 80% of rapists motivated with displaced anger
- 71% of all high school dropouts
- 70% of juveniles in state operated institutions
- 85% of all youths sitting in prisons

The statistics are alarming and the experts appearing before the Joint Committee concurred that it was crucial that both parents remain involved in their children's lives even if the parents hate each other. The fact the women's advocacy groups dispute the point is very important because it reflects on their thinking and on their counselling of women. If they are giving misguided advice at a critical time, they may be part of the problem.

Ms. Bennett concludes her testimony with the following:

*“Men who abuse their partners are not fit parents. The abuse continues after separation, and more women are killed after separation than before. A new law needs to be drafted in such a way that men, who usually have superior financial resources, cannot subvert it by hiring lawyers to delay*

*settlements that exhaust and bankrupt women. We expect that you will give these responses the careful consideration that the Assaulted Women's Helpline believes they deserve, so that children are no longer treated as property, and so that parenting is viewed as a responsibility that fathers earn by treating women and children non-violently."*

It should be pointed out that Statistics Canada reports that 55% of child abuse is perpetrated by women. In addition, the Joint Committee was also presented with the results of different studies by Straus, Gelles, Steinmetz, Curtis and one by the University of Manitoba all of which reported that husbands and wives were equally responsible, on a 50-50 basis, for violence in the family. In the assessment of Mr. Claude Lachine: "The problem in all this, and this is where children come in, is that, where family violence is caused by a woman, the children are the direct victims, but the legal system comforts women in their behaviour because there's no reaction in the men or the children who are the victims."

Another of the presentations made to the Committee was presented by Mr. Steven Easton, Managing Director, Easton Alliance for the Prevention of Family Violence. His testimony was as follows:

*"Twenty years ago, the term "domestic violence" was almost unheard of. Today the term is more widely understood. What we haven't heard is that domestic violence covers much broader ground than we have been told.*

*Our agency, to the best of my knowledge, is the only family violence prevention organization in Canada, providing support to abused men. We have therefore seen domestic violence as a larger, more complex social problem than our contemporaries in the field have. For this reason I am here*

*today to offer this committee an insight into an untold aspect of domestic abuse and its impact on custody and access.*

*As was spoken of earlier, in any relationship between two or more people there exists a dynamic that may favour one person more than the others. Contrary to popular belief, women are not wholly without power in relationships. Men's power and women's power come from different aspects of our socialization. In general terms men's power is defined by career and their ability to provide for their families. Women, on the other hand, have been socialized to prepare for marriage and child rearing, and their power is based on family appropriation. Today, however, women are more career minded and men more family and child oriented. Now, not only is there a power in balance, but a confusion as to actually who has the power.*

*When women abuse men from this position of power, it often involves using the children as weapons against the husband. When the family breaks down, children are often used by abusive women as pawns in their power struggle. Often children who had loving relationships with their fathers suddenly turn against them or are denied access to them altogether. Powerlessness is about the removal of choice or the giving away of it.*

*“Breaking the cycle of violence” is a catch phrase used to acknowledge that family violence is cyclical and to emphasize the need to interrupt that cycle. Inter-generational transmission of family violence occurs when children live in an abusive home, witness abuse or are abused directly, grow up, have children of their own, and abuse their partner in the presence of their children or abuse their children.*

*The children in this cycle will be 1,000 times more likely to repeat their parent's behaviour than a child from a non-*

*abusive home. The need to break the cycle is obviously very important if we wish to end violence in our homes.*

*Male victims of family violence have had little social support, so they continue to be isolated from services that are ostensibly set up to assist all victims. Their victimization is further compounded by a sexist attitude in our society, which causes men to minimize their own experiences for fear of embarrassment at the mention of their abuse. Our society reinforces the notion that men must be strong, in control, and aggressive. Any man who falls short of these goals is not a real man. So in order to keep up the appearance of being strong and in control, abused men suffer their abuse in silence.*

*Our courts themselves have occasionally become unwitting accomplices in the abuse of individuals after the relationship has failed. Many times decisions made in family court are made without one party's knowledge, *ex parte*; radically alter a person's place of residence, their income, their access to the children, their ownership of personal property, and their parental authority; and are based on limited and sometimes unsupported allegations by one party against the other. This system of family law in Canada has, on occasion, been used for its power by abusive people to further their own agendas.*

*By way of example, if I'm married to a controlling woman and she didn't like my choices, she might employ a number of control tools to get me to comply. I might come home and find that I'm locked out of my house. I might find a gift from my mother smashed or pictures I had painted destroyed or perhaps photographs in my photo album ripped up. I might find that she is having an affair, or she might slap my face or pull my hair or scratch my arms. She might spend our money on things we don't need, putting us into bankruptcy, or she*

*might take all the money out of our bank account and leave me penniless. If I have children, they might be asked to act as a mediator relaying her full messages, or my kids might be told how worthless I am and begin to turn against me.*

*If I decide to leave she might want to force me out. She might lie and make false statements, because she doesn't want people to know she was responsible for the demise of the relationship.*

*Is she then going to give me control over the court process? Will she give me reasonable access to my children? Will she deny me my access if the court decides to accede to my request for access? If I left her, she might even be angry and become vindictive. I might be accused of doing things to her and the kids I didn't do. She might try to claim that she was the victim all along and that it was I who was abusing her and the kids.*

*In court I will find a suspicious and unsympathetic judge, who will err on the side of caution and grant me supervised access, while my children grow up in the hands of the batterer. My children will then be abused, and the cycle of violence will continue.*

*Will I be angry? You bet I will.*

*Custody and access is about who has the power and control over the children of the marriage. Given to the wrong person, it will ruin the children and create a future generation of abusers, victims, and unhealthy people.”*

With regard to the prevalence of violence, Mr. Easton also had this to say:

*“Our research comes from many different empirical sources, usually university studies conducted on a random sample of*

*different populations. Those studies were at the University of Calgary, University of Winnipeg, University of North Carolina, and University of South Carolina.*

*A number of different sites in North America have provided figures that quite frankly are surprising. Much of the domestic violence literature that we knew of up to now indicated that there was a 95% abuse rate toward women and a 5% abuse rate toward men, but these studies conflict with that. These studies indicate that in domestic violence situations it's equal. In the same types of situations, even if you look at different family structures, such as same-sex families, the same statistics occur.*

*So what it's really telling us from the social surveys we've been able to analyse up to this point is that as human beings we're all equally capable of abusing one another. It just requires the right motivation.*

*It depends on where you get your statistics. But I find that the most reliable statistics are generally the random samples of populations. We have different polls that are used during elections because they're usually fairly reflective of the society that we live in to within a percentage point or so. All of these studies indicate about a 1:5 ratio of domestic violence in the home, with about 50% of the domestic violence happening toward men and 50% toward women.”*

Later in the hearings, I also had the opportunity to ask questions of Mr. Michael Day and Mr. Bruce Haines. Both are lawyers specializing in family law. The following is an extract from the hearing transcripts:

*“Mr. Paul Szabo: Mr. Day and Mr. Haines, between the two of you, I guess you have about fifty years' experience in these*

*matters. I would like to ask you a question, because probably everyone wants to know your opinion on it, although I don't know that there is a good answer.*

*Under the current divorce laws, lawyers are required to inform the client of mediation services and the advisability of negotiating issues. They have that obligation. I assume that we go through something, but I suspect it's not something that is as constructive as it might otherwise be if it was mandated that they go through or try mediation first.*

*The question I want to ask you is this: In view of the fact that in over 80% of the cases custody is awarded to the mother, and in view of the fact that we are here discussing all of these terrible problems that we have with custody and access issues, should we then conclude that the courts have been in error in a large number of their custody awards?*

*Mr. Michael Day: I guess my response to that is it's almost a foregone conclusion that the mother will have custody.*

*When I'm interviewing a male client, and I ask for both male and female, I ask him if he is interested in pursuing custody of his children. Quite often, I get a shocked look from the client. The look is followed usually by a question. He asks: "Do you mean I've got a chance?" My response to him is that the odds are against him. I say we should listen to what happened to his marriage and why it broke down.*

*I ask all my clients if there's a chance of mediation or reconciliation. Before I even get the question completed, I hear a resounding no. They say it's not going to work. They say that this is why they're there.*

*So is it a judge's error that the wife gets custody in most cases? I think it's just a mindset so far.*

*When I go to court with a male client who is looking for custody, it's always an uphill battle. I always have to have a special-fact situation in order to have a good chance at getting custody.*

*Mr. Bruce Haines: As I said, it's not an issue of judicial bias, it's a problem of an entrenched gender-systemic bias.*

*In one of the two cases I mentioned where the charges were withdrawn against the wife who had seriously assaulted the husband, her attitude— she remarked this to him —was that in Ontario, even whores get the kids. Quite frankly, it's a statement that's not without merit.*

*We also see other situations where for example existing access orders are violated by custodial parents day in and day out. It's the old story of Johnny's sick, Johnny doesn't want to come out, or Johnny decided that he had to go see a friend. Whatever reason it is, the consequence of the wife disobeying the so-called access order is none, with one exception. After numerous— 10, 15, 20, or 30 —occasions, a judge— it was not too far away from here —had the guts to send the lady to jail for 60 days. It's under appeal. There was a crowd of men there cheering. They couldn't believe it. You know, they were right.*

*Let me tell you the consequences of the husband who violates a custody order. He's picked up and charged with abduction under section 282 of the Criminal Code. He's dealt with harshly. That's the routine, and not the exception that we saw.*

*So I say no, it's not judicial bias. They're all in that same river that has a current. All I'm trying to suggest is let's take the current out of the river."*

In my view, the hearings of the Special Joint Commons and Senate Committee on Child Custody and Access will have a significant impact on the whole issue of domestic violence. With regard to custody and access, there seemed to be a strong consensus on a number of points as follows:

- when children witness domestic violence, they can be seriously affected
- domestic violence in front of children is a form of child abuse
- mandatory mediation or counselling is vital before the case gets to court
- custody and access are viewed as winner and loser in our divorce law and they should be replaced by shared parenting arrangements in the best interests of the children
- in the Divorce Act, the derogatory terms custodial and non-custodial parents should be replaced by mother, father and parents
- there are many contradictions in the violence statistics in Canada and the fact is that women and men are equally the perpetrators
- the courts have been unduly influenced by misguided public opinion to award custody in the majority of cases to the mother
- children are often being used as a weapon by women in custody disputes

The Joint Committee is completing its hearings and is expected to submit its report in the Fall of 1998. Although its report is only for the consideration of the Government, I

predict that it will have a major affect on Family and Divorce Law in Canada. It may also lead to the first truly comprehensive research study on domestic violence that will once and for all show that domestic violence is a societal issue. All of this will not happen without a major uprising in the women's movement. This report could represent the most serious threat that the women's movement has ever seen and it will be fought on every front.

The first battleground will likely be on the Divorce Act in regard to counselling and joint parenting arrangements. For many fathers, our divorce law perpetuates a bias against them. To many, equality and justice of the family court system is a contradiction of terms. The system's anti-male bias is an issue since fathers are less likely to be awarded custody than mothers, they are more likely to be punished for violating court orders than their wives, they are more vulnerable to being falsely accused of abuse and they are presumed guilty once such an allegation is made.

Complicating abuse allegations is the fact that perjury is likely widespread in the affidavits filed in divorce proceedings. Ontario Judge Mary Lou Benotto, in a speech on ethics in family law said "It is widely acknowledged that perjury is rampant and moreover goes on unpunished in affidavits despite the fact that they are signed oaths produced by lawyers and their clients". She suggests that it is often assumed that non-custodial fathers are uninterested in their children and undistressed by their absence. Many people in our society, including judges and politicians, do not care about father's rights and equalities. In a just society, the subjects must be addressed and must prevail. Judge Benotto urges her colleagues to stop being the architects of the system that at best does not work to resolve domestic disputes and at worst is highly destructive to the family. She urges judges to

encourage people to negotiate divorce settlements between themselves. These are the kind of insights that are important not only for judges, lawyers and politicians but also for the public at large to expose the prevalence of deceit when it can help someone get what they want.

## Chapter 8

### Solutions and Strategies

If problems are to be solved or at least mitigated, we need an appropriate balance between preventative and remedial approaches. Domestic violence is a complex problem which affects us all in terms of higher healthcare, social program and criminal justice costs. It also affects productivity in the workplace and our social health and well-being in so many ways. In my view, however, the most serious impact is on the children who witness abuse and violence in their families. There is no simple solution and I expect that a multiplicity of approaches, taken one step at a time, will prove to be the wisest strategy.

In December 1993, The National Action Committee on the Status of Women, (NAC), published “The 99 Federal Steps to End Violence Against Women”. It was sent to me in response to a request for information for this book. Although the booklet does provide substantial commentary, the recommendations are reasonably straightforward. The following is a condensed listing of those recommendations:

1. There must be independent, women controlled, rape crisis centers, transition houses and women’s centers in every community in the country.

2. Accessibility to women's services must be assured to all women.
3. The federal government must establish national standards that the provinces would have to meet in delivering the social programs.
4. Apply feminist standards and definitions of excellence to the funding for front line services.
5. Women's groups should not conform to standards and practices of the professions and institutions which have never served women well.
6. The federal government must finance the affirmative action nature of centers' work to interfere with and end sexist violence.
7. The parallel development of anti-violence organizations by and for immigrant women, disabled women, aboriginal women and lesbians.
8. Neither of the above recommendations should be abandoned for the other.
9. The budget for the Secretary of State of women's programs must be expanded.
10. Any partnerships with church, corporations or the state should be voluntary on the part of women's groups.
11. The federal government should reverse its policy of refusing core funding to all three national coalition of grass roots feminists services.

12. The federal government should enable project funding to experimental work.
13. The federal government should reinstate an improved court challenges program.
14. When the government is planning to institute changes in law relating to violence against women, it should be consulting in the most timely and protective way.
15. Government bodies seeking the advice of national women's groups must allocate the time and money necessary to consult with each other and the women whose interests our organizations represent.
16. The federal government must prepare a consultation with national women's groups to plan a long-range strategy addressing violence.
17. The federal government should avoid piecemeal, disjointed, legal and social policy change.
18. Male violence within the family cannot effectively be dealt with on a crime prevention model or public or mental health law. It is clearly an issue of the status of women within Canada and must be approached that way.
19. Women must have economic alternatives to remaining in dangerous families.
20. Women must have equal pay and equal job opportunities.

21. Social programs must relieve women of the unjust family burden of caring for the sick, the old and the destitute; for this we need at least universal medicare with equal access for all, adequate pensions for women, universal day care and an adequate guaranteed annual income.
22. Every lack of control over women's reproductive rights becomes a weapon in the hands of an abusive man in the family. Federal law must be used to uphold a woman's right to control her body.
23. Immediate aid must be available to women choosing to leave the marriage or common-law relationship.
24. Immediate police aid must be available to women who declare themselves at risk of male violence in the family.
25. The federal government must stop funding the police to create Victim Assistance Programs when it is feminist transition houses, women's centers and rape crisis centers that are most needed and most effective.
26. Transition houses, rape crisis centers and their programs must become an economic priority of the federal government.
27. The federal government must uphold its promise to fund transition houses for aboriginal women on reserves.
28. Accessible and affordable housing must be available to women and their children after the crisis if transition is to occur.

29. The government should initiate public inquiries with broad mandates when police fail to protect women and children and their families.
30. All parts of the legal system have declared themselves to be race, class and gender biased. The federal government has a responsibility to see that women everywhere in Canada have free access to legal aid and legal advocacy for every step of their struggle to leave, to complain about, to witness against, and to sue both the men in the family who have attacked them and the institutions which have upheld that man's power to attack them.
31. The federal government should release women in jail for defending themselves against abusive husbands or partners.
32. The federal government must change immigration law for the protection of women at risk in their families.
33. The federal government must stop the coercion of women as witnesses to the attacks against them.
34. The government must develop a consistent pro-woman attitude to our families of choice. Women expect a legal and social recognition of their lesbian relationships.
35. No attacking husband is a good father. In situations where men have been convicted of wife assault, women must have a legal mechanism for severing his parental rights.

36. There is no excuse for any residential institution to structure itself so that there remains opportunities for male staff to attack women and children.
37. The federal money should be used to create systemic opportunities for women. Federal money aimed at pro-woman initiatives should not be used for unsuccessful programs for violent men.
38. The federal government should promote the use of permanent restraining orders and should encourage judges to see that a restraining order is a legal statement about a man and his behaviour toward women not about a relationship. Mutual restraining orders are dangerous and ridiculous and should be banned.
39. Young women must be assured by federal policies of an economically independent future.
40. Young women must have the aid of the federal government in holding the adults and positions of authority responsible for the young men in their care and under their influence.
41. Police must be instructed and compelled to respond to accusations of assault and sexual assault by young women who know their attackers.
42. The federal government must produce education programs to counteract the social pressure on the young men to imitate the atrocities of adult men against women.

43. Organizations such as Media Watch which provide an anti-sexist media literacy should be encouraged with federal funds.
44. Racism must be acknowledged in law as a compounding effect of sexist attacks.
45. People, especially women of colour and aboriginal women, must have financial access through some new version of the Court Challenges Program to using the Canadian Charter of rights and freedoms to challenge any law or judicial decision which fails to support racial equality.
46. Since women are at risk all over the world from sexist attacks, and since state governments play a role in sponsoring that violence, gender must be added to the definition of the convention refugee.
47. English, French and other training courses must be open to women whether they are targeted for help by the government or not.
48. The federal government must make available translation and interpretation services for women who have been attacked or have to deal with police, Crown offices, courts and emergency services.
49. Any consultation with the community must include adequate numbers of delegates from feminist advocacy groups of women of colour, aboriginal women and immigrant women.
50. The systemic racism of the criminal justice system must be reformed as part of any plan to advance the

equality of women or to free women from criminal sexist victimization.

51. The disproportionate representation of men of colour and of aboriginal men charged and incarcerated for crimes against women should be acknowledged not as an accurate reflection of who does and who does not commit sexist violence but as a failure to charge and convict more privileged white men.
52. The disproportionate representation of aboriginal women and women of colour in Canadian jails and court rooms must be understood to reflect enforced poverty and violence heaped on these women. There must be release and court deferment programs since even in circumstances of gross inequality, these women hardly pose a threat to the Canadian public.
53. The federal government must produce funds to match its promise of transition houses in aboriginal communities and on reserves.
54. The federal government must fund women's groups to create special aid and programs for and by women of colour and immigrant women.
55. Professional associations must have higher standards to meet than the criminal justice system. Men should not have access to professional credentials when there is any hint of abuse because of the enormous privileges bestowed on men with those credentials.
56. Professional associations must account to politically appointed public inquiries when accused of protecting their members from criminal investigations.

57. The federal government must ensure that women have access to legal advice and legal advocates so they can pursue criminal complaints and civil suits against professionals and their associations.
58. Women must have independent legal counsel to represent them in the complaint process currently used by professional associations.
59. Number 59 is not listed in the booklet.
60. The federal powers must be used to impel professional associations to design environments that reduce opportunities for attack.
61. The federal government has a responsibility to complete the process of integration of women in every learning institution over which it has influence or jurisdiction.
62. Every job site under the influence and control of the federal government must be integrated immediately and at all levels.
63. The federal government must legislate protection and labor law for domestic workers and farm workers and immediately remove the live-in requirement imposed on domestic workers in recognition that it gives male employers more power to attack them.
64. The federal government must enhance the effect of sexual harassment laws by enforcing a woman's right to a safe work environment with human rights legislation.

65. All local crime prevention initiatives to be funded and or endorsed by the federal government must meet the scrutiny of national women's groups as to whether they will address women's vulnerability to sexist violence.
66. The federal government must fully decriminalize prostitution.
67. The federal government must play a role in putting a stop to the herding of prostitutes by police into particular areas of the cities.
68. The federal government must foster and fund the efforts of those cities and towns that propose changes toward an equal status for women.
69. The federal government must commit itself to creating safe and affordable housing suitable for the full range of women: disabled women, women with children, lesbians, women of colour, aboriginal women, older women, students and all women trapped by low incomes.
70. Police and prosecutors must be instructed to investigate properly and pursue prosecution when women complain of attacks by neighbors, club members etc.
71. The federal government, in conjunction with the national media, should announce discussions on the danger and ethics of the crime reporting techniques in Canada especially as they apply to crimes of violence against women and children.

72. Municipal and regional governments should be encouraged through the federal government to create safe and effective transport systems that are accessible to all.
73. No federal funding plan for mega tourist events should be approved without an assessment and discussion of the increased danger that can be predicted for the women in the host city.
74. No implementation or funding of the National Crime Prevention Council should be in place without securing for women, the authority and influence of national women's groups within such a body.
75. Money allocated from the federal budget to address violence against women should not be diverted into efforts to reduce property crime or to create illusions of safety for women by telling women to be less afraid or by telling women the Government is reducing street crime.
76. The federal government initiatives must reflect the current facts that it is the vulnerability of women and children that is the definitive factor in preventing this type of crime. Monies must not be directed to police, jail, deputizing the community, social worker programs, research on these vulnerable groups, or new bureaucratic bodies. Those measures do not reduce violent crime done by strange men against women and their children.
77. Limit and monitor the use of guns by police. Women have suffered more loss than protection from unnecessary use of force by police.

78. Police must be instructed to respond to threats of attack from men on ex-wives, prostitutes and women's advocates with an extra alert as to whether he has a gun.
79. Stronger gun control would save lives and should be implemented.
80. The federal government must involve itself in the enforcement of the Butler decision on the basis of the harm it does to women and children and how it undermines women's equality.
81. The federal government must financially promote the development of sex-positive and women-positive sex education materials for use by adults and youth especially those with a disability.
82. The federal government must assure women access to legal aid dollars to sue the producers, promoters and distributors of pornography which those women deem harmful to them.
83. The federal government must actively defend the producers of art and education materials from any obscenity based attacks.
84. The federal government must actively respond to the constitutional challenges by cooperating with the efforts to advance the equality of women.
85. The federal government should review the current laws affecting violence against women in a systematic manner in consultation with the National Women's groups closest to the subject.

86. Change the appointment and selection of judges to reflect the diversity of the population. This to also apply to legal services, society boards, Law Foundation board, and law reform commissions.
87. More feminist judges must be appointed to the judiciary.
88. A new procedure should be devised for appointments to the Supreme Court of Canada which will grant guarantee of women's input.
89. There must be a public mechanism at every level for judicial appointment and review.
90. Complaints about the judiciary, after initial investigation, must be handled in public hearings.
91. Mechanisms for judicial appointment education, review and dismissal must be based on public input.
92. The funding priority within the court system must be changed so that Crown councils, prosecuting crimes of violence against women, have adequate time, experience, resources to do the job which will mean less time and money to the prosecution of property crimes and the pursuit of criminalizing women.
93. Canadian judges have a growing record of using as experts, members of professions who are hostile to women and women's concerns. This is particularly evident in the use of psychiatrists. Judges must not abandon their responsibility for determining matters of law and legal fight.

94. When judges confer authority on or credit expertise of witnesses, about male sexist violence, they must include women committed to the liberty of women and informed about women's experience.
95. Public control of the police must be increased. Political bodies independent of police must have the power to investigate, publicly review and respond to police policy, procedures and practices.
96. Sexist violence has not been, nor will it be, solved by an increase in police, police powers and money to police. Instead, there must be changes to the way police operate. Clearly the federal government in its crime prevention strategies must affect policing so that in every Canadian community, they give top priority to calls from women concerning violence.
97. Make all police services, Crown services and courts accessible to women with disabilities.
98. Ensure translation and interpretation for women of all languages and cultures and all legal processes.
99. Women must have access to national data on the cases involving violence against women and children. There's no current central collection of complaints to police, charges laid, judges decisions and reasons for judgment and conviction on sentencing. One women's group should be funded to collect and review that information for public view.

The recommendations as a group paint a reasonable picture of the strategy proposed by NAC. Although the

recommendations encourage a broad range of preventative measures, generally they do not seem to support remedial steps such as counselling. Mandatory counselling, in addition to any other sentence imposed, for those convicted of domestic abuse could be a constructive approach particularly considering the likelihood of repeat offences.

If offenders are not educated about the impacts to all concerned and the potential consequences of further abuse, opportunities to mitigate the incidence of violence may be missed. Experts in the field of violence all agree that violence starts small and grows. Early intervention is therefore an important part of any strategy to address domestic abuse.

Most involved in the issue will confirm that on average, more than 30 incidents of abuse will occur before a woman seeks help. By this time the pattern and cycle of violence have been well established and substantial if not irreparable damage has been done. Under the circumstances, I am not really sure why the NAC recommendations do not encourage women or women's groups to lay or support the laying of charges when there is a clear case of abuse.

Shelters are reluctant to advise clients for whatever reason and that appears to be part of the problem. As a quick aside, a January, 1998 newsletter called "Common Sense & Domestic Violence" reported "A little known statistic, which shelter advocates admitted to be true, is that 25% of the women in Alberta shelters go there to use the shelters as hostels and not for reasons of being battered, yet shelters include all guests in their count of battered women."

There are other well known aspects of domestic violence which would tend to support some targetted action. For example alcohol is involved in 50% of all cases of domestic

violence. The NAC recommendations again do not seem to support remedial approaches. Public education on the risks of alcohol misuse would be a starting point. In the last Parliament, I had a Bill which proposed health warning labels to be required on the containers of alcoholic beverages. Its purpose was to caution expectant mothers and others of the risks associated with alcohol consumption. There is no reason why one of the messages could not identify the link between alcohol abuse and domestic violence. Regardless of the approach, the linkage between alcohol and abuse should be addressed.

The NAC recommendations also seem to focus on spousal abuse when the statistics show that only 29% of abuse occurs in married relationships. In addition, a significant portion of those occur during the first two years and also when the woman is pregnant. Violence against women is far more prevalent in non-married relationships and therefore emphasis should be placed on public education and marriage preparation programs. The statistics also show that 30% of abuse occurs between the ages of 18 and 24. Given the prevalence factors, education in our schools about the the issues of healthy relationships and the problems associated with abuse and domestic violence seems to be a reasonable approach. It is worth repeating that violence starts small and grows. Therefore, early intervention and prevention are key.

In its conclusion, the NAC report states that:

*“The community is alert to the bullying and violation of women of all races and classes (including an awareness of the differences of vulnerability among women) and is alert to the violent backlash against women's individual and collective progress.*

*Women's movement groups which are addressing the appalling status of women in relation to men recognize that violence against us is a method easily used by individual men with an appalling level of collusion from public institutions and the government, and recognize that every advance in the position of women as a group reduces the opportunities for sexist violence against individual women.”*

The problem of domestic violence affects us all in many ways but all men and women are not part of the problem. The majority of the population are responsible people who want to see progress but not necessarily by pitting women and men against each other. In my view, the best approach to any problem is to assemble the largest possible group to support your objectives and use that strength of numbers to advocate for action. Why this has not happened is also an important issue to resolve.

## Chapter 9

# CONCLUSION

The victims and the perpetrators of domestic violence are both women and men and they have been suffering for too long. As the traditional distinctions between men's and women's roles continue to melt away, women are more frequently behaving in ways once thought to be the exclusive domain of men. If we are to make any progress on the issue of domestic violence, the problem of female initiated violence must be acknowledged and be addressed by the media, the mental health agencies, the law enforcement communities and by our lawmakers. Acknowledging men's victimization in no way involves denying that women are victims. It does, however, open the door for both men and women to work together on solutions which reflect the true social realities.

Continuing to portray spousal violence solely as a women's issue is not only wrong, it's also counter productive. Encouraging such unnecessary fragmentation will ultimately do more harm than good. Until society as a whole confronts its deeply ingrained stereotypes and recognizes all the victims of domestic violence, we will never be able to solve the problem. Domestic violence is neither a male or female issue, it's simply a human issue and a societal problem.

The tolerance of violence in our society is part of the problem. Unless we respond to all forms of violence, our ability to make progress on any front is diminished.

My research for this book has made me far more cautious in accepting statistics and conclusions thereon without taking a close look at trends and comparatives. However, one area in which there was very little disagreement among the experts was on the very small number of cases actually reported to the police. The numbers ranged from 5% to 15% and it tells me that there is much more to the story of domestic violence.

If violence does start small and grows over time, then the earlier it is detected and dealt with, the better. Therefore, understanding more about why so few charges are being laid may be an important key to addressing the problem.

The thought of laying a charge against an intimate partner is a very serious step with potentially enormous consequences. It could end the relationship or it could lead to more serious violence. That kind of decision shouldn't be made alone and that is why seeking professional guidance is always the best approach. If, however, the likelihood of long lasting real harm is high, the tough decision has to be taken in the best interests of all concerned. People who abuse have a serious problem which won't go away by itself. They need help and getting the problem exposed will help to start that process.

The courts have also come under some criticism for how they have responded to cases of domestic violence. The judges do however rely on our laws to direct and guide their decisions on sentencing. To respond to the need for help, I have therefore tabled a Bill in Parliament which would amend the Criminal Code to require mandatory counselling for anyone convicted of domestic violence in addition to any other sentence prescribed by the courts. This is one small but important step which I hope will encourage others to end the tragic tolerance of domestic violence.