WOMEN WHO HAVE BEEN BATTERED:
THEIR EXPERIENCES OF THE CRIMINAL JUSTICE SYSTEM

By

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Abstract

Title: Women who have been battered:
Their experiences of the criminal justice system

In 1985, policy initiatives were introduced to support women who have been battered and to impose sanctions on batterers. With this greater emphasis on criminal justice remedies, social workers have an important role in assisting women through the justice system. They need to know, from the women themselves, what their experiences are with the justice system and to have them articulate in their own words the factors that motivated or enhanced their decision to proceed.

Eight qualitative interviews were conducted with women whose partners were charged and convicted of assault using an open ended interview format. This exploratory study examines their changed perception of the violence, their experiences with the criminal justice system, and their perceptions of the factors that enabled them to proceed and persist with the process.

The findings were organized into four categories: heightened awareness of risk, criminalizing the violence, interaction with the criminal justice system, and surviving the process. Emerging from these four categories were three themes that appeared to link the categories: the violence must be stopped, the importance of a personal connection, and pride in taking a stand.
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Introduction

In 1976, an international tribunal on Crimes Against Women was held in Brussels, Belgium. Two thousand women presented or listened to personal testimony about violence directed toward women. The tribunal participants rejected the existing definitions of crime, as products of patriarchal rule, and determined that indeed all forms of women's oppression were criminal (Geller, 1988). While the tribunal participants did not suggest specifically that women demand that their perpetrators be prosecuted, they did call for an expanded definition of crime, to include the many forms of violence against women. This provided the necessary catalyst to the feminist movement to pursue a more thorough analysis of existing legislation and criminal justice practice related to violence against women, and led to the development of a framework for new legislation and policy changes where the need was indicated.

In the area of violence in relationships, Canadian women focused on the need for a comprehensive government response to examine the role of the criminal justice system in charging and convicting men who battered their intimate partners. The results of their political activism and lobbying were demonstrated concretely in February 1981, when the Federal Government established the House of Commons Standing Committee on Health, Welfare, and Social Affairs to produce a comprehensive report on the nature, dimensions, and impact of wife battering in Canadian society. This report was the first formal acknowledgement by the state of the extent of violence experienced by women in their own homes and committed by men with whom they were involved. Acceptance of the recommendations contained in the report, by the House of
Commons, provided the major impetus for social policy concerning the role of the state in the lives of women who experienced violence at the hands of their intimate partners or ex-partners.

By 1985, every province in Canada had introduced new policy initiatives to ensure greater protection for these women and to impose stronger sanctions against the men who assault their partners. Eight years have passed since these proactive policies to protect women who have been battered were introduced. While the initial intent of the House of Commons report was that the key social policy ministries--health, education, social services and justice--ought to develop and implement substantive policy and program changes to improve protection for women who have been battered, the most significant changes have occurred within the criminal justice system. In British Columbia, the provincial government has recently funded a number of new support services and counselling programs to ensure that women going through the criminal justice process will not be left alone to contend with the unfamiliar, and at times overwhelmingly adversarial, legal process.

However, the familial and deeply interpersonal context within which the crime of woman-battering occurs is unlike the emotional context of random assaults by strangers. Women who have been battered are expected to assist the state in preparing a case against their intimate partners and may be required to testify against them. The increased emphasis on criminal justice remedies raises questions about the effect that this adversarial process has on women so recently recovering from their own trauma and whether there is a need to develop additional and alternative supports to assist these women (MacLeod, 1990; Sheehy, 1987). More importantly, with an increased understanding of the gender bias inherent in criminal justice practices and procedures (Brown,
concerns have been raised about the appropriateness of criminal justice intervention in the lives of women who seek protection from violent men (Currie, 1991; MacKinnon, 1989; MacLeod, 1989; Walker, 1990). There is a need to know, from the women themselves, whether criminal justice intervention does make a difference in their lives.

Social workers can play a crucial role in supporting women who have been battered, through the criminal justice system and in facilitating their comfort with the process. They need to know, however, what women's experiences are with the justice system, and to have them articulate in their own words, those factors they believe motivated or enhanced their decision to participate. Specific to this research and to the issues being explored, it is noted that while there have been numerous studies undertaken and articles written that examine the impact of criminal justice intervention on the future behaviour of men who batter, as well as on the attitudes and beliefs of professionals involved in carrying out a proactive criminal justice response, there appears to be little research that examines the experience of completing the criminal justice system proceedings from the perspective of women who have been battered.

For the past ten years I have been developing training programs for social service and criminal justice system personnel on the nature and dynamics of violence against women in relationships, in general, and the role of the criminal justice system in intervening in these women's lives and protecting them from future harm. I have had an opportunity to observe and comment on the changes that have been introduced and I have heard a variety of opinions from various members of the criminal justice system regarding the impact of these changes on their role and duties. What has been lacking in my
understanding of these issues has been the voices of the women who have been directly affected by these changes. Without hearing from the women themselves about their experiences with a proactive criminal justice system response, and their perspectives on what was most helpful and least valuable in enabling them to proceed, I do not believe that these policies will be able to serve the women they have been designed to protect. It is for this reason, that I have chosen to undertake this study.

The purpose of the present exploratory-descriptive study is twofold: to examine the experiences of women who have been battered and who have gone through the justice system, and to have them describe in their own words those factors that motivated or enhanced their decision to participate in these proceedings. The focus will be on conceptualizing the women's understanding of the role of the criminal justice system in ending the violence in their lives, their perceptions of the treatment they received throughout the process, and the support they believe they required in order to remain involved in the proceedings. These questions will be looked at from the perspective of women who have been battered.

The second chapter of this thesis will explore the literature available on battering and women's efforts to stop the violence. It includes an analysis of the current understanding of these issues from structural and feminist perspectives. This chapter will also explore the evolution of violence against women from a private matter to a public concern and, in particular, the changing role of the state in responding to this social problem. A review of two current reports that have examined the extent to which gender bias influences the policies and procedures arising from state intervention will also be discussed. Finally, this chapter will describe an explanatory model of
helpseeking and show how this model may be useful in examining women's experiences with the criminal justice system. This will lay the foundation for the present study.

The third chapter outlines the methodology used for this research and includes a description of the sample population and the research process. The rationale for using a qualitative approach will be presented using a feminist analysis.

The fourth chapter presents the results of this study: the categories that emerged from the interviews and the words of these women that support these categories. To ensure that these women cannot be identified and that their privacy is protected, the women have not been identified by name.

The final chapter discusses how these women's experiences with the criminal justice system—in particular, their perceptions of what factors enabled them to persist with the process—can be applied to both future policy development and current practice intervention. Based on these conclusions, the limitations of this study will be discussed as well as the implications for further research.

Throughout this study the terms "battering" and "violence against women" will be used interchangeably to describe the social phenomenon explored by this study. When the issue is being examined specifically within a legal context, the word "assault" will be used. It is important to note, however, that as our understanding of this issue has grown, it is no longer accurate to limit the focus to wives. Wife assault is a gender-related crime, and women are its victims, regardless of their legal relationship to the men who assault them.
The purpose of this chapter is to review the structuralist and feminist literature relevant to the research questions. It is not the intent of the present study to provide in-depth explanations of why wife battering happens, or to challenge the intra-psychic and gender-neutral underpinnings of the psycho-dynamic approach. The chapter will be divided into three sections. In the first section, there will be a brief review of the literature on why battering occurs, to establish the context in which to examine the evolution of this issue from a private matter to a public concern. In the second section, the pertinent literature on the changing role of the criminal justice system in protecting women from further violence will be discussed. Particular attention will be paid to some of the current research that documents the process women undergo in order to end the violence in their relationships and their experiences with formal sources of help. In the third section, a model of helpseeking will be outlined as the beginning of a conceptual framework in which to understand the factors that motivate women to proceed and the issues that enable them to persist with the process.

Why Battering Occurs

The problem of wife battering and the efforts of women to end it have received attention from the fields of social sciences and criminology and have been profiled by feminist theorists and therapists. Historically, wife battering was viewed as a private matter and, unless the battering resulted in permanent injury or death, problems arising in the family were to be resolved
or accepted without outside interference (Gelles, 1980). Until the 1970s, there was virtually no literature on the topic of wife battering except for the psychiatrically oriented discussion of sado-masochistic relationships (Johnson, 1984).

From a review of the early literature, Johnson (1984) describes three theoretical models to explain wife battering: (a) the psychodynamic model, which focuses on the pathological aspects of the relationship and applies psychological diagnoses to the woman, her partner, or their relationship (Gayford, 1975; Gillman, 1980; Pizzey & Shapiro; 1981; Shainess, 1979; Snell, 1964); (b) the structural model, which examines psychosocial factors such as stress, lack of socioeconomic or personal resources (Gelles, 1972; Peterson, 1980), violence in one's family of origin (Gelles, 1972; Straus, 1976; Straus, Gelles, & Steinmetz, 1979; Jaffe, 1989), and the hierarchical and sexist structure of family life (Martin, 1973; Straus, 1976; Walker, 1979); and (c) the feminist model, which is based on the belief that violence against women is a direct result of a patriarchal system that has perpetuated and reinforced male violence and kept women disempowered (Brownmiller, 1975; Dobash & Dobash, 1979, 1992; MacLeod, 1980, 1987; Schecter, 1982; Bowker, 1983; Stanko, 1985; Okun, 1986; Kurz, 1992).

As the issue of wife battering entered the public domain, new research was undertaken to explain why men batter their partners. Dobash and Dobash (1992) suggest that two predominant theoretical perspectives emerged: the family violence perspective evolved from structural theories of causality and the violence against women perspective evolved from feminist theories of causality. For each of these perspectives, specific research approaches and methodologies have been developed, with competing findings regarding the
gender nature of the violence and the possible solutions to end the violence. Richard Gelles, Murray Straus, and Suzanne Steinmetz have been pioneering researchers in the field and are the major proponents of a socio-cultural explanation of battering that focuses on the economic, social, and cultural factors that have an impact on family functioning and that may precipitate violence within the family system. They believe that violent acts may be committed by any family member and that any family member may be a victim of violence (Kurz, 1992). They base this understanding of violence on data they have collected in two nation-wide surveys (1980, 1986) on the incidence and prevalence of violence within families. Straus et al. (1980) developed the Conflict Tactics Scale (CTS) to determine how husbands and wives attempt to resolve arguments and disagreements and to measure the degree of violence used by each partner. Each couple was asked to indicate how many times they used specific approaches, including nonviolent approaches (discussion, argument), violent approaches (hit, kick, slap), or extreme violence (use of knife or gun). Based on data generated by this tool, they obtained the following the results: 12.8% of the husbands used violence against their wives and 11.7% of the wives used violence against their husbands (Straus & Gelles, 1980). They concluded that

[although] traditionally men have been considered more aggressive and violent than women, the most common situation was that in which both used violence. (1980, p. 47)

Several feminist researchers (Russell, 1982; Bowker, 1983; Bograd, 1988) have argued that this research failed to differentiate between violence that may have been initiated by women and violence that the women used in self defence. Furthermore, by not documenting the degree of injury caused by the violence, Straus et al. failed to take into account the extent of harm and the
increasing severity of violence over time that characterizes much of the violence against women (Bowker, 1983; Walker, 1979). Despite these criticisms, the study was repeated in 1986. The only significant change in methodology was that the interviews were conducted over the telephone (Bograd, 1988). This time they found an increase in violence on the part of wives. They concluded that

The violence rates ... reveal an important and distressing finding about violence in American families ... that in marked contrast to the behaviour of women outside the family, women are about as violent within the family as men. (Straus & Gelles, 1986, p. 470)

Based on their research, Straus, Gelles, and Steinmetz believe that it is the structure of society and the family unit, rather than the power imbalance between men and women, that causes violence in intimate relationships:

A fundamental solution to the problem of wife beating has to go beyond a concern with how to control assaulting husbands. It seems as if violence is built into the very structure of society and the family system itself .... It [wife beating] is only one aspect of the general pattern of family violence, which includes parent-child violence, child to child violence and wife to husband violence. (1980, p. 44)

They identify three causes of violence in contemporary family life: (a) social and economic stresses resulting from working conditions, unemployment, financial insecurity, and health problems; (b) intergenerational transmission of violence whereby violent behaviour is passed on from one generation to the next; and (c) power imbalances within particular families in which one partner has power over the other and uses that power to dominate and control.

Despite their research indicating that women and men are almost equally responsible for instigating the violence in their relationships, Straus et al. do acknowledge that there are some differences between men and women in the nature of the violence perpetrated and the violent behaviour itself. They list
a number of factors that they believe differentiate these experiences for men and women and they concede that at least four of these factors are primarily gender-related: physical size and strength, economic and social mobility, danger to the fetus, and traditional beliefs regarding family roles (Straus and Gelles, 1986). They caution that

it would be a great mistake if the fact that women use violence as often as men distracted us from giving first attention to wives as victims as the focus of social policy. (1980, p. 43)

Their policy recommendations for ending the violence reflect their perspective that "violence is used by the most powerful family member as a means of legitimizing his or her dominant position" (Straus & Gelles, 1980). They recommend changing the norms that glorify violence in society--and thereby encourage it in the family--through public awareness campaigns, gun control legislation, abolition of the death penalty and corporal punishment, and the reduction of violence in the media. They also call for measures to reduce social and economic stresses on the family--poverty, unemployment, and underemployment. Finally, they call for a change in the sexist structure of society by urging that sex role stereotyping be eliminated and that traditional family roles be restructured (Gelles, 1988). Although they recognize the need for some form of state intervention to reduce the incidence of violence, they stop short of classifying violence between husbands and wives as a criminal activity or recommending that victims seek redress through the justice system.

Before reviewing the feminist literature on the causes of violence against women, it is necessary to point out some of the limitations of the family violence perspective by presenting some of the current statistics relating to violence against women in relationships. Canadian, British, and
American studies conducted in the 1980s claimed that at least one of every ten women is physically abused, at some time in their lives, by a man with whom they have had a relationship (MacLeod, 1980; Dobash & Dobash, 1979; Martin, 1983). More recent Canadian statistics indicate that it is more likely that two of every ten women experience violence in their relationships (MacLeod, 1987; Hughes, 1992). The severity of these assaults is also significant.

Statistics Canada reports that 60% of documented incidents involve being hit, slapped, kicked, or knocked down and that 21% of the women required medical attention (Lupri, 1989). At least five of every ten women who are murdered in Canada each year are murdered by men with whom they live, and if ex-partners are included, this figure rises significantly. In 1988, a study conducted for Social Trends revealed that 57.4% of all female homicide victims were killed by a family member, compared with 24.4% for male homicide victims. This study also revealed that women are more likely to be killed in their homes than on the street.

Violence against women in relationships has been acknowledged as a crime of significant magnitude (Hughes, 1992). Family violence perspectives do not adequately explain why 90% of the victims are female and 89% of perpetrators are men (MacLeod, 1987). While social and economic factors, violence in one's family of origin, and power dynamics within the family system may be present in families where women are beaten, these factors do not explain why this is almost exclusively a gender-based crime, nor do they address the reality that violence against women can be found in families from all socioeconomic groups, whether they are rich or poor, educated or uneducated, employed or unemployed, and with all types of family histories.
Just as Straus, Gelles, and Steinmetz have been primary forces behind the development of the family violence perspective, Dobash and Dobash have been leaders in the development of the violence against women perspective. In 1979, they undertook one of the most intensive inquiries ever made into violence against women and carefully demonstrated the historical relationship between wife battering and the development of social institutions and instruments of social control. They did this to illustrate the social meaning of violence against women, its acceptability throughout society, and the institutional mechanisms put in place to support and maintain it. Dobash and Dobash point out that violence against wives has existed for centuries and has been an acceptable, and indeed, desirable aspect of the patriarchal family in a patriarchal society. They state that

> Violence is used by men to chastise their wives for real or perceived transgressions of their authority and as attempts to maintain a hierarchical and moral order within the family and within a patriarchal social order. (1979, p. 301)

Dobash and Dobash (1979) were among the first researchers to clearly make the links between the "historical-legal precedent of male supremacy and the subordination and control of women through marriage and in society" (Johnson, 1984). Throughout history, men have beaten their wives because they believed they had exclusive property rights over them. In return for economic security, women were expected to obey their husbands' demands and accept their authority. Dobash and Dobash (1979) found that

> it was the real or perceived challenges to man's possessions, authority and control which most often resulted in the use of violence. (p. 438)

Their research closely reflects the feminist literature that also links battering within the family system to the larger social context. Underlying both these analyses is the belief that violence against women is deeply rooted
in the unequal power relationships between men and women in our society (Barnsley, 1980; Dobash & Dobash, 1979; Martin, 1983; Schecter, 1982; Bowker, 1983; Okun, 1986; Bograd, 1988). One of the most important contributions of feminist scholars to the research on violence against women has been their ability to redefine problems in ways that turn the problems from private woes to public issues. Feminist analyses of wife battering have challenged deeply held beliefs that events which occur in the privacy of the family are only of concern to family members, and that any intervention considered by the state must take place at the behest of those individuals. More importantly, by demonstrating that woman battering is the product of a patriarchal system, feminism has taken the issue beyond explanations that focus narrowly on personality or family structure, to an examination of power relations in society. These feminist thinkers believe that those who blame violence on pathological individuals, or on dysfunctional relationships, minimize or ignore the fact that violence against women is endemic to modern Western society (Dobash & Dobash, 1979).

In 1980, Linda MacLeod wrote a groundbreaking book on wife battering in Canada. Through interviews with shelter workers, service providers, and women who have been battered, MacLeod attempted to break the silence that had previously surrounded this issue, to provide basic information on the nature and dynamics of wife assault, and to present a framework for understanding why it occurs. MacLeod posited that

Wife battering can only be understood by looking at the family, not as a particular and personal group of individuals with all the emotional ties this image conveys, but as an institution with roles, functions and traditional relationships with other institutions including law, medicine, employment and religion.... Wife battering and the network of official procedures which helps define it is not a personal dilemma, it is an institutionalized means of control. (1980, p. 29)
The institutionalized nature of violence, its use as a mechanism of social control, and the gender basis of this violence have also been reflected in the writings of Schecter (1982) and Bograd (1988). Schecter states that

We must not view wife abuse as victimization but rather as an aspect of oppression, or else we will see individual problems rather than collective ones. (1982, p. 17)

Bograd claims that

Our society is constructed along the dimensions of gender; men as a class wield power over women. As the dominant class, men have differential access to important material and symbolic resources, while women are devalued and inferior. Although important race and class differences exist among men, all men can potentially use violence as a powerful means of subordinating women. (1988, p. 14)

These theorists view violence against women as a political fact. They believe that all of its dimensions—when, how, why and where it is used, whom it effects, the nature of the protection provided, and, most importantly, the sanctions imposed on those who commit the violence—reflect the relative power of men over women, the efforts by certain men to assert power continuously over their partners, and the ongoing efforts by their partners to reduce or escape violence (Stark, 1993). Because such violence is deeply rooted in sexual inequality, regardless of the particular events that precipitate it, the ultimate consequence of the violence is the denial of women’s basic rights to safety and security. The relationship between battering as means of personal control and battering as means of social control has led to what Stark describes as

the systemic fusion of social and political dominance that undermines the physical, psychological or political autonomy of even the strongest, most aggressive and capable women. (1993, p. 657)

This conceptualization of battering as a form of coercive control (Schecter & Jones, 1991) that is both personal and social moves us from a family violence perspective, which calls for the re-calibration of power
relationships within families, to a feminist perspective, which recognizes the need for structured intervention to restrain and impede the normative authority many men exercise over women. By reframing battering as a serious social issue requiring significant state intervention, the feminist movement pushed the issue of protecting women from violence into the public domain. More importantly, they placed the responsibility for intervention in the lives of women who have been battered onto the legitimate social control mechanisms found in the criminal law and administered through the criminal justice system.

The Changing Role of the Criminal Justice System

In examining the role of the law in general, and of the criminal law in particular, several feminist criminologists (Pahl, 1985; Stanko, 1985; Smart, 1989; Edwards, 1989; Kurz, 1992) have traced the history of substantive law in relation to violence against women. They have noted that throughout recent history the substantive law related to violence against women has been deeply buried within the matrimonial, civil, and criminal statutes. Until recently, a woman’s legal status was considerably weaker if she were married than if she were a cohabitee or a single, unmarried woman (Edwards, 1989). Married women forfeited their right to protection from assault by their husbands and, until a decade ago, could not be compelled to give evidence against them. Case law promoted the belief that punishing one’s wife was well within the rights of the husband. According to the Laws Resolution of Women’s Rights, 1632, “a man may beat an outlaw, a traitor, a pagan, his villein or his wife.” This sentiment was reinforced in Blackstone’s Commentaries of 1847: “For as to his answer for his misbehaviour, the law thought it reasonable to entrust him with
this power of restraining her, by domestic chastisement ...." Until the late 19th century, British law explicitly allowed husbands to beat their wives as long as they met the criteria established by the lawmakers of the day. The phrase "rule of thumb" comes from this era, when common law determined that a husband was able to beat his wife with a weapon as long as it was no thicker than his thumb (Edwards, 1989).

Canadian women were similarly affected. As a result of statutory changes enacted in Canada in the early 20th century, women were denied the right to bring civil suits against their husbands for damages arising from assaults committed by their husbands. Married women were particularly vulnerable to assaults, as criminal justice system personnel were reluctant to utilize criminal prosecutions as a means to deter domestic violence. In British Columbia, the Married Women’s Property Act (R.S.B.C., 1936, Chapter 167, Section 13), denied wives the right to sue their husbands in civil court for damages resulting from their husbands’ criminal behaviour and kept women disempowered until its repeal in 1985.

Edwards (1989) and Stark (1993) chronicle the early efforts of social reformers and suffragettes to use the law to outlaw "wife torture". These activists believed that violence against women was directly connected to their economic dependence and their lack of economic rights. They urged reform of the Matrimonial Act so that women would be free to leave their husbands and seek their own economic independence. Instead, the Aggravated Assault Law was introduced in 1853. This law stated that all assaults, including assaults against wives, would be treated as crimes to be dealt with in criminal court. Edwards (1989) notes, however, that the act allowed for judges, at their own discretion, to divert cases from criminal court to civil court where sanctions
were much lighter. Both Stanko (1985) and Stark (1993) describe the efforts of Frances Power Cobbe in 1870 to have husbands who beat their wives arrested and prosecuted. Cobbe believed that this was the only way to reduce women’s political isolation and shift the responsibility for their safety from themselves to society. Unlike many social reformers of her time, Cobbe was reluctant to leave the protection of women solely in the hands of the state. She believed that, left to their own devices, the police and the state would only reinforce women’s oppression, rather than change it. While changes were ultimately introduced which allowed women to leave their marriages in cases of physical cruelty and which provided for financial support in the form of maintenance orders, these provisions were not regarded as rights, but as privileges that wives had to earn. The onus was left on women to prove that they were the victims of ongoing violence, and their chastity and virtue were considered prime factors in determining whether they deserved financial support and state protection. In British Columbia, this hypocritical and moralistic attempt by male lawmakers to dominate and control women can be seen also in the wording of the Deserted Wives and Children’s Maintenance Act (R.S.B.C., 1936, Chapter 73, Section 6), which was in force from the early 1920s until its repeal in the early 1970s. This statute included a clause that denied maintenance to deserted wives when the court was satisfied that the woman had committed adultery that had not been condoned by her husband. No similar restrictions were placed on the sexual behaviour of male spouses.

Thus, the efforts of these early British feminists and social reformers were subverted through the power of the law, and women who had been battered remained powerless and silent, until the second wave of feminism gave birth to the shelter movement in Britain and North America.
As knowledge about wife battering became more widespread, the obvious lack of protection offered by the legal system to women who had been battered, was one of the key areas that came under scrutiny. Between 1977 and 1983, a number of studies (Lerman, 1981; Jaffe, 1979; Barnsley, 1980; MacLeod, 1980; Jaffe & Burris, 1983) examined the response of the criminal justice system to wife battering and, in particular, the lack of legal protection available to these women. These studies focused on two key issues: the power of the criminal justice system to intervene in the lives of women who had been battered and the traditional reluctance of the system to do so. Lerman (1981) recommended a key role for the criminal justice system:

By taking a firm stand that battering is a crime which will be punished, prosecutors can provide victims with an enforceable right not to be beaten, and communicate to abusers that family violence will no longer be tolerated as a private matter. (p. 28)

In one of the first studies of the perspectives of women who had been battered using feminist methodology, the Vancouver Women’s Research Centre (1980) interviewed 25 residents of Vancouver Transition House regarding their ways of "coping with the consequences of wife battering, including their attempts to change their situations" (p. 23). Barnsley et al. (1980) reported that the women they interviewed were reluctant to call the police to intervene in violent situations for "fear of future reprisals", yet felt that they had no other choice if they wished to protect themselves from future harm. MacLeod (1980) analyzed existing federal and provincial laws and the effectiveness of criminal sanctions such as peace bonds, injunctions, and ex parte injunction orders. She concluded that "accepted legal procedures and exceptions written into the law to protect the unity of the family make convictions virtually impossible and reinforce women’s isolation, dependence and powerlessness" (p. 81). In an extensive study of police files, social scientists Burris and Jaffe
(1983) discovered that victims of wife assault were treated differently from other victims of assault and that the men who were actually charged—rather than being merely reprimanded—were less likely to re-offend. All of these studies confirmed the feminist perspective that the criminal justice system did not view women battering as a serious criminal matter requiring their intervention. These studies also revealed that the attitudes of many of those mandated by law to respond to women battering reflected current attitudes in society at large toward women who had experienced violence, (a) that wife battering was a private family matter and not a public criminal matter, and (b) that women who were battered must have done something to provoke their partners' behaviour (Jaffe, 1981; Lerman, 1977; Barnsley, 1980; MacLeod, 1980).

This research, along with the findings of the 1982 report on wife battering in Canada, by the Commons Standing Committee on Health, Welfare, and Social Affairs, led to an uneasy alliance between the feminist movement and the criminal justice system, to reform significantly the administration of justice and to strengthen the roles of the police and the courts in protecting women from future violence.

MacLeod (1980) and Currie (1990) have each examined the impact of the House of Commons report on the development of policy in the areas of social service delivery and criminal justice system response across Canada. The report recommended changes to address concretely the concerns raised by women who have been battered and the shelter movement. The most significant changes related to the reconceptualization of battering from a social problem to a criminal matter. By openly acknowledging the criminal nature of violence against women in relationships and by shifting the burden of responsibility
for proceeding with criminal action from the women themselves to the criminal justice system, the system was empowered to take a proactive stance in these cases. By 1985, every province in Canada had introduced new policies to facilitate criminal justice system intervention in the lives of women who have been battered. These policies were not received warmly by all concerned. Two studies (Leighton, 1989; Jaffe, 1990) have highlighted the philosophical opposition of many criminal justice system personnel to state involvement in the private lives of family members and, in particular, their resistance to implementing the provincial pro-arrest policies. An unpublished B.C. report (Tait, 1986) discussed the resentment on the part of the police to what they perceived as the erosion of their discretionary powers to make arrests. The report's author believed that it was the unwillingness of senior police managers to enforce the spirit of the policy, and the lack of political will on the part of the government of the day to provide adequate resources to monitor police practices, that resulted in uneven implementation of the policy. The lack of proper enforcement and compliance with the policy was described more forcefully in two recent B.C. reports, examining violence against women (Light, 1992) and gender bias in the justice system (Hughes, 1992). Both reports have documented the concerns of many service providers regarding inconsistent implementation of the policy and the confusion experienced by women who were proceeding through the justice system. The 1984 B.C. Wife Assault policy was revised in 1986 and revised substantially again in 1993. In the forward to the new "Violence Against Women in Relationships" policy (1993), the authors of this policy state that the revised and renamed policy is the result of a two-year consultation with women's organizations, criminal justice system personnel, and service providers. Key changes to the
policy reflect a new understanding about violence against women in relationships, in particular the range of behaviours involved and the degree of lethality that may result if the criminal justice system does not intervene appropriately. The 1993 policy directive places a high priority on all parts of the criminal justice system taking a proactive stance.

Although the feminist movement played a pivotal role in getting the state to recognize the serious nature of violence against women and to acknowledge the need to use existing criminal sanctions to intervene, not all feminist theorists have supported this stance. While a fundamental principle of all feminist analyses is the belief that all inquiries into women's lives must begin with the actual experience of women, and must incorporate the historical forms of social relations that determine and shape that experience (Schecter, 1982), feminist analyses and perspectives are not all alike. There are a range of theoretical viewpoints within the feminist movement, and these varying perspectives emerge from divergent critiques and analyses of the role of class and the state in our society. Nowhere is this more evident than in the considerable differences expressed about the value of using criminal law and the criminal justice system to enforce and maintain women's equality.

MacKinnon (1989) offers a powerful critique of the state's role in maintaining a social system where power is distributed according to gender. She suggests that sexuality is the primary social sphere of male power and she rejects the claim of many feminists that power rests in the state. The state in MacKinnon's view is an "institutionalized agency of male control over women, that is over their sexuality" (p. 161). This emphasis on sexuality as the prime determinant of women's oppression and vulnerability to violence differs significantly from much of the literature in the field of violence.
against women. MacKinnon takes issue with shelter and rape crisis centre workers who claim that rape and battering are about power, not sex. She argues that this analysis demonstrates a lack of understanding of gender as a form of social power and minimizes the realities of sexual violence faced by the majority of women (p. 132). She believes that the oppression of women is a sexual act, that the power differential between men and women is sexualized, that it is power based on gender that is embedded in the function and the operation of the state. For MacKinnon, the state is male in a feminist sense, [for] the law sees and treats women the way men see and treat women. The liberal state coercively and authoritatively constitutes the social order in the interests of men as a gender--through its legitimating norms, forces and relation to society and its substantive policies. (p. 162)

Other feminist scholars (Stang Dahl, 1987; Smart, 1989; Lahey, 1989; Walker, 1990) have also argued against the use of the law in general, and criminal law in particular, to respond to violence against women. Smart (1989) believes that by presenting itself as a unified and consistent body of rules and rights, the law is allowed to maintain its own frame of reference. In legal discourse, the law is seen to take a stand that is neutral, protecting both parties to an action from exploitation and abuse by the other. She argues that, by remaining silent on power differences or economic disparities, the law has not been fair, but has instead reflected the world view of those in society it has been designed to protect--primarily upper class white males. Lahey (1989) also shares Smart's distrust of the law. She believes that the law's neutrality is derived from the objective standpoint of men--a point of view that declares that conditions for men apply equally to women. Yet, unlike men, women's sexuality and reproductive capacities have been governed by laws, their economic status has been restricted by laws and their personal safety,
until recently, has not been protected by laws. Both Lahey (1989) and Edwards (1989) argue that the law in its form, content, and application institutionalize inequalities and differential treatment. Nowhere, they argue, has this been more obvious than in the laws, or absence of laws, dealing with male violence against female partners. This perspective was confirmed in an address given by the former Supreme Court Justice, Bertha Wilson in 1990. Reporting on a study that examined judicial attitudes and judicial decision making, Madame Justice Wilson found that there was overwhelming evidence to suggest that gender-based myths, biases and stereotypes are deeply embedded in the attitudes of many judges, and in the law itself. Particularly in the areas of tort law, criminal law and family law, gender differences have been a significant factor in judicial decision making (1990, p. 8).

While the legal system reinforces and legitimizes such liberal ideological constructs as equality, justice, and the protection of individual rights, both Lahey (1989) and Smart (1989) believe that these concepts are based on male norms. The social realities faced by most women, and the terrifying existence experienced by women who have been battered, can become lost in the abstract, over-generalized, and objectified assumptions inherent in the justice system. They believe that this is exemplified best in the traditional belief that state intervention through the criminal justice system is an action on behalf of an abstract group of individuals who hold abstract rights rather than an action on behalf of a particular victim seeking justice.

Their findings have been confirmed in two recent reports (Brown, 1988, 1991; Hughes, 1992) that have examined gender bias in the justice system. Although written in more neutral language and presented outside of the theoretical perspective described previously, both studies are a compelling indictment of the treatment women have received in the justice system.
In 1988, the Manitoba Association of Women and the Law began to examine gender bias in the justice system by reviewing published decisions from the Manitoba Court of Queen’s Bench and the Manitoba Court of Appeal in the areas of personal injury and family law. According to this study, the courts appears to assume that the formal equality guaranteed by the Charter of Rights and Freedoms means that women and men have, in fact, achieved social and economic equality. The reality is that Canadian women ... continue to be disadvantaged in the workplace, in the home, and elsewhere, resulting in women usually being in a position of economic and emotional dependency, having few resources, lower status, and less flexibility. Our research has uncovered little, if any, recognition of this reality in a number of cases. (p. iii)

Although their first report did not address criminal law or violence against women, a subsequent B.C. study (Hughes, 1992) documented "the existence of gender bias in the justice system including substantive and procedural law; how gender bias is manifested; and recommended reforms which will promote equality among men and women in the legal profession, judiciary, court services and before and under the law." The Law Society Gender Bias Committee held a series of public meetings and consultations with a broad range of professionals working in and around the justice system. They concluded that gender inequality is pervasive in the legal and justice systems in this province. ...the vast majority of concerns raised reflect discrimination against women. Furthermore, while the laws for the most part are gender neutral, the application of many of these laws creates a situation of systemic bias against women, particularly women of low income status, aboriginal women, lesbians, women with disabilities, and women who are members of visible and immigrant minorities. (1992, p.1-6)

Of particular relevance to the issue of violence against women, this study found that, while there had been significant improvements in the justice system’s response to violence against women, many problems remain and some new ones have surfaced (p.7-12). In the area of police response, the study found
that the police response to woman battering is "inconsistent and often reflects a failure to understand the dynamics of battering relationships and [demonstrates] a lack of empathy for the victims" (p.7-11). It was also noted that the police still retain broad discretion in regard to the charging policy and that the intent of the policy is seriously undermined when the police do not provide adequate protection after a call has been made (p.7-20). The study also commented on protective orders, in particular on the leniency with which these orders are enforced by police, crown counsel, and judges (p.7-22). With respect to crown counsel, the main concerns of the report related to the low priority accorded cases of woman battering, the lack of preparation time, the lack of understanding of the dynamics of battering, the lack of emphasis on past histories of violence, and the over-emphasis on treating the woman as a witness rather than a victim (p.7-33). The report also recorded many of the concerns that victims, service providers, and crown counsel expressed about the judiciary. In its recommendations, the report highlighted the need for judges to consider the same principles of sentencing that they consider in other criminal cases—denunciation and deterrence of crime—when they arrive at sentences in cases of violence against women. To stress the importance of not viewing the family nature of these assaults as mitigating factors in the sentencing process, judges were urged to consider the current literature and statistics on violence against women, especially the ongoing harm to both the women and their children.

This report and the B.C. Task Force Report on Family Violence (1992) made concerted efforts to examine the specific issues faced by the many different women who proceed through the criminal justice system: women of colour, women from immigrant communities, women from aboriginal communities,
women with disabilities, and women living in same-sex relationships. Each of these groups faced particular barriers and obstacles to obtaining the support they required, as they proceeded through the system, that left them frustrated and angry. The practical issues they identified as impeding their right to fair treatment by the justice system included: not being believed, not having access to the necessary assistive devices, not being provided with well trained interpreters and translators, and not being adequately informed of the various procedures they would face through the process. However, the most significant barrier that these women faced was the indifference of some members of the criminal justice system to their specific needs or concerns, an indifference the women perceived to be the result of racist and homophobic attitudes (Hughes, 1992). These attitudes left many of these women believing that the criminal justice system was not able to protect them from future harm, nor was it interested in guaranteeing them the same rights as other Canadian women.

It is not the intent of the present study to argue the merits of using the criminal justice system to intervene in the lives of women who have been battered, or to conduct a thorough analysis of the contents of these policies. Instead, the present study explores the experiences of women who have gone through the criminal justice system since the implementation of the pro-arrest policies and has them describe in their own words their perceptions of how they were treated throughout the process. This study also documents the factors these women attribute to their ability to complete the process. However, the previous studies referred to describe the context in which these women have experienced the violence and provide a framework for understanding
the barriers and obstacles many women face as they move through the criminal justice system.

Women's Experiences with the Criminal Justice System

With regard to the present study and the issues it explores, it is noted that, while there have been numerous studies undertaken and articles written to examine the impact of criminal justice intervention on the future behaviour of batterers (Berk & Sherman, 1984; Saunders, 1988; Gelles, 1992; Buzawa & Buzawa, 1992; Schmidt & Sherman, 1993;) as well as to examine the attitudes and beliefs of professionals carrying out a proactive criminal justice system response (Brown, 1988; MacLeod & Picard, 1989; Jaffe, 1992), the present author was able to find only a few articles (Stanko, 1989; Buzawa & Buzawa, 1992; Stark, 1993) and two studies (Leighton, 1989; Hughes, 1992) that addressed specifically the experiences of women who have been battered who complete the criminal justice process. Two additional studies (Ferraro, 1989; MacLeod & Picard, 1989) examined police attitudes toward the charging policies and women’s assessments of the police response, by interviewing both police and women whose partners had been charged with assault.

Ferraro (1989) undertook a study to document the process of implementing a "presumptive arrest policy" in the context of ongoing police work (p. 163). She conducted a series of interviews with Arizona state police on their perceptions of "family fights", their opinions of the new policy, and their beliefs regarding appropriate intervention. She also interviewed seventeen women who had called the police for assistance, regarding their opinions of the policy and their assessment of how they were treated by the police. Of the women interviewed, eight were dissatisfied with the police response and nine
were satisfied. Satisfied respondents described the police as "professional", "very helpful", or "nice" (p. 176). However, the women interviewed clearly differentiated between the attitudes of the police and their actions. Even in those cases where the women commented positively on the attitudes of the police toward them, more than half of them were dissatisfied with the actions taken. In particular, most felt that the protective orders were unhelpful and not enforced adequately. The women were not unanimous in what they wanted the police to do in order to stop the violence. Although most said they would advise other women to call the police if they were being battered, only three felt that arrest was the answer (p. 178). Some wanted counselling for their husbands, while others wanted counselling for themselves. Ferraro concluded her study by cautioning that, although it is apparent that not all women want their partners to be arrested, it is important not to assume that they feel this way because they are passive or because they are overly concerned for their partners. Other factors come into play, such as the woman's fear of further violence after their partner is been released, or her belief that she will not be treated fairly by the justice system when her case is being investigated. This fear of not being treated fairly is a common sentiment of women from low socio-economic backgrounds, women of colour, and women who may not have landed immigrant status (Ferraro, 1989; Hughes, 1992).

Leighton (1989) interviewed women in Metropolitan Toronto to determine their attitudes about their treatment in the criminal justice system and its various agencies. Of the 235 women interviewed, seven of every ten felt that the police were sympathetic and more than half were satisfied with the way the police handled the situation overall. It is interesting to note that most of these same women reported that they had not been satisfied with the way the
police had handled previous reports of violence (p. 89). The study found that more than half of the women felt that it was the responsibility of the police to charge their partners and that the justice system as a whole should be involved in "spousal assault" cases. The women had divergent views on the court process: some were satisfied with the way the court handled their case, although most felt that the sentences were too lenient. A number of the women reported that they were confused by the process. Two women found that the violence continued, two others found the process too slow, and another two felt they were on trial themselves (p. 93). The women's responses to how the system could be improved were consistent with a proactive stance by the criminal justice system. More than half called for a more forceful role to be performed by the police and the courts: they wanted the police to take charge, remove the offender, and charge him with assault. They also recommended that the courts provide mandatory separation of the partners, provide mandatory treatment for offenders, and impose fines or jail terms. The women also said that the criminal justice system needed to be more "sympathetic". They felt that hearings should be conducted in private, procedures should be examined so that the victims did not feel that they were on trial, and personnel should be better trained so that the women would feel both supported and respected (p. 95). Three observations emerged from this research that are relevant to the research undertaken by the present author: (a) Most women are extremely ambivalent about proceeding through the criminal justice system. Although they want immediate protection and help, they are often reluctant to support the criminal charges laid by the police. (b) The attitudes of individual personnel are critical to the outcome of the proceedings. Where an individual displays concern and sensitivity to both the woman and her partner, the system is seen
to be doing its job. Conversely, where the attitudes of individual intervenors are insensitive or patronizing, although appropriate procedures may be followed, the system will be perceived as failing the parties involved. (c) The criminal justice system is not a true system, but a set of discrete and autonomous parts each assigned highly specific tasks. While each part has a bearing on the others as the parties move through the proceedings, there is no consistency in attitudes and outlook (1989, p. 96).

These studies have made an important contribution to our understanding of women's experiences of involving the criminal justice system in their lives in an effort to stop the violence. However, the quantitative nature of the research limited the collection of valuable qualitative, unsolicited, and in-depth emotional responses from these women, and thus provided little opportunity to hear from the women themselves. Also, by framing questions to assess the effectiveness of the pro-arrest policy, rather than the women's experiences of the policy, the studies only touch on factors that may have greatly enhanced or impeded the women's abilities to proceed through the system.

In 1989, the Canadian Department of Justice conducted a study to determine the needs of women who have been battered when they come in contact with the criminal justice system and to identify some of the problems experienced by service providers and criminal justice personnel when "attempting to use the criminal justice system to reduce the impacts and incidence of wife assault" (1989, p.3). The Department of Justice wanted to use the findings both to increase the sensitivity and effectiveness of the criminal justice system and to explore nonadversarial options that could be implemented following the laying of charges. MacLeod and Picard (1989)
interviewed 25 key informants both inside and outside of government, and 40 women who had been battered and who had contact with the criminal justice system. They also conducted a series of focus groups with criminal justice system personnel, treatment providers for both men and women, service providers, and private practice mediators. Of particular relevance to the present study is the researchers’ exploration of the women’s perspectives on criminal justice intervention, more specifically of their needs and expectations. Through their interviews they were able to document a broad range of needs that the women identified as being critical to their satisfaction with the criminal justice response. These were identified as: (a) the need for protection; (b) the need for information; (c) the need for validation; (d) the need for financial independence; (e) the need for empowerment; and (f) the need for justice (1989, p. 28). Of all the needs identified by this study, the one that is the most compelling and the most difficult to operationalize is the need for justice. The women needed to believe that they had access to a system that was not "solely driven by a desire to win cases" (p. 29) and that they were not being isolated or stigmatized for engaging in criminal proceedings but rather were respected and honoured for taking a stand. Although this study offers some useful information about the women’s perceptions of their treatment by the criminal justice system and their suggestions for making the system more sensitive to their needs, the study did not differentiate between those women who had proceeded through the system and those women who had requested that charges be dropped or whose partners had been acquitted. And even though the study was designed to determine women’s experiences with the criminal justice system, the actual interviews explored the women’s experiences with a wide variety of
helping agencies (1989, p. 4), and their concerns and recommendations were summarized by the researchers rather than presented in the women's own words. The researchers concluded that, in addition to criminal justice intervention, there should be a range of options for women who have been battered, including pre- and post-charge diversion and post-charge mediation (1989, p. 29). However, it is unclear whether these recommendations came solely from the women, or were compiled from the opinions and perspectives of all of those interviewed. While the study does pose some provocative questions regarding the future role of the criminal justice system in the lives of women who have been battered, it does not significantly enhance our understanding of these women's experiences with the criminal justice system.

In summarizing this literature, it is evident that there has been a fair amount of theory-building and conceptualization with respect to wife battering in general, and the importance of the criminal justice system response in particular. There has been little research, however, that explores the actual process that women undergo when they decide to proceed with charges, and the present author was unable to find any research that documents women's perception of the factors that enabled them to persist with and complete the proceedings.

In examining women's experience of battering and their efforts to end the violence in their lives, considerable attention has been paid to studying these women: trying to find characteristics that predispose them to being victimized (Walker, 1979; Pagelow, 1981; Kincaid, 1982; Pahl, 1985; MacLeod, 1987), to determine why they stay or leave their partners (Walker, 1979; Pagelow, 1981; Pressman, 1983; Homer, 1985; Small & Greenlee, 1986), and to document the long-term impact of the violence on their social skills and self

Instead of focusing on women's concrete efforts to end the violence, much of the research has attempted to explain why women remain in battering relationships. Various factors have been proposed, which Frankel-Howard (1989) classified under three main headings: (a) commitment to the role of wife and/or mother, (b) fear of the consequences of leaving, and (c) learned helplessness. One of the most enduring attempts to explain why women remain in these relationships is the characterization of women who have been battered as helpless and passive, as women who, over a period of time in a violent relationship, lose all hope of changing their situation. The concept of "learned helplessness" was adapted by Lenore Walker (1979) to explain why women are unable to leave violent relationships. Walker posited that women become "psychologically paralysed" in the face of ongoing, but unpredictable, incidents of verbal and physical abuse. She characterizes "learned helplessness" in women who have been battered as follows:

Repeated battering like electrical shocks (in animal experiments) diminish the woman's motivation to respond. She becomes passive. Secondly, her cognitive ability to perceive success is changed. She does not believe her response will result in a favourable outcome, whether or not it might. Next, having generalized her helplessness, the battered woman does not believe anything she does will alter any outcome .... She says, "no matter what I do, I have no influence ... I am incapable and too stupid to learn how to change things." (pp. 49-50)

In a subsequent study, Walker acknowledged that, while many women who live with violent partners experience learned helplessness, she was able to find other factors that also contributed to these women's decisions to remain in their relationships, the most significant being their fear that they were at risk of greater harm if they tried to leave the relationship:
We found sufficient evidence to conclude that battered women's terror was appropriate and her fears that separation would make the violence worse were accurate. (1983, p. 47)

Although the theory of learned helplessness remains a fixture in the literature on family violence, and many shelter workers report working with women who exhibit all of the behaviours that have been identified with learned helplessness, this conceptualization of women who have been battered has many critics (Bowker, 1983; Okun, 1986; Gondolf & Fisher, 1988; Dobash & Dobash, 1992). The literature emerging from the field of violence against women has sought to challenge and reformulate the theory of learned helplessness through a series of qualitative studies (Frieze, 1979; Ferraro & Johnson, 1983; Mills, 1985) conducted with women who had been battered. Frieze (1979) determined that, although most of the women initially blame themselves for the violence, once they are able to attribute the cause of the violence to their partners they begin to take an active role in first trying to change their own behaviour and then trying to change the behaviour of their partners (1979, p. 102). When these efforts are unsuccessful, these women seek out other sources of help. It should not be surprising that women who absolve themselves of any responsibility for the violence are more likely to seek help from the police than women who believe that they have in some way provoked the violence.

For their study on how women experience violence in their relationships, Ferraro and Johnston (1983) obtained data from diverse sources: as participant observers at a women's shelter, interviews with shelter workers, and qualitative interviews with 15 women who had been battered and who had left their relationships. The authors describe a two-part process whereby the women initially rationalize the violence by denying that it happens, by minimizing its consequences, or by taking responsibility for its cause. Then, over a
period of time as the violence continues and, in many cases, escalates, their perception of it changes. They acknowledge the reality of the violence and begin to recognize that it is their partners who are responsible for the violence. Ferraro and Johnson cite six "catalysts" that enable women to redefine the abuse. These include a change in the level of violence or in its visibility, a change in the relationship, severe despair, and external interventions that redefine the relationship (1983, p. 331). The authors found that once the women finally realize that they are being victimized, most of them actively seek help to change the situation. Subsequent studies have examined women's helpseeking behaviours and their reliance on informal supports such as relatives and friends to help them leave abusive relationships (Pagelow, 1981; Bowker, 1983; Pahl, 1985; Hoff, 1990). These studies indicate that seeking help from informal support systems is the first choice for many women who have experienced violence. Pahl (1985) found that three quarters of the women she interviewed turned to formal sources of help only after they did not receive the assistance they required from informal sources of help. Those women who sought assistance from formal sources of help most often sought help through the criminal justice system.

The recognition that women's perceptions of the violence and of their abilities to end it are not static, but change and evolve as the violence progresses, is a significant finding that challenges the belief that women who have been battered remain passive and helpless. More importantly, it suggests that women are ready to seek actively an end to the violence and that, if appropriate resources are available to them, they will mobilize to change their lives.
An Alternative Model of Helpseeking

In this final section of the present chapter an alternative model for understanding women's experience of the battering and their efforts to end the violence in their lives will be examined. This model may have some utility in understanding women's motivation to involve the justice system and in identifying specific factors that may enable them to persist with the process. A fundamental principle of this model is the belief that women who have been battered are not helpless victims but strong survivors. The survivor hypothesis proposed by Gondolf and Fisher (1988) posits that "women respond to abuse with helpseeking efforts that are largely unmet" (p. 11). What they need in order to sustain their efforts are appropriate resources and social supports so that they can become more self-sufficient and less economically and socially dependent on their partners. Once women know they have some options, they have the choice either of leaving their partners or of involving others in their efforts to negotiate an end to the violence in their lives. Gondolf and Fisher maintain that women seek help in direct proportion to the perceived danger to themselves and their children. They suggest that through the women's efforts to obtain assistance and survive the violence, they are able to surmount their fear of further violence and the loss of economic and social resources, and they are able to overcome their previously debilitating feelings of guilt or depression (1988, p. 29). Ironically, one of the studies these authors cite to substantiate their belief that women are survivors was a 1984 study undertaken by Lenore Walker to replicate her previous research on learned helplessness and the cycle of violence. In this follow up study, Walker found that instead of the women being "beaten into submissiveness,
their helpseeking behaviours increased as the positive reinforcements in the relationship decreased" (1984, p. 27).

Gondolf and Fisher discovered that women who have been battered make contact with a variety of helpseeking sources and that, as the abuse becomes more severe and their partners appears beyond change, the women invoke a range of strategies to protect themselves. They believe that the women's diverse efforts to seek help in stopping the violence demonstrate the strength and resiliency that are primary features of survivors. To support their hypothesis, the researchers set out to document the helpseeking behaviours of 6,000 women in 50 Texas shelters--the largest study on this topic to date.

The principal helpseeking variable used by Gondolf and Fisher in this study was women's "previous helpseeking" (1988, p. 29), which the researchers believe exemplified the "diversity" of these women's helpseeking contacts. Thirteen different ways of seeking help were described, ranging from invoking legal action to attempting suicide. These descriptions were then clustered under three categories: (a) personal strategies, including coping efforts relying on the women's own resources; (b) informal help sources, including friends, relatives, and clergy; and (c) formal help sources, such as social services, women's shelters, police, or lawyers. These categories were based on a typology developed by Bowker (1983) to illustrate the sources of help that these women access. Eleven of the helpseeking strategies were considered positive. The remaining two--attempting suicide and covering up for the batterer--were excluded from the measures. The researchers found that each woman engaged in an average of five different positive helpseeking strategies before going to a shelter. When the researchers examined those helpseeking strategies that involved informal and formal help sources, they found that the
women had contacted an average of three different sources of help out of nine, of which two of the three were directed toward formal sources of help such as police and social workers (1988, p. 29). Other data from this study confirmed the researchers’ belief that women who have been battered make ongoing and "extremely assertive efforts to stop the abuse" (p. 30). Of the women who completed the survey, 71% had left the relationship at least once before coming to the shelter; 63% had contacted a shelter or a lawyer, and 53% had called the police at least once (p. 31). Following the data analysis, the researchers constructed a "causal model of helpseeking" (p. 32) to explain the high level of helpseeking behaviour. They expected that the increase in helpseeking efforts would be directly related to the increase in the severity of the abuse--that there would be a positive association between these two variables (p. 32). This would be consistent with past research findings (Bowker, 1983; Okun, 1986) on women’s helpseeking behaviours. Other factors that they hypothesized might also contribute to the women’s helpseeking behaviour were included, such as the woman’s income, the number of children she had, and the possibility that the children may have been abused. They also examined the impact of the partner’s anti-social behaviour, such as alcohol or drug abuse, violence outside the home, or past history of arrests. The model constructed by Gondolf and Fisher confirms that women who have been battered do in fact respond to more severe abuse with increased helpseeking (1988, p. 37). More importantly, their model suggests that women increase their range of helpseeking efforts as their partner’s anti-social behaviour intensifies.

These findings substantiated Gondolf’s and Fisher’s hypothesis that women who have been battered are survivors. They do not deny that many of these women experience feelings of low self esteem, guilt, blame, anxiety, or
depression, which have been categorized previously as symptoms of learned helplessness. But they argue that formal sources of help need to redefine the women's behaviours as behaviours that can be expected in the "adjustment into active helpseeking" (p. 21). They present three ways these behaviours could be characterized: (a) Traumatic shock: a normal reaction to abnormal events. Many women who have been battered have suffered severe physical and psychological injury, comparable to the injuries resulting from a serious accident. They need time to heal emotionally and physically. Gondolf and Fisher suggest that what these women require is not psychotherapy, but the support and the time to recover at their own pace. (b) Belief that they have failed to save the relationship: the researchers found that many women believe that by involving other systems they are publicly acknowledging that they are unable to end the violence and save their relationship on their own. Gondolf and Fisher argue that it is critical that service providers distinguish between a legitimate response to a specific situation and an overall world view. (c) Separation anxiety: there are many obstacles that women must overcome in order to leave their violent relationship. Gondolf and Fisher believe that the women's anxieties are entirely understandable given the fact that they face the possibility of reprisals, the significant loss of economic and social resources, and the fear of having their children taken away by child welfare authorities.

To demonstrate how this model could be used to challenge and reframe traditional constructs used to describe the behaviour of women who have been battered, Dobash and Dobash (1992) re-examined the pattern of "staying, leaving and returning" present in much of the psychological literature. As a result of their research, they found that this pattern of behaviour does not
illustrate women’s passivity and compliance, but rather demonstrates their assertive efforts to "escape the violence and demonstrate to their partners their disaffection" (1992, p. 231) with their violent behaviour. The women engage in an active, dynamic, two-part process whereby they first strive to negotiate for a non-violent relationship. If they are unsuccessful, they will often leave their relationships to show their partners that they are serious about their demands for the violence to stop. They return for many reasons, not the least of which is their partners' promises to change their behaviour. Dobash and Dobash (1992) believe that even after they return, the women continue to try to change the situation. They persist with their own personal coping strategies as well as use informal help sources. Some women begin to seek out formal sources of help, such as counsellors or lawyers, in an effort to change their partner’s behaviour. If these subsequent efforts do not result in substantive changes and the violence continues or begins again, they move to the second stage in which they seek to end the relationship (1992, p. 234). Once they have reached the point where they believe their only option is to end the relationship, these women are "persistent and tenacious in their efforts to seek help" (1992, p. 235). The women learn to navigate the service delivery systems and to determine which agencies and organizations will be of assistance and which will fail to help:

For most women, active pursuit of assistance is a continual aspect of their lives, ebbing and flowing with their experiences at the hands of violent men and of the institutions from which they seek assistance. (1992, p. 232)

The survivor model has several implications for women seeking criminal justice system intervention. First, it demonstrates that when women’s perceptions of the violence change, and they are able to attribute the blame for the violence to their partners, they become engaged in a process to ensure
the protection and safety of themselves and their children. It verifies that women, in particular severely abused women, make extensive efforts to seek help. However, their motivation to live and to survive must be assisted, supported, and facilitated. The criminal justice system has the capability of nurturing this survivor behaviour, not only by taking on the responsibility for charging these men and imposing criminal sanctions, but by supporting women through the process. The two-stage process that Dobash and Dobash identify also has important implications for the way that criminal justice system personnel view these women's decisions not to proceed with charges when their partners promise to change their behaviour. Historically, many police and crown counsel have been reluctant to pursue charges because they believe that the women will reconcile with their partners and then ask that the charges be dropped (Hughes, 1992). This belief, that many women who are battered choose to return to their relationships rather than charge their partners, minimizes the active efforts the women engage in, within the confines of the family, to seek an end to the violence. Formal sources of help can facilitate and strengthen these efforts by acknowledging the importance that many of these women place on maintaining their relationships, provided they are nonviolent relationships.

This model also points out the danger of pathologizing the plight of women who have been battered. The reasons that women stay in violent relationships appear to have very little to do with individual psychological traits. Their reasons for staying are much more strongly determined by their lack of social and economic opportunities and by the reluctant support they receive from legal, social, and medical agencies. Both Gondolf and Fisher (1988) and Dobash and Dobash (1992) emphasize the critical role that formal
help sources have in sustaining women’s helpseeking initiatives. Not only do these systems need to respond appropriately at the time of the crisis, but they have to provide ongoing and adequate supports over the long term.

Gondolf and Fisher’s model of helpseeking offers a way to conceptualize the process that women who have been battered engage in when seeking out assistance from the criminal justice system. The changed perception of the problem, the transfer of responsibility for the violence from themselves to their partners, and their efforts to change the relationship on their own before reaching out to informal and formal help sources, have been identified as the critical steps that must be taken in order for women to begin to end the violence in their lives. For many women, involving the criminal justice system is the final step in their own efforts to end the violence and the first step in another difficult journey to live safely without violence. Their ability to persist and survive, in a system that has not been designed to empower victims or to advocate for women who have been battered, is an important accomplishment. How do those women who proceed through the criminal justice system access the same survivor characteristics that enable them actively to seek help in the first place? What do these women see as the critical factors in maintaining and sustaining their motivation to proceed? What do they recommend to other women who are in similar situations?

Dobash and Dobash maintain (a) that women who have been battered engage in many different helpseeking efforts to seek an end to the violence; (b) that they seek out formal sources of help when they no longer believe they are able to end the violence; and (c) that there is a direct connection between these women’s abilities to maintain their efforts to end the violence and their perceptions of the support and assistance they receive from the formal help
sources. When this theory is combined with Gondolf and Fisher's model of helpseeking, several factors emerge which may increase our understanding of the decision process women engage in when they proceed and persist with criminal justice system intervention.

Before exploring the findings of the present study and comparing them to the helpseeking model outlined above, the research methodology will be described.
Methodology

Method

As the research on the experiences of women who have been battered have with the criminal justice system is limited, and the conceptual base that attempts to clarify the factors that enable these women to proceed and persist with the process has not been clearly developed, the research undertaken for the present study was qualitative. Patton (1987) states that the philosophical roots of qualitative research emphasize the importance of "understanding the meanings of human behaviour and the social cultural context of social interaction" (p. 27). By collecting the subjective responses to specific phenomena, the researcher is able to link perceptions with behaviours and to develop an empathetic understanding of the social world as experienced by the persons under study. Qualitative methods enable the researcher to "find out what people's lives, experiences, and interactions mean to them in their own words and in their natural settings" (Patton, 1980, p. 22). These methodologies are also an effective tool to determine the primary feelings, thoughts, and perceptions of consumers of human services (Lord, Hutchinson, & Schnarr, 1987).

As the present study is intended to examine, from the perspective of the women themselves, their perceptions of their experience with the criminal justice system, an exploratory-descriptive focus has been selected. Exploratory-descriptive research allows the women to describe their experiences in their own words and to articulate those factors that they believe enabled them to proceed and persist with the process. This focus also
allows for new or unexpected issues to emerge, giving the researcher a broader perspective of the issue than may have been expected. Exploratory methods expand the basis of inquiry rather than limit it and enable researchers to go where their subjects lead them:

The holistic approach to research design is open to gathering data on any number of aspects of the setting under study in order to put together a complete picture of the social dynamic of a particular situation. (Patton, 1980, p. 40)

The choice of this research design is consistent with a feminist analysis of the social sciences. Although many researchers attempt to be "value free" in their work, a feminist analysis would argue that research takes place in a patriarchal context and therefore reflects a world view that condones the domination of men over women (Bograd, 1988). As a consequence, much of our personal and scientific knowledge is based on men's experiences and men's ways of being in the world. Women's experiences have been ignored, distorted, or assumed to be the same as men's. Using this analysis, there is no such thing as neutrality in social science, since there is no possibility of viewing and analyzing the world independent of ideologies, values, and beliefs (Bograd, p. 21). Fundamental to a feminist approach to research is the commitment to articulate women's experiences from their own perspectives. This means that existing assumptions, stereotypes, and categories about the persons to be studied are continually challenged.

Researchers who use quantitative approaches to understand the experience of women who have been battered may try to conceptualize the violence as a concrete, easily identifiable phenomenon that can be simply observed, measured, and then treated. These attempts to label and categorize complex social processes have, historically, perpetuated stereotypes about these women.
and have shaped societal responses to this problem in ways that have blamed, and further victimized, women who have experienced violence (Kurz, 1989).

An exploratory approach is also consistent with a feminist perspective in that it allows the women themselves to define the research problem from the standpoint of their own realities, without the preconceived notions of the researcher impeding this process. Their experiences are thus validated and their perceptions are viewed as valuable and important contributions to the understanding of a particular social phenomenon.

Qualitative approaches are often criticized as not being empirically based or objective. Consequently their findings are often deemed to be insignificant. Patton challenges this belief by stating that "numbers do not protect against bias, they merely disguise it" (1980, p. 336). Many feminist researchers go further by claiming that there is a "powerful social belief that equates science with masculinity" (Keller, 1979). While science is perceived to require a rational and unemotional outlook in order to achieve objectivity, nature (viewed as feminine) can shift and move with emotions and feelings that are inherently subjective. Thus "mind and nature, knower and known are assigned a gender and a particular gender relationship" (Keller, 1979, p. 414). Knowledge and science, historically, have been the domain of men, while emotion and feeling have been the domain of women. Research, therefore, that appears rational and collects "hard" data is seen to be more important and is more highly regarded in a society that continues to be suspicious of anything that is linked to the feminine. Harding argues that such dichotomizing (objectivity and subjectivity) constitutes an ideology in the strong sense of the term; in contrast to merely value laden false beliefs that have no social power, these beliefs structure the policies and practices of social institutions, including science. (1986, p. 136)
Stanley and Wise (1989) further challenge the concept of "objectivity" by claiming that any research methodologies, whether they are quantitative or qualitative, will reflect the individual researcher's biases, beliefs, and assumptions:

all research is grounded in consciousness, because it is not possible to do research (or life) in such a way that we can separate ourselves from experiencing what we experience as people (and researchers) involved in a situation. (1983, p. 161)

They go on to say that qualitative approaches have their own problems, that, in particular, such approaches foster the assumption that the "researcher first observes and investigates and then describes the setting or group of people being researched" (1993, p. 11). In fact, they say, the researcher is an active presence in the process in which she constructs a viewpoint that is reflective of the conversation and is partial in its understanding.

If one accepts the fact that no methodology can achieve true objectivity and that each researcher brings to the process his or her own world view, assumptions, and values, then it is critical that the researcher articulate his or her world view, because it is an integral part of the research process.

My understanding of the world and conceptualization of the research question comes from a feminist perspective. This world view has influenced how the research problem was formulated, how the methodology was chosen, how the questions were asked, and how the interviews were conducted. My feminist perspective also determined the relationships I established with the women interviewed and the ways in which I have selected and presented their words. The experience of researchers influences the way they construct and analyze data. In the present study, by viewing the problem through a feminist lens, violence against women has been conceptualized as a gender-based crime that has been used for centuries to maintain power and have control over women.
Solutions to ending the violence have been located within the social structures and the social institutions of society at large rather than within individual women. At the same time, it must be recognized that another critical precept of feminist thought is the understanding that the personal is also the political. By challenging deeply held beliefs that women who have been battered are passive and helpless and by demonstrating the courageous and assertive steps each woman has taken to end the violence in her life regardless of the outcome, it is hoped that we may learn more about supporting and assisting these women to achieve their goal. Only by listening to their voices can we learn from their experiences. Traditional research has tended to neutralize or silence women's voices (Wetzel, 1986). Qualitative approaches are able to record their voices and document their experiences.

In developing a research methodology that was flexible enough to reflect accurately the unique and diverse views of the women interviewed and at the same time was able to contextualize battering within the social, political, and economic worlds of these women, some of the current literature of feminist research methods (Oakley, 1981; Stanley & Wise, 1983, 1993; Bograd, 1988; Fine, 1989; & Reinhartz 1992) has been reviewed. Although there are many divergent perspectives on what constitutes feminist qualitative research, two principles were selected to guide the research for the present study. The first principle, as discussed previously, relates to the importance of presenting the research problem from the standpoint of the women being researched. The second principle relates to the role of the researcher, herself, in defining the social problem under inquiry and the relationships she establishes with the women being interviewed. Reinhartz (1992) suggests that many feminist researchers believe that in order for the researcher to
present and define the issues from the perspectives of the women interviewed, there must be rapport between herself and the women she is interviewing. The researcher must be sensitive to the individual needs and concerns of the women being interviewed and be aware of her own role in asserting power and control. By establishing rapport, the feminist researcher is able to move beyond the "competitive and exploitative relations to bonds of mutuality and trust" (1992, p. 265). Depending on the duration and intensity of the research, a "strong connection may develop between the 'researcher' and the 'subject' over the course of the study and last beyond it, sometimes in memory and sometimes in actuality" (1992, p. 263). At times the interaction between the researcher and the subject can move from the realm of research into the sphere of personal relationships with the women involved. Reinhartz (1992) cautions however, that in any effort to establish rapport, the researcher must be careful not to "block out other emotions and reactions to people she is studying (1992, p. 266). She needs to be aware of the differences between herself and the women she is studying and the impact these differences can have on the research process. Class differences, conflicting philosophies and perspectives about the issues under study, and differing educational levels may all influence the relationship between the researcher and the subject. Reinhartz suggests that an appropriate relationship for the researcher to strive to establish with the people she is studying should incorporate "respect, shared information and clarity of communication." (1992, p. 267). Oakley (1981), however, challenges the traditional textbook instructions to researchers to "strike a balance between the warmth required to generate rapport and the detachment necessary to see the interviewer as an object of surveillance" (1981, p. 33). She asserts that the goal of feminist research
can be best achieved when the relationship between the researcher and those being researched is on an equal footing and when the researcher is prepared to "invest his or her own personal identity into the relationship" (1981, p. 41).

I attempted to establish an open and equitable relationship with the women I interviewed: I was clear about the purpose of my thesis, but I also informed the women about the paid work I have done on this topic for the provincial government and for components of the criminal justice system. I responded to questions about my own personal life and engaged in discussions with the women on topics beyond the subject of this inquiry. Due to the nature of the research and the anger, pain, and loss the women expressed over the course of the interview, I tried to respond in a supportive manner. Despite these efforts, I was aware that there were differences between myself and the women I interviewed--the most significant being that I have not experienced the pain and terror these women have--and that even with my best intentions and most ethical use of these women's words, I cannot claim to represent perfectly what these women have faced and how they have triumphed. I have neither shared in these women's experiences of male violence in my intimate relationships, nor have I had to make the same kinds of decisions they have had to make. However, as a woman living in this society, I face the same fears and vulnerabilities as these women did. Every day, as almost all other women, I consider who I see, where I go, and what I do, based on the same terrifying possibilities that became realities for these women.

**Sampling**

The nine women interviewed for this study had all been involved with men who were charged and were convicted of assault between October 1991 and April
1993. The nine cases in this study were obtained from three sources: Vancouver Family Court, Battered Women’s Support Services, and the MOSAIC Family Violence Intervention Program. All of these women had established contacts with key people within the criminal justice system and had received support from them along the way. Four of the women were selected from the case files of Vancouver Family Court where a specialized team has been working closely with the courts and the community for several years; three of the women were selected from the case files of Battered Women’s Support Services; and two women were referred to the researcher from the MOSAIC Family Violence Program. I had initially hoped to select all of my participants from the Vancouver Family Court cases files. The senior probation officer pulled the file numbers of all completed cases between 1991 and 1992. From this list, 15 file numbers were randomly selected. These fifteen women were contacted by Vancouver Family Court staff and asked if they would be interested in participating in the study. Eight women refused for reasons ranging from simply not wanting to talk about their experience again to fearing that their partner might be angry if he found out they were participating in the research. The remaining seven names were forwarded to me. Of these seven, one woman was never available during the times proposed for an interview, and two others refused to be interviewed when contacted by the researcher--no reasons were provided. As it had been the original intent to interview ten women, the researcher then approached Battered Women’s Support Services, a Lower Mainland based service and advocacy organization for assistance. This agency provided the researcher with four names. Although all four women agreed to be interviewed, one of them twice cancelled her appointment only hours before she was to be interviewed--she explained that she was in great danger and had to
be "on the run". Later efforts to set up an interview with her were also unsuccessful. The researcher also approached the staff working for the MOSAIC Family Violence Intervention Program, who work primarily with men and women with origins in India and Pakistan. They provided two names and both these women were subsequently interviewed. Unfortunately, due to a technical malfunction, one of the women's interviews was not recorded and therefore not included in the analysis. The researcher also advertised in a local community newspaper for interested participants. Although two women responded, neither fit the sampling frame established by the researcher. One had never been involved with the criminal justice system and the other had been involved 18 years ago.

The eight women in the study ranged from 28 to 46 years of age. At the time of the assaults for which these men were convicted, three of the women were in common-law relationships, four were married, and one woman had recently ended her relationship. For five of the women there had been a history of both verbal and physical abuse which had culminated in the police being called. For two of the women, this had been the first incident where the police had been called, and for the remaining woman this was the first incident of physical violence. Seven of the women were employed: three were employed in professional occupations, two were employed in clerical positions, and two were unskilled workers. The one woman who was currently on welfare had been trained as a social worker. Five of the women were of European ancestry, two had origins in India, and one woman was Hispanic. Two of the women are still living with their partners and in both situations their partners have attended court mandated counselling through the Vancouver Assaultive Men's Treatment Program.
In six of these cases the men were arrested, held over night, and released with conditions. In another case the man was not arrested but he was asked by the police to leave the home. In the final case the man left the home before the police arrived. Four of the men who were charged pleaded guilty at the preliminary hearing. Of the remaining four, two pleaded guilty at the trial and two were found guilty. All of the men were convicted: two received jail sentences and six were placed on probation with conditions. Four of them were required to attend counselling. Two of the women continue to live in fear of further assaults and one of these women is now part of a pilot project jointly sponsored between the Vancouver Police Department and Battered Women’s Support Services. This project identifies women who are considered to be at risk of further assault by their (ex-)partners after they are released from jail, and provides them with silent alarms. If an offender violates the protective order by making contact with the woman, she can use the alarm system to notify the police. Her call is given highest priority for police response.

In five cases the women themselves called the police, in the sixth case the police were called by an unknown witness, in the seventh case the police were called by the neighbours, and in the eighth case, the police were called by a nine-year-old child.

At least three of the women reported that there had been violence in their partner’s family of origin. One of these women also reported that her father had been violent toward her mother. This same woman also noted that she had been in a previous relationship where her partner was violent toward her. Two women reported concerns about their sons. In one such case, the adult son had himself been charged with assaulting his girlfriend.
Four women suggested that there was a link between their partner's alcohol and drug use and his violence and one woman attributed her partner's physical abuse to his recent job loss. As the interview guide did not include questions regarding family background, previous relationships, and possible causes of the violence, it is difficult to determine whether the other women had similar experiences or whether they viewed the causes of the violence in the same way. However, when women perceived connections between the present violence and the past history of violence, these were discussed and probed.

Descriptions of the Participants

Participant 1 is 46 years old and describes herself as a "spiritual therapist". She had been living with her partner for just over a year and had decided to end the relationship because of her fear that his unprovoked anger would turn violent. The afternoon of the assault, she had informed her partner that the relationship was over. He returned to the house later that evening and he had been drinking. After she asked him to leave the house, he beat her up. Of all the women interviewed, she is the most introspective and the most focused on her former partner's need for healing.

Participant 2 is 41 years old, a social worker and activist in social justice issues. She has been divorced for a number of years and has two adult children. She had been dating a colleague, who is also from El Salvador, for some time but believed the relationship to be casual. She decided to end the relationship after she realized that her boyfriend was more interested in a serious relationship than she was. For three months she endured harassing phone calls, threatening letters, and constantly being followed. After he broke into her home twice, she became fearful of what he might do next. She
was unable to obtain police protection until she was attacked with a knife and had her life threatened.

Participant 3 is 35 years old and works as a bank teller. She was married for five years and is now in the midst of divorce proceedings. Throughout her relationship, she experienced both physical and verbal abuse. She left her husband several times, but returned each time after he promised her he would go to counselling in order to change his behaviour. She spent some time in a transition house and had sought counselling for herself. During counselling, she also came to terms with her own history of sexual abuse. The police were initially reluctant to recommend charges because they believed the assault to be of a minor nature. However, by persisting and involving a women's advocacy organization, she was eventually successful in having her husband charged.

Participant 4 is 39 years old and an executive secretary. She was married for nine years and is the mother of two young boys. Although she was born and educated in Canada, she complied with her parents' request that she marry a man from India. Her husband was verbally abusive almost from time they were married, however, the physical abuse did not begin until her first pregnancy. She left the relationship several times and sought help from other family members. The police were involved on several occasions, but no charges were laid. Finally, against the wishes of her family, she agreed to pursue criminal charges. Concurrent with the criminal proceedings, she was involved in a lengthy civil suit to obtain title to her family home.

Participant 5 is 46 years old and a hospital worker. She has been married for 27 years and is the mother of three children. She and her husband moved to Vancouver from Fiji right after they were married. For a number of
years, her husband's family lived with them. This was a source of tension between them and the cause of many of their arguments, most of which turned violent. Her husband also had a history of alcohol abuse and used his drinking as an excuse to justify his physical violence. It was only when her children started to complain about the violence that she realized that she needed help to change his behaviour. Following one violent incident, her daughter convinced her to call the police. Her husband was arrested, convicted and placed on probation. He breached his probation when he assaulted her again. He was arrested a second time and was ordered to attend court mandated counselling. Her husband is back living with the family and she is hopeful that the counselling will change his past behaviour.

Participant 6 is 40 years old, of Italian ancestry and an unemployed social worker. She has been married for nine years and has two small children. There was conflict within the marriage right from the beginning and occasionally her husband was physically abusive. The violence escalated after the birth of their first child. She has spent time at a transition house and has sought counselling for herself. The police have been called many times, but each time she asked that the charges be withdrawn. She was the only one of the women interviewed who described herself as a feminist and identified particular male attitudes that she encountered during her involvement with the criminal justice system. She and her partner are living together again and she is hopeful that the counselling will make a difference to their relationship.

Participant 7 is 28 years old and a law office manager. She lived with her boyfriend for five years and during that time there were numerous incidents involving verbal and emotional abuse. There were only occasional
incidents of physical abuse until after her partner lost his job. She had never called the police, nor had she sought counselling. She had, however, made several efforts to help her partner come to terms with his unemployment. She was determined not to repeat the pattern of her mother by continuing to live with a man who was violent toward her. She did acknowledge, however, that this was not her first relationship with a violent man.

Participant 8 is 31 years old and a seasonal worker with a municipality. She had lived with her boyfriend for about a year and had a three-week-old infant at the time of the incident in question. There had been a history of abuse in the relationship, but the physical abuse escalated following her pregnancy. The police had been involved numerous times, and her partner had a criminal record for other crimes that he had committed. After a particularly violent fight, her partner grabbed her child from her arms, jumped into his car, and drove away with the child. He was arrested shortly after, charged and convicted. Since his release from jail, he has continued to harass her, and her efforts to obtain further protection from the police appear to be unsuccessful.

Data Collection

Patton defines four main methods of data collection in qualitative research: participant observation, questionnaires, telephone interviews, and face-to-face interviews (Patton, 1987). I chose face-to-face interviews using an open-ended interview format to collect the data. This approach was selected because the matter under study was a personal and painful one and a face-to-face approach would allow for the emotional needs of the women to be treated in a sensitive manner. This format also allows the researcher to build
connections with the women being interviewed and is consistent with feminist thinking, which seeks to limit the "alienation of the researcher from the researched" (James, 1986, p. 22).

When the selected women were contacted, the interview process was explained to them in more detail and a meeting was arranged. The first two women interviewed requested that they be interviewed at home. In the first situation, the woman's partner remained in the home. In the second situation, the woman's adult son (who had himself been charged and convicted of assault) kept coming into the living room during the interview. Following these two experiences, I asked each of the remaining women if their partner or other family members would be at home during the interview. If they were, I suggested that we meet either at my home or another location of their choice. If neither their partner nor other family members were at home, I gave the women the choice of being interviewed at their home, at my home, or at another location of their choice. Two of the women chose to be interviewed in their homes, three chose to be interviewed at my home, and one woman asked that I interview her in her office during her lunch break.

To ensure accuracy of documentation, the interviews were audio-taped and then transcribed. None of the women expressed concerns about being audio-taped, although three of the women feared that their partners might get access to the tapes at a later date. They were reassured that the tapes would be kept in a secure place and would be destroyed once the study had been completed. After they understood the confidential nature of the research, their concerns diminished.

An open-ended interview format was chosen because it "explores peoples' views of reality and allows the researcher to generate theory" (Reinhartz, 58
It enables the researcher to collect personal and in-depth responses to specific questions while, at the same time, the researcher can modify or repeat questions if it appears that the participant does not understand what is being asked. An open-ended format also allows participants to digress, to provide more detailed information on personal aspects of their lives, or to offer observations on their situations that may not have been considered by the researcher. As a framework for developing the questions that would be asked, I began with the practical question: What do we need to know about how women who have been battered experience the criminal justice system so that we can identify more effective ways to support them through the process? Emerging from this broad question were a number of issues related to the women’s perceptions, beliefs, and opinions about their efforts to end the violence, about their decisions to involve the criminal justice system in ending the violence, about how the various components of the criminal justice system treated them, and about what factors enabled them to proceed and persist with the process, as well as facts about the precipitating event.

These responses were then compared with the responses collected in the Leighton (1989) study on the opinions of women who have been battered regarding how they were treated by the police, crown counsel, and the judge; of the support they received before and after the trial; of the emotional impact of the trial; and of the outcome of the trial—to ensure that the key components of these women’s experiences with the criminal justice system process were included.

The interview was divided into two parts. (See Appendix B). The first part was intended to elicit standard demographic and background information such as the age of the woman, her occupation, her marital status, the number
of her children, and her children's ages. Included in this first part was an open-ended question asking each woman to describe her relationship and the events that led to intervention by the criminal justice system. Initially, these questions were not part of the interview. However, during the pretest, I found that the women were not able to answer the questions related to criminal justice system intervention if they had not thoroughly discussed the events that led to this intervention. The inclusion of these questions enabled the interview to proceed more smoothly and provided greater insight into the women's motivation.

The second part was structured around five constructs: how the women perceived their treatment by the criminal justice system; the importance of the support from both informal and formal help sources; whether they felt the criminal justice system was an appropriate option for them; whether they had changed as a result of the experience; and how they explained their ability to proceed and persist.

The questions were originally designed on the assumption that all women in the sample would have experienced the courtroom proceedings. As a result, several questions focused on their experience in the courtroom, in particular on their feelings about testifying against their partners and on the support they received during the trial. However, since four of the men pleaded guilty at the preliminary hearing, only four of the cases went to trial. Therefore the issue of "coping with the court process" was not a significant one for half of the women in the sample.

The interview format was reviewed by a victim service worker and a crown counsel working in this area, and some minor revisions were made. As a result of two conversations with staff employed by Battered Women's Support Services,
some additional revisions were made. These questions were refined further following the pretest, which revealed that several of the questions were either too technical, too structured, or lacked clarity. For example, one of the original questions was "What was different about this assault that resulted in the police being called?" The women in the pretest reacted to the word "assault" and had difficulty differentiating this event from previous ones. The question was revised to "Would you describe the events that led to the police being called?" Another original question that required clarification was, "Before 1985, it was up to the woman to lay the charges, now it is the responsibility of the police. How do you feel about that?" The women in the pretest responded with one word sentences. The question was reworded to "How would you describe your reaction when you found out that the police were going to charge/not charge your partner?"

Finally, although the overall format was structured to ensure consistency among the interviews, the researcher was flexible in sequencing the questions based on the individual woman's recollections of the events and her actual experiences with the justice system. This is consistent with the purpose of an interview guide, which Patton (1980) describes as a basic checklist during the interview to make sure that all relevant topics are covered. The interviewer is required to adapt both the wording and the sequence of questions to specific respondents in the context of the actual interview. (p. 198)

The same interview format was used for each interview. However, based on the experience of the woman being interviewed, certain questions would be eliminated from the interview. For example, a block of questions were designed to follow women through each phase of the criminal justice process. If a particular woman's case did not go to trial, those questions that specifically related to the trial process were not asked. Often, the researcher had to ask
only one or two questions for the woman to describe her complete experience. In situations where the woman’s experience appeared to be different or unique, additional clarifying questions were asked. By ensuring that the specifics of each woman’s experience were captured and documented, the richness of the data was enhanced.

Reliability and Validity

There are no scientific tests to determine the validity and reliability of the qualitative research process. Both are dependent upon the skill and competence of the interviewer (Patton, 1987). Miles and Huberman have defined four characteristics of interviewers that enhance reliability and validity: "familiarity with the phenomenon, conceptual interest, a multidisciplinary approach and investigative skills" (1984, p. 46). After working in the field for over ten years, I believe that I have an appropriate level of competence in all four of these areas.

Reliability of a measure has been defined as a measure’s ability to yield consistent results each time it is applied. In other words, reliable measures do not fluctuate except because of the variations in the variable being measured. (Monette et al., 1986)

In this qualitative study concerns about reliability might be stated this way: Would the women describe their experiences differently because their actual experiences were different or because the questions had been asked differently by the researcher? Reliability of the measures was enhanced by audiotaping all of the interviews and by using only one interviewer (the researcher) for all of the interviews. Using only one interviewer ensured that the interview questions were asked and presented in a uniform fashion. Audiotaping the interviews, instead of taking notes, meant that the actual words of the women
were documented rather than the words that the interviewer deemed important. Reliability was maintained when the researcher decided not to include as data the responses of the woman whose interview was not recorded. It is important to note, however, that during the first two interviews, I was distracted by the presence of the partner in one situation and the adult son in the other. While the woman in the first situation seemed relaxed and unaffected by her partner's presence, I felt uncomfortable pursuing certain comments or probing too deeply. In the second situation, it was my impression that the son was attempting to disrupt the interview. Each time he came into the room, the tape recorder was turned off and his mother began to engage in casual conversation with the researcher. Not only was the flow of the interview affected, but I was concerned not to jeopardize the safety of the woman being interviewed, which may have affected the reliability to some extent.

Validity has been defined as

the ability of an instrument to accurately measure the variable it was defined to measure. There must be a fairly clear and logical relationship between the way a variable is nominally defined and the way it is operationalized. (Monnette, 1986, p. 96)

Although the present study was qualitative, efforts were undertaken to establish validity. For example, the researcher was mindful of key factors that might influence the way the women reported their experiences, such as a desire not to condemn the criminal justice system, a desire to please the researcher or the support person who had referred the researcher to them, or a fear of being judged for pursuing or not pursuing certain actions (Charles, 1987). To reduce the likelihood of the women shaping or censoring their responses, I explained the purpose of the study, described my own work in this area, and briefly highlighted my reasons for being interested in the subject under inquiry. I also stressed the confidential nature of the interview and
made it clear that none of their responses would be reported in a way that could identify the woman who made them. Other efforts were also taken to increase validity. The same interview guide was used for each interview and I made no attempt to manipulate the research setting. Face validity of the measure itself was established, by reviewing the questions to determine whether there was a logical relationship between the questions and existing knowledge in the field. This was done by having the questions reviewed by a victim services worker, a crown counsel, and a victim advocate, all of whom are involved with the implementation of the pro-arrest policy.

The meaning that individuals attach to their experience is also deemed to have face validity (Arkava and Lave, 1983). This is consistent with a feminist perspective, which posits that "the analytic use of feeling and experience in an examination of the 'personal' should be the main principle on which feminist research is based" (Stanley & Wise, 1993; p. 174). While it is important that the researcher be aware of external factors that may influence an individual woman's response to specific questions, it is also essential that the experiences of the women who are the participants in this inquiry be validated and accepted.

**Data Analysis**

In the social sciences literature, the research process is often described as a two-step process whereby the researcher first recognizes or identifies a problem to be studied and then conducts the research based on a series of hypotheses expressing the problem or interest to be investigated (Monette et al, 1986). An alternative to this positivist model of conducting research is grounded theory, emergent theory, or naturalistic sociology in
which the "theory is derived from the material collected during the research process rather than a specific problem or series of hypotheses directing the researcher" (Stanley & Wise, 1979; p. 362). Analyzing data using grounded theory methods (Glaser & Strauss, 1967) allows the researcher to generate conceptual categories and a range of properties based on the evidence found in the raw data. The researcher does not try to fit the data into a specific theory but examines the data carefully to determine whether the theory is relevant to the categories and themes that emerged during the data analysis phase.

The data analysis process that I used contained many of the key components of grounded theory. However, given my feminist perspective and my past experiences with developing and evaluating policy for criminal justice intervention in the lives of women who have been battered, my personal biases, past experiences, and preconceived notions did come into play. Therefore the data analysis process undertaken occurred within a feminist perspective that perceives battering as a gender-related crime that reflects power imbalances between men and women in our society and challenges deeply rooted beliefs that battering is a private family matter beyond the intervention of the state. My work with women who seek to end the violence in their lives, as well as my ongoing contacts with service providers working with women who have been battered, led me to a beginning conceptualization of how women proceed and persist with criminal justice intervention, as explained in the discussion of the "causal model of helpseeking". This is consistent with Strauss and Corbin's (1990) belief that an important creative aspect of grounded theory is its theoretical sensitivity (1990, p. 44). Theoretical sensitivity is the ability of the researcher to "recognize what is important in the data and to
give it its meaning" (1990, p. 46). This sensitivity arises from the researcher’s personal and professional experience and appropriate use of the literature, as well as from an ongoing connection to the data through collection and analysis. Therefore, rather than see the presence of a beginning framework as limiting the possibility of generating emergent themes, Strauss and Corbin (1990) encourage researchers to enhance their theoretical sensitivity as a way of stimulating their ability to look at the phenomena inductively.

Data analysis was ongoing throughout the data collection period. After the first interview, the tape was transcribed and notes were made about emerging themes. These preliminary themes were: past history of violence, changed perception of the violence, public concern for stopping the violence, need for formalized supports, and reliance on personal strength. Although none of the questions were changed to elicit these themes more effectively, these themes were watched for during subsequent interviews. If they did not emerge during the interview, but were perceived to be possibly relevant to the individual woman’s experience, they were elicited with further questions.

After all of the interviews were completed, the remaining seven were transcribed and two were selected for coding. See Appendix C for a sample transcript with coding. The transcripts selected for coding were from the interviews with those women who provided the most thorough discussion of their experience and who had the most comprehensive experience with the justice system. In both of these cases, the women had proceeded through each stage of the criminal justice system, although in one case the woman’s partner had pleaded guilty at the trial, while in the other the partner was found guilty by the presiding judge. The first transcript was read using line by line
analysis, which meant that all phrases—or, at times, individual words—that were relevant to the woman's experience of the criminal justice system were examined and labelled. Phrases or words that were deemed irrelevant to the study were circled in red. Examples of phrases that were deemed irrelevant to the criminal justice system experience were one woman's frustration with finding a divorce lawyer and another woman's criticism of her husband's therapist. Although this process was tedious it was extremely productive, and provided a framework to develop categories for subsequent analysis. The first transcript generated 55 concepts. Strauss and Corbin describe concepts as "conceptual labels placed on discrete happenings, events, and other instances of phenomena" (1990, p. 61). A similar process was repeated with the second transcript, resulting in 43 concepts. Following the coding of these two transcripts, a list was made of each set of concepts. When the lists were compared there were a number of identical concepts. Those concepts that were different were compared to determine whether they had similar meanings. For example, five concepts from the first transcript, on the left, could be matched with five concepts from the second transcript on the right.

- fear of increased violence
- children witnessed the violence
- felt validated by police officer
- not going to take it any more
- justice system has a role

- greater risk to self
- impact on children
- police listened to me
- took a stand
- can't do it alone

These concepts were then grouped, based on similarities and differences. In some cases, certain concepts were discarded in favour of others that were more evocative of the woman's experience and therefore more appropriate to the qualitative nature of this study. Following this procedure, the researcher attempted to develop a system of categories and properties based on the coding process. Strauss and Corbin (1990) define a category as a "classification of
concepts occurring when concepts are compared one against another and appear to pertain to similar phenomena" (p. 61) while a property is described as "attributes or characteristics pertaining to a particular category" (p. 61).

The categorizing process went through two stages. During the first stage, concepts with similar meaning were grouped together to determine whether there was a common thread running through them. For example, the following concepts were clustered together because there appeared to be some commonality among them: increased danger to self, escalating nature of the violence, fear for life, risk to child, impact on children, can’t continue to live this way. Upon closer examination, the common thread that linked these concepts was the women’s recognition that the violence in their lives was no longer manageable and that it had ongoing and far reaching consequences. This became the category "Heightened Awareness of Risk". The second stage was to examine the category to determine its properties. For example, the category "Heightened Awareness of Risk" was found to incorporate the properties of perceptions, actions, and beliefs. The women’s perceptions were that they faced an increased risk of danger to themselves and their children. Their actions included their attempts to end the violence on their own by changing their behaviour or by removing the stressors, and their efforts to involve informal sources of help. The women’s beliefs were that they could no longer control the violence and that they had to seek out formal sources of help. By determining specific properties that emerged from each category, I was able to represent the experiences of these women as they proceeded through the criminal justice system more clearly.
This process of categorizing of concepts, and attributing properties to the categories, resulted in four main categories with corresponding properties (See Figure 1 below).

<table>
<thead>
<tr>
<th>Heightened Awareness of Risk</th>
<th>Interaction with the Criminal Justice System</th>
</tr>
</thead>
<tbody>
<tr>
<td>♦ Perceptions ♦ Actions ♦ Beliefs</td>
<td>♦ Accessing Support ♦ Validating Feelings ♦ Empowerment vs Powerlessness</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Formal Helpseeking Efforts</th>
<th>Surviving the Experience</th>
</tr>
</thead>
<tbody>
<tr>
<td>♦ Frequency of Efforts ♦ Range of Activities ♦ Effectiveness of Support</td>
<td>♦ Personal Resilience ♦ Becoming Strong</td>
</tr>
</tbody>
</table>

Figure 1: Preliminary categories with corresponding properties

After this comprehensive coding process had been carried out on the first two transcripts, the six remaining transcripts were reviewed. This time, instead of analyzing each phrase or individual word on a line by line basis, I examined the transcripts, paragraph by paragraph, (see Appendix C) looking for major ideas to emerge that were consistent with, or contrary to, the data that had been previously categorized. This is consistent with the second stage of the open coding process which Strauss and Corbin (1990) suggest be followed after several categories and their related properties have been defined.

I also listened to the audiotapes again to ensure that the preliminary categories accurately reflected the experiences that these women described, to determine whether additional categories emerged, and to begin to select those examples which best described the categories produced. During this process, I discovered that one of the categories--formal helpseeking efforts--appeared relevant only in those cases where there had been a history of violence and
the women had sought out formal sources of help in the past. This category did not emerge with any clarity in those cases where there had been no previous history of physical violence or where formal sources of help had not been previously involved. Consequently, the category was redefined to focus on the women's recognition that criminal sanctions were required to end the violence, even if they themselves did not call the police. Using this definition, the efforts of those women who had made previous efforts to seek out formal sources of help to assist them in ending the violence in their relationships could also be represented. This new category was called "criminalizing the violence". This label captured the different ways that the police became involved and it enabled all of the women's experiences to be included. The properties attributed to this category were: initial contact with police, relinquishing responsibility, and safety versus fear. Although the women's experiences with the police were varied, they all recognized that, once the police were involved and the criminal nature of the violence was established, the responsibility for ending it was no longer solely theirs. The audiotapes and transcripts were reviewed one final time to determine whether this new category was a more appropriate fit. The review confirmed the appropriateness of this new category and provided more grounded evidence that supported the emergent categories (See Figure 2 below).
<table>
<thead>
<tr>
<th>Heightened Awareness of Risk</th>
<th>Interaction with the Criminal Justice System</th>
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</thead>
<tbody>
<tr>
<td>♦ Perceptions</td>
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<td>♦ Empowerment vs Powerlessness</td>
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<table>
<thead>
<tr>
<th>Criminalizing the Violence</th>
<th>Surviving the Experience</th>
</tr>
</thead>
<tbody>
<tr>
<td>♦ Initial Contact with the Police</td>
<td>♦ Personal Resilience</td>
</tr>
<tr>
<td>♦ Relinquishing Responsibility</td>
<td>♦ Becoming Strong</td>
</tr>
<tr>
<td>♦ Fear vs Safety</td>
<td></td>
</tr>
</tbody>
</table>

**Figure 2: Final categories with corresponding properties**

In the final stage of data analysis, I looked for key themes that would link the categories and their corresponding properties. These themes may offer further understanding of these women's experiences of the criminal justice system, and in particular the factors that enabled them to proceed and persist with the process. Three themes emerged from this process: the violence must be stopped; the importance of a personal connection; and pride in taking a stand.

In the next chapter, on findings, there will be a detailed examination of the categories, and their properties, that emerged from the data. Specific quotations from the transcripts will be used to support or substantiate the validity of these categories in describing the experiences of these women. Finally, there will be a detailed explanation of the three emerging themes and how they provide links among the categories.
Findings

Three central themes emerged from the data in this study: the violence must be stopped, the importance of a personal connection, and pride in taking a stand. These themes were consistent regardless of the women’s past history of violence, their previous helpseeking efforts, or the number of components they encountered within the criminal justice system.

When women are involved with men who have been violent, or who have shown the potential to be violent, they make numerous efforts to change their partner’s behaviour and their own behaviour in order to reduce the risk of future violence. At some point in the process, the women realize that they can no longer be solely responsible for seeking an end to the verbal or physical abuse in their relationships. Their recognition that the violence must be stopped appears to be the critical factor that moves them from attempting to resolve the problem on their own, or with the informal help of friends and relatives, to seeking out more formal sources of help.

However, apart from their own commitment to stopping the violence, the women believed that it was the personal connection they had made with a victim advocate, police officer, or probation officer, that enabled them to continue with the process. The women described this personal connection in various ways, but the common thread was their perception that this person (or persons) showed empathy and/or provided assistance that exceeded their expectations. They noted a personal quality to their interaction with a particular police officer, probation officer, or victim advocate that transcended the ascribed professional roles and which made the women feel that they were being
responded to based on who they were rather than on what had happened. This personal connection seemed to withstand other, less positive, experiences the women may have had with other service providers or criminal justice system personnel and was referred to throughout their interviews with the researcher.

Finally, each of the women expressed pride in her ability to take a stand and proceed through the criminal justice system. Even those women who continued to live with their partners—and in one case continues to fear further violence—acknowledged the need to persist with the process.

As these three factors were articulated in a number of different ways throughout the interviews, despite the fact that the nature and duration of the women’s involvement varied significantly, they appear to incorporate many disparate pieces of data and have therefore been labelled as themes.

Four categories emerged from the data: Heightened Awareness of Risk, Criminalizing the Violence, Interaction with the Criminal Justice System, and Surviving the Experience. These four categories are linked together by the themes. They are not discrete: they all interlock and have a significant impact upon one another. For example, the women’s heightened awareness of risk to themselves and/or their children determines the actions they undertake to end the violence. If the violence continues, they may seek out, or agree to support, criminal justice intervention. The involvement of the police, whether called by the women or by witnesses, then results in the criminalizing of the violence, which brings the women in contact with the criminal justice system. Their experiences with the criminal justice system influence how they perceive the process, affect their opinions about how they were supported, and determine whether they agree to persist with the process. Their ability to survive the process is influenced by their interaction with the criminal
As will be established in the following discussion, all of the categories are related to the women's awareness that the violence must be stopped, and reflect the emphasis these women have placed on establishing personal connections with one or more formal sources of help, and on how their pride in taking a stand has transformed them from victims to survivors. These categories will be discussed in relation to the women's perceptions of their experiences with the criminal justice system, to what we already know about how the criminal justice system responds to these women, and to how these factors may influence the direction for future research.

**Heightened Awareness of Risk**

**Perceptions**

The first property of this category is the women's perception of the increased risk that results from their partners' behaviour. All of the women were asked to describe the events that led to the police becoming involved. Seven of the eight women gave examples of their changed perception of their partner's behaviour toward them. These were described variously as a greater intensity in the partner's anger, an increase in the severity of the violence, or an emerging danger to the child(ren). Only one of the women clearly stated that she could not continue to be involved with someone who used violence to resolve conflicts. Two of the women described the growing intensity of their partners' anger:

He said he just couldn't handle stress, it was constantly, I can't handle anything and therefore his way of dealing with things was to get angry, he was angry all the time and always late for everything, it was really erratic, a lot of pressure on me in terms of having to take care
of the children, and I think it finally got to the worst point when my father got ill, he was diagnosed with leukaemia and I just found out that I was pregnant with my second child.

When we first got together, he seemed like a real sweet guy—we had a lot in common—then over time he became more intense, more aggressive, more demanding and then after he had become really angry, he would call me and express remorse.

Three women commented on the increased severity of their partners’ violent behaviour:

A lot of lies, a lot of stealing going on, a lot of mental abuse and then later on more physical abuse toward me even when I was pregnant, he started pushing me around....

There were a couple of times when we’d had like major fights and he had slapped me, but he’d never really hit me before.

There was physical abuse, primarily a slap here and there, not ever hurting me to the point that it was visible. One day he was angry about something, he never told me what it was, I just turned around and it just threw him off, he was calling me all kinds of names and really obnoxious behaviour ... and then he got in such a rage that he came out and knocked me in my mouth.

Two of the women spoke of the increased risk to their child(ren):

two days previously he had pushed me up against the window, pushed me up against the bathroom window really hard, it just shattered, he was hitting walls and pushing me around and that very day I was breast-feeding my son.

My daughter used to complain too. She’s ten years old. At that time, she was eight or nine years old. She used to get mad and upset, she’d sit and cry and that’s what decided me to do it.

The women recognized that the abuse and violence in their relationships were not static, were likely to intensify, and that their individual efforts to stop the violence and establish a non-conflictual environment were not working. The women’s perceptions of the increased risk to themselves and/or their children, and their perceptions that their own interventions were not adequate to end the violence, facilitated their move toward other sources of help.
Although seven of the women perceived increased risks to themselves and/or their children, for two of these it was only when the violence was witnessed by others that they were able to see the actual danger they were facing:

he struck me very hard and when he did that, the children cried out, and when they cried out, some neighbours were alerted, some of the women living in a house with a balcony ... they called the police, and then they came down and intercepted, and actually said they were going to stay with us until the police came.

he came running after me and started slugging me in the head, and I was like shocked I couldn't believe he was doing that ... then the guy who lives downstairs from us came out of the house and then somebody must have called the police, because they got there right away.

Actions

The second property of this category is actions taken following the women's heightened awareness of risk. All of the women mentioned efforts they had undertaken to seek an end to the conflict in their relationships. This property reflects the range of their efforts to de-escalate the situation in the hopes of averting the physical abuse and it clearly demonstrates the helpseeking efforts the women attempted in order to change their relationships. Some women saw staying silent as the most appropriate response, while other women sought counselling for themselves and their partners, and still others tried to remove the stressors they perceived as precipitating the violence:

There wasn't a great deal of abuse initially, a lot of verbal but it seemed to get worse as time went on ... I would either be silent, not talk back and be upset within myself but I would not (necessarily) respond back.

He tended to yell a lot and stuff, but he was also a very intelligent person and a lot of things were really good. But he didn't deal well with this accident. I tried all kinds of things to get him out of this rut but he just couldn't see past it ....
The first time he was physically abusive was about a month and half after our marriage. I moved out right away and got a place of my own. I started seeing a counsellor...and then he consented to see a counsellor for what was happening with us. And then as soon as we moved back in together he decided not to go anymore.

Although all of the women took some form of action, both to protect themselves and to provide their partners with options to the abuse, they were not successful in changing their partners' behaviour. Several of the women had previously contacted the police, but their purpose had been to seek assistance in ending the violence, not to proceed with criminal justice intervention. The following statements reflect the reactions two of the women had in the past about having their partners charged.

I did call the police and as soon as they came, he must have seen them coming because he left. The police were great, they said I have enough to press charges if you want to, there's enough visible evidence, but I said no I don't want to....

Last time I phoned the police, I didn't like it, the kids were so upset, they said, he's changing and now you are going to charge him. I phoned the police and told them to forget it....

One woman regretted that she did not call the police earlier:

I didn't call the police that time. In hindsight I wish I had because that is when I had scars, marks on my body and my girlfriend saw it....

Although the women made several efforts to avert or reduce the abuse and violence in the relationships, they were not anxious initially to involve formal sources of help. They saw the role of the police as restoring peace and maintaining order rather than taking proactive steps to end the violence. This reflects their own beliefs about the causes of violence in their relationships and about their own role in contributing to it.
Beliefs

The third and final property of this category refers to the beliefs that the women expressed about the causes of the violence and about their role in contributing to it. Three of the women believed that alcohol was the primary problem, two women believed that it was their partners' relationships with their mothers that precipitated the violence, and one woman believed that it was her own behaviour that precipitated the violence. Although the women saw an increased risk to themselves and/or their children, it was difficult for them to let go of the belief that they had in some way contributed to the most recent violent incident:

The night that this happened, we'd been out drinking, we'd been out for a really nice dinner and then we ended up sitting in a lounge, and he had a quite a bit to drink and it started with I didn't want anybody driving.

I had asked him to leave so there were a number of things that were happening to him .... it's a series of events for him that led to a really deep feeling of humiliation and reaction so my part of it was a number of things that had gone on .... I asked him not to come in, just go and sleep and whatever I said really provoked a reaction on his part.

We had been engaged in an argument already on the bus for about 30 minutes and I, I didn't want to discuss it, and I yelled at him that I didn't want to talk about it anymore, I had enough, and he struck me very hard, it landed here on the base of my jaw and behind my ear and put me in the bushes.

The women's reactions to the violence was strongly influenced by their beliefs about the causes of the violence and their role in precipitating it. In identifying reasons for the violence other than their partners' needs to have power and control over them, they took actions that reflected their belief that they could either forestall or withstand the violence directed toward them. Their reluctance to involve others in their problems despite their heightened awareness of risk illustrates their ambivalence about blaming their partners for the violence or about giving up on the relationship.
However, their beliefs about the violence were not rigid, but evolved and changed over time. All of the women reached the point where they were no longer prepared to accept the violence in their lives. Although four of the women continued to attribute some responsibility for the violence to themselves, two of their comments illustrate how they had also reached the point where they were no longer willing to tolerate the violence.

We used to have arguments, he pushed me or sometimes he might slap me, but I said, why should I, I’ve been taking all this from him and on top of that he’s taking their side ... you understand what I’m saying, if I take all this and on top of this he still treats me (this way) I’m not going to take it anymore....

He was not willing to get help and I just thought I’m not living like this anymore....

At the point that the women realized that they were no longer willing to tolerate the violence, and sought out or acquiesced in the intervention of the criminal justice system, they moved the responsibility for ending the violence out of the private domain of their relationships and into the public realm of the criminal justice system. Whether or not it was their intention in doing so, this action, in effect, criminalized the violence.

Criminalizing the Violence

This second category includes the properties: initial contact with the police, relinquishing responsibility, and safety vs. fear, all of which illustrate the issues faced by women when the violence they have experienced moves from a private concern to a criminal matter. They find themselves no longer playing a key role in responding to their partners’ behaviour and their own safety is no longer solely their own concern. Others are now taking leading roles in what happens and, depending upon the quality of their initial contacts, the women may feel supported by these actions or they may feel
reluctant to have others become involved in their efforts to end the violence. They also find themselves questioning what their future will bring: Will criminalizing the violence mean that they will never have to face physical injury again or will their partners come back to seek their revenge?

Initial Contact with the Police

The first property of this category is the woman’s initial contact with the police. As five of the women had no previous contact with the police, they had no preconceived notions of how they would respond to the situation. The three women who had previously involved the police, but had dropped charges, were reluctant to involve the police and were skeptical about whether the police would be of any assistance. All of the women expressed surprise at the quality of their initial contact with the police. For some of the women, their fear, following the violence, was so great that they were entirely dependent upon police intervention and it was only later that they realized the extent of the support they received. Other women needed to vent their rage and anger at their partners and refused to take up the support offered by the police. The women had diverse reactions to their initial contact with the police: three were surprised at how sensitive the investigative officer was, one was angry that her partner was not arrested, and four were relieved that the police had arrived before they were severely injured. Two women who had been the most frightened by the assaults articulated the most positive feelings toward the officer(s):

There was one policeman in particular ... he was really taking care of me, I was really in shock at that point. ... once he got over taking care of me, he told me what was going on downstairs and I really freaked out. So he stayed with me on that one for a while and talked me through very proficiently.
They were fine, I was crying my eyes out, they were really good, they were fine, they insisted on taking me to the hospital....

The strongest memory for both of these women was of being taken care of and of having their emotional and physical needs attended to. They only dimly remember being informed that the police were planning to arrest their partners and would be recommending that charges be laid.

The two women who had negative experiences with the police in the past also expressed surprise at the quality of the contact with the police:

These police were particularly receptive, unlike some other police that have been here, all they asked me has it happened in the past, and I said yes, and that was enough for them, they were very well informed, they were very receptive, they asked me what I wanted, they asked me what do you want and I said, get him out of here.

By the time the police got here, he was gone. They said phone us in the night when he gets back and they'll come and take him away. So I phoned twice, my son phoned, they never came. This time when they arrived, I had pushed him into the corner, and I was sitting on him, so they came and took him and he didn't like it and he was kept overnight.

The positive nature of the women’s first contacts with the police had a significant impact for all of the women interviewed. While several of them established important relationships with victim advocates or other members of the criminal justice system as they proceeded through the system, six of the women referred to their initial contact with the police on several occasions throughout the interview. Even the one woman whose partner was not arrested, and who had to battle the police bureaucracy in order to have charges laid, commented positively on her initial contact:

he said you might be able to love him, but you might not be able to live with him ... He just said some kind words and then he shared a personal experience of his, of this woman he really loved ... it meant a lot to me coming from a police officer.

It is possible that these women’s positive experiences of the police were related to the severity of the violence they experienced and the injuries
they suffered. Whatever the reasons, these initial contacts were seen by the women as being important factors in their willingness to proceed with charges. This willingness to proceed with charges led to the next property of this category, relinquishing responsibility.

Relinquishing Responsibility

This property captures the feeling of relief that the women expressed when they were informed that their partners were to be arrested and that it was likely that there were sufficient grounds to lay charges. Except for one woman who had been held at knife point and threatened with rape and another woman whose child had been kidnapped, none of the women would have charged their partners on their own. The shifting of responsibility from the women to the criminal justice system was one of the key changes that feminists fought for in their efforts to change the ways the criminal justice system responded to cases of woman battering.

At the time of the initial contact with the police, two of the women were completely unaware of what the police would do when they investigated the matter, two were unclear whether it was their responsibility—or the police officer’s responsibility—to lay charges, and four were completely informed. From the women’s reporting of what the police told them at that time, some of the officers were also unclear about whose responsibility it was. In response to the probe "how were you informed about charges being laid", the women gave the following responses:

they said they would lay charges once they took my statement, they said they would lay the charges.

he said it is up to you whether you want to charge him, I would advise you to charge him because if you don’t he’s going to come back, its going to get worse....
but as I said, the matter was very different, because somebody else called, and now there was no dispute, someone else witnessed me being struck, so all they did was inform me charges would be laid.

Due to the varying accuracy in the information provided to these women, it was unclear to some of them whether their partners would be arrested and who was responsible for proceeding with charges. The three of women who were informed that it was the responsibility of the police to arrest their partners whether the women want them arrested or not, were pleased that they did not have to decide whether to proceed or not:

If I had been given a choice, I would have acted emotionally and I think the victim needs to be protected at that time ... the fact that I didn’t have to make decisions was valuable because I couldn’t have at that point....

I didn’t want to do that but I was pleased that they were going to. Because it took it out of my hands, so I didn’t have to feel guilty about it or whatever. So I was actually quite pleased that they went ahead and did that anyway.

He was pressuring me a lot to drop the charges, but because I didn’t lay the charges, none of that was in my hands any longer.

For five of the women, the violent incident that had resulted in charges being laid also meant the end of their involvement with these men. Although these men attempted to contact them and wanted them to withdraw the charges, the women felt that they were able to withstand the pressure and ignore the manipulation. Three of these women felt that the shift in responsibility from themselves to the system gave them the time and space they required to end the relationship. For the two women who intended to remain in their relationships, the fact that it was the police who proceeded with the charges, rather than themselves, gave them leverage to demand changes in their partners’ behaviour. No longer were they attempting to negotiate for change on their own since their partners were now aware that their behaviour was considered unacceptable by others as well. Although it was difficult for most of these women to see
their partners as "criminals", and although they continued to search for reasons to explain the violence, they did acknowledge the importance of the system's intervention:

if that hadn’t happened it probably would have dragged out a lot longer than it did, so in an odd sort of way I was relieved. Because he had never done anything so serious that I could turn my back on him, so when he did that, it was like--that’s it. Nothing you can ever say or do is going to make me change my mind....

Safety vs. Fear

The third property of this category refers to the middle ground that the women sought to find between their feelings of safety that their partner was not around to hurt them and their fears of reprisals once he was released. The degree of fear expressed by these women was directly related to the extent of violence they had experienced in their relationships. Three of the women had applied for protective orders in the past. These orders were not enforced properly and the women believed that they had been put in extremely vulnerable positions. Based on their previous experiences, two of the women expressed concern about the system’s ability to keep them safe after their partners were released from jail:

I found out later that he had to sign something to agree that he would not be within one block or would not bother us until the court date came up, and then I saw him and I said, Oh my god, there he is, I was scared because I thought he was going to run up and beat me.

Why didn’t they show up when I called? He could have come back and killed me.

The other five women did feel that the system was capable of protecting them and did not believe that their partners would attempt to escalate the violence. Three of the women felt that their (ex-)partners had respected their wishes to leave them alone and recognized that they (the women) were no longer
alone or vulnerable. These women linked their feelings of safety with their pride in taking a stand and believed their new-found strength would enable them to protect themselves in the future:

I have always been so determined that I would never allow myself to be in that situation. Ever since I remember I have had that determination. So for me there was no choice.

Interaction with the Criminal Justice System

The third category of findings is the women's Interaction with the Criminal Justice System. This category covers the women's experiences from the time their partners were arrested to the completion of trial proceedings. There is less data in this category than expected because only five of these women's cases resulted in a trial. The remaining three women were not required to appear as witnesses because their partners pleaded guilty either at the first appearance or at the preliminary hearing. However, during the period between arrest and first appearance, the women faced a number of worrisome questions: What could they expect in the way of information and support? How would they feel about testifying against their partners? Had they made the right decision in agreeing to allow the charges to stand? The women whose cases went to trial faced a number of more complex issues. They encountered a range of criminal justice personnel including crown counsel, victim assistance workers, probation officers, and judges. Some had access to advocacy services, such as These women's Support Services, while others did not. The women experienced delays and setbacks and were often confused by the procedures and rules they were expected to conform to. They saw themselves navigating through a system, often without adequate information, that had significant impact on their futures. They entered the criminal justice system with a range of
attitudes and values about its role and purpose and they left the system with differing perspectives on whether the system was an appropriate form of intervention for women who had been battered. But regardless of what phase of criminal justice intervention the women experienced or the range of difficulties encountered, none of these women suggested during their interviews that they should have asked that the proceedings be terminated.

This category had three properties: accessing support, validating actions, and empowerment vs. powerlessness. These factors were significant to these women and consequently facilitated their decisions to persist with the process and reinforced their sense of pride in taking a stand. The importance of making personal connections emerged again in this category, as the women identified victim advocates and probation officers as the most helpful people during this phase of their journey.

Accessing Support

The first property in this category is that of accessing support. While seven of the women interviewed felt they had received adequate or appropriate support from the police, they felt far less supported in their encounters with crown counsel. Their complaints included not having an opportunity to meet the crown counsel until the actual court day, not being adequately informed by crown counsel of what would be expected of them in court, not feeling like they were being taken seriously by crown counsel, and having to tell their story to several different crown counsel:

I talked to crown counsel and I said I think I should charge him with kidnapping and he said, "You've been watching too many movies," that was his attitude, and I said, "He did take off with my son," and he thought it was just a big joke.
I did have a meeting with the crown counsel—the lawyer from hell. I'm glad they finally changed lawyers, I never did meet the woman, but I spoke to her on the phone and I considered changing because she was not respectful.

The assault happened on February 28th and the preliminary hearing was scheduled for April 6th. I never heard from crown counsel. I had to call to find out the status of the bail order and I had to call to set up an appointment for a court orientation. They [the crown] referred me to victim assistance but forgot to send my file over.

The women expressed confusion about the relationship between themselves and crown counsel. They were under the impression that the crown counsel was their lawyer in this matter and that his or her role was to represent them in court. Three of the five women said they were disappointed in the crown counsel’s performance in court, because they thought that erroneous statements made by the their partners were not challenged and that the impact of the violence on their lives was not stated adequately:

I felt so insecure at that time and I remember walking into Crown Counsel [office] and there was a different lady on than was there previously when he didn’t show up and she was looking at everything, is your name Sharon [the wrong name] she said she couldn’t find my file and then she tells me the judge is half deaf. And I said, there’s no way I am going to win this thing.

By contrast, the one woman whose assault had been witnessed by her neighbours perceived her crown counsel’s performance positively:

During my husband’s testimony, crown counsel was very good in discounting some of his things about like a push with a foot wasn’t a kick, but crown counsel always managed to whittle that down ... when crown was going to give the closing argument, the judge said he didn’t need to hear anymore, he had made up his mind based on what the witnesses had said.

None of the women remember receiving a call from victim services or receiving a follow-up call from the police to inform them of the post-arrest status of their partners. Unless the women sought assistance on their own from a victim advocacy organization, they perceived themselves as forgotten by the system until their court date. One woman—who, of those interviewed, had
experienced the most violent assault--was not provided with any information about the bail hearing and conditions, and was not asked to complete a victim impact statement. Given the seriousness of her case and the potential for further injury when her ex-partner was released, she felt that the police or crown counsel should have informed her of the new alarm system program, which is being piloted by the Vancouver Police Department and These women’s Support Services to increase protection to women after their partners have been released from jail.

The availability of support, from informal sources such as friends and family or formal sources such as These women’s Support Services, was seen as essential by those women who were involved in court proceedings. Not only did these sources of support enable the women to stick with their decision to proceed but they also enabled them prepare for court and cope with the court proceedings:

when he first didn’t show up, I almost felt sorry for him. I thought maybe I shouldn’t have done this and then my friends were talking to me and they said he deserves everything he gets, he used you badly, he’s used your son really badly.

the counsellor did it for me, just the way I could talk it over, not to rehearse, but to know what was expected of me to recount and to recall it over again and again.

I had a married couple that are really good friends, and another close friend and Tracey from BWSS [These women’s Support Services]--they all came with me.

Validating Feelings

This second property of the category was mentioned by seven of the women interviewed. Those women who did not go through court proceedings, because their partners pleaded guilty, felt validated by the system when they were given an opportunity to complete a victim impact statement describing the
impact of the violence on their lives, or when they were contacted by the probation officer who wanted their input on the sentencing recommendations. Those women who appeared in court felt validated when they were asked for their input on the sentencing recommendations or when the judges spoke to sentence. Not only did all of these women believe it was important for their partners to hear about how the abuse and/or violence had affected them, but they also believed that the courts, by seeking their opinions regarding the most appropriate sentence for their partners, were going beyond imposing criminal sanctions and were actually acknowledging their own past efforts to end the violence:

I was satisfied in that I said what I needed to say to let him know, this marriage is done and finished because you hit me and you weren't willing to acknowledge that it was a problem.

I made a statement to somebody about what my requests were in terms of his being in therapy and no drinking around me and he couldn't be in touch with me except with my permission .... that was read out in court and he agreed to all of it.

The prosecutor talked to the judge and said let him go for anger management and alcohol counselling and that's what the judge agreed with and let him go. I was happy because that was what I wanted, was for him to have counselling.

Although the women who participated in the court proceedings appreciated the opportunity to have input, it was the judge's public condemnation of the violence and recognition of their plight that had the most impact. Three of the women were initially doubtful that the judges would be able to see their side of the situation and get past the statements of the defense counsel:

I felt like maybe I was going to lose and I was kind of surprised when the judge did charge him. I was surprised with that but I was also angry because he lied in court and I should have been prepared for that and I felt like Crown Counsel should have said more.

Two weeks of anticipation awaiting for this trial was very stressful and then listening to all these exaggerated statements from his lawyer was
very disheartening. But ultimately thank goodness it was Judge _____, and I believe she saw through it.

Once they heard the judges’ decisions, the fears and anxieties they had experienced during the court proceedings dissipated and they, too, felt that their efforts had been validated:

he did get my victim impact statement, he did listen to my testimony and my recommendation that my husband have mandatory counselling and he had an opportunity to know how I felt about things. I felt his decision was very fair.

[The judge] said, I don’t know what size she is but she seems pretty small and for someone your size to abuse a woman, that’s pretty disgusting. It made me feel good that the judge saw him for the scum he is.

It was nice because this time I was given the power.... I must say the judge worked in my favour. It was a really positive sign, I was really glad to see because I’ve been in court a few times to watch cases where it didn’t go that way.

Six of the eight women were pleased with the terms of sentence. Of the two who were not pleased, one was upset that her partner was convicted on only one count, and the other woman was angry that her partner did not get a longer sentence. Five of the men were released on probation with the condition that they attend court-mandated counselling. The women were pleased with this sentence: they did not want their partners to go to jail, but they wanted them to acknowledge that they were the primary sources of violence and therefore they were primarily responsible for finding solutions. Although not all the women were convinced that the counselling programs their partners were being required to attend were adequate, they felt that it was an important start:

I asked the probation officer when she phoned me what kind of counselling is he going to? She said, alcohol abuse and physical and mental abuse. I said to her he needs more counselling than that. He needs everything.

I feel better because it is helping. My daughter says Dad doesn’t get mad so fast, he doesn’t scream as much as he used to and no he’s telling
me to be quiet, to cool off, not to scream and get so upset. I’m relieved he’s not screaming or behaving the way he was.

**Empowerment vs. Powerlessness**

The third property refers to the women’s experience of alternating between feeling powerless to have a say in the rules and procedures that determine how the justice system operates and feeling empowered by the decision to take a stand. This internal struggle can be seen as part of their search for a role for themselves in determining the outcome of the intervention. It also reflects their questioning the appropriateness of having involved the system. Their usual ways of dealing with their partners after an abusive or violent episode were no longer relevant. Now they had to search for new ways to come to terms with what happened. With this comes much questioning: What happens next? Who will assist me in the process? What happens after he is released? Will he go to jail? Finally, the paradoxical aspects of this property represent the lack of clarity these women had about the role of the justice system in deterring future violence and their uncertainty about whether they would recommend to other women in similar situations that they proceed through the system.

Few of the women had any previous experience with the justice system. Six of the eight women referred to traffic tickets as their only previous involvement with the police, two women had past involvement with the police related to their partners’ past violence, and one woman had links to the criminal justice system through her employment. In addition, seven of the eight women felt that their initial interaction with the police had been appropriate or positive. When asked the question, "Before you became involved in the justice system did you have any opinions of its effectiveness?" only
one woman had any previous connection to the system and any understanding of
the roles of the various professionals or the adversarial nature of the
criminal proceedings. The remaining women based their opinions of the justice
system on media reports, other people's experiences, or television. They
described the system as being unfair, as being anti-woman, or as siding only
with people who had money. These two women's comments capture the feelings of
seven of the eight women interviewed:

I find it appalling the very light sentences that people get for things
like rape and I would imagine there's physical abuse involved as well. I
think the whole process of making a woman go to court, the process of
making it look like her fault, and putting a person through that is
wrong.

probably unfair, although I didn't have any concrete personal
experiences with it. I certainly knew of the injustices in the system.

As described previously, most of the women did not feel that they were
adequately informed of what to expect following the laying of charges or that
they were sufficiently prepared to be a witness. The sense of empowerment they
experienced in finally taking a stand against the violence, when they involved
the police, was frequently eroded by their feelings of powerlessness that
resulted from not being aware of or not understanding the next stages of the
process. Only the three women who had sought assistance from a victim advocacy
group expressed a sense of being empowered during the process:

I got so much support from BWSS that ... they gave me a strength to go
forward and it helped me come to terms with what our relationship had
been for so long, it really made it clear to me, and that was good,
there was no more glossing over, pretending or denial, it was really
happening, it was cathartic.

we had the police into BWSS and Chris was there. It was really great. It
was great to have those women as a support system. It was like a big
clock was ticking all this time--you have to do this, you have to do
that....
These positive feelings are contrasted with the feelings of another woman who went to court on her own. The police had collected sufficient evidence to prosecute her partner’s assault as an indictable offense, and she was not required to testify, but she was terrified about facing her ex-partner in the courtroom. Although the accused was convicted and given a jail sentence she felt:

completely vulnerable and alone, the terror I felt was inextricably linked to the power of the criminal justice system.

Yet, despite these feelings, this woman also thought that she had been treated with dignity and respect and believed that the justice system was a deterrent to future violence in relationships.

The contradictory feelings the women experienced were most evident in their responses to the questions related to whether they saw the justice system as a deterrent and whether they would recommend the same route for other women who were in similar situations. Seven women felt that involving the justice system was a deterrent to future violence and felt that their partners had learned some important lessons from the proceedings. One woman passionately stated that one of the most important aspects of going through the justice system was

to let him know that it wasn’t just me, it’s not just me that’s trying to give you a hard time, this is a criminal offence and it’s not allowed, it’s not O.K. to do that to people.

The one woman who did not feel the justice system was a deterrent found herself in an extremely frightening position when her ex-partner was released from jail. Although he had been convicted and had spent three months in jail, no one in the system thought to inform her when he was released. Immediately following his release, he began harassing her and she was informed that the police could not do anything unless they actually caught him in the act.
experience tended to neutralize for her any sense that she had benefited from proceeding through the justice system.

The expected link, between believing that the justice system was an effective way to deter further violence and recommending that other women take similar action, was not present in these interviews. Three of the women said they would recommend to other women that they just leave the relationship and two of the women suggested that therapy was a more appropriate option. Only two of the women said they would recommend the justice system to other women, and both included reservations:

I would really encourage her to do so, but only if she was physically safe [and] she needs to have a supportive network around her from the legal community as well as her own community.

I would tell her about BWSS first of all. If you are going to do anything, do it through BWSS.

In reflecting on their experiences with the justice system, the women were able to identify specific persons or particular incidents that they believed played important roles in supporting them through the process. Their awareness that the violence must be stopped and their ability to make strong personal connections with one or more persons clearly shaped and influenced their interactions with the justice system. Yet despite their belief that the criminal justice system could be an effective deterrent, they were reluctant to recommend this process to other women, unless these other women had viable support systems.

From the intensity in their voices and from the anger some of the women expressed regarding their treatment, in particular by crown counsel, it was evident that these women had great difficulty achieving a balance between feeling powerless and feeling empowered. The relief they felt when they were able to relinquish responsibility for ending the violence by involving the
police appeared to be replaced by frustration and anger as they moved deeper into the system.

Surviving the Experience

The final category of findings is Surviving the Experience. This refers to the personal and social resources the women accessed in order to cope with the uncertainties that followed the laying of charges, as well as the steps they took to heal from the emotional fallout created by living in a violent relationship. Part of their surviving was to learn to believe in themselves again and to build upon the skills they had acquired in the past to cope with their relationships. The other part of their surviving was for the women to learn to speak out for what was important to them and to find out who in the system might help them. For two of the women, it meant rebuilding their old relationships on a nonviolent basis and for the remaining six women it meant learning to live on their own. The two properties of this category are personal resilience and becoming strong. There was strength in the women’s voices when they talked about their own role in surviving the process. They clearly felt that it was their own determination that enabled them to do so and they had a strong sense of pride that they took a stand and insisted that the violence must be stopped.

Personal Resilience

Seven of the women suggested that there were some internal qualities that they possessed that enabled them to proceed and cope with the obstacles and barriers they faced along the way. This property of personal resilience appeared at the very beginning of the interviews through three of the women’s
descriptions of why they called the police, and was reinforced when they were asked the question: When you think about what you went through, what was most important to you in enabling you to persist with the process? While all of the women gave a number of concrete reasons for entering the process (see above: Heightened Awareness of Risk) they also referred to several subjective factors that were related more specifically to their own sense of what they were prepared to endure and to their feelings that they did not deserve to be victimized. The following comment is from the woman whose partner suggested that she drop the charges and that they go to couple counselling:

I’ve always, always, said that I will never put up with physical abuse from a man, as long as I can remember. Like, Michael suggested we go for counselling and I’m like, no, I don’t want to go--you’re the one with the problem.

Only one woman actually credited her own resilience and life experience with enabling her to cope with this difficult experience. Although the other six women did not necessarily have the exact words to describe explicitly what enabled them to persist, three of the women talked about internal motivations that enabled them to remain resolute:

I don’t know why, but I just know that I had to make a stand for myself and who I was, to say no, this is not O.K.

I said to myself, I don’t deserve to be abused and I felt angry, he should pay for what he did, he’s gotten away with this stuff much too long.

I never felt as guilty as my husband tried to make me feel for going through with the whole story, he dropped it less and less, he tried to humiliate me, but it wasn’t sticking this time, I felt really right about it. So the ability to go forward was really good.

It is unclear from these comments whether it is accurate to separate their personal resilience from their heightened awareness of risk as described in the first category. For some women, these were inextricably linked, while for others, their primary motivation was safety and they were not aware of
their resilience until they later reflected on the process. What is more intriguing is that the women saw themselves as strong and capable of calling upon their internal resources in order to cope with the proceedings. During the interviews, the women did not express feelings of guilt, blame, or shame about their decision to proceed or about their roles in having their partners convicted. Three of the women did acknowledge that in the past they may have been convinced to withdraw charges and to try and resolve their problems privately. But this time, they emphasized, they were determined to proceed. What was even more interesting was that although all of the women recognized at least one special person who had helped them along the way, when the women looked back on the process, they saw themselves as contributing significantly to the final outcome:

> Overall, I know what my rights are and I know now how to seek out my rights without going through lawyers. I wouldn't allow anyone to walk over me as I did for so long and I suppose I’m not afraid ... I feel that I’ve done the right thing.

> I’ve certainly learned a lot about the justice system. I’m not afraid of cops anymore [and] I just know that I did really well in that courtroom and everybody would have picked up on that. That would have influenced the judge and everyone there.

**Becoming Strong**

The property of surviving the experience emerged from the final question in the interview: If you could pick a word or phrase to describe yourself through this process, what word would you select? Six of the women selected words such as "strong", "assertive", "independent", and "tough". One woman selected the word "martyr" and then went on to describe how there was no way she would ever again become involved with a man who was a "male chauvinist". Another women described herself as "vulnerable" and "mortal" and still living
in fear of her ex-partner’s release. Her feelings are understandable, given the fact that her ex-partner has been deemed dangerous enough for the police to supply her with a silent alarm mechanism. Yet even this woman believed that she had survived her experience and now wanted to work to support other women who were in similar situations.

The final statements of these three women capture both the eloquence and the humour the women expressed when talking about how they perceived their own transformations from victims to survivors:

Inner strength. I think I keep summarizing it in faith and I’m comfortable with myself. I don’t have any qualms about what happened. I don’t feel as though there’s anything I have to feel guilty about. I can live with myself.

It has made me feel stronger, it has made me listen to myself, in a number of ways, knowing what feels right, listening to what feels right, and acting upon it.

Strong. That’s pretty amazing because I’ve spent all my life just listening to other people and trusting other people and just not trusting who I am at all. I’m buying a pair of Daytons now—you know, Surrey biker boots.

These properties of surviving the experience: personal resilience and becoming strong, arise from the data and express both the coping strategies women brought with them to the process and the personal insights and skills they gained by being part of the process. Again, this category is clearly linked to the other three. The factors that facilitated the women’s entry into the justice system: their initial contacts with the police, their interaction with other components of the criminal justice system, and especially the support they received and the validation they experienced, all have an impact on their surviving their experiences. For example, if the woman did not have a positive experience with the investigating officer or if she was unable to access support during the initial phases of her entry into the system, it was
likely that she would feel disempowered and invalidated by the process. Her fears about reprisals may have resulted in her request that charges be withdrawn, consequently terminating the proceedings. Although each of the four categories has unique properties, they are closely linked to each other and illustrate the stages these women move through as they seek an end to the violence in their lives.

The women interviewed are at different places in the surviving process. For those women who are attempting to rebuild relationships with their partners, there is both caution and hope. For those women who have recently completed the process, their strength is embryonic and tentative. They are still recovering from some of the more difficult aspects of the process. Those women who have had the time to reflect on their decision are confident that they made the right decision and optimistic about their futures. Yet none felt positive enough about their experience to recommend it unequivocally to other women. Their faith is in themselves and in their own abilities to survive and overcome the barriers and obstacles placed in their way.

The final chapter will integrate the findings described in this chapter with the understanding of these issues expressed in the current literature. The relevance of these findings to the "survivor hypothesis" will also be examined. Finally, the implications of the findings for social work practice women who have been battered will be discussed.
This concluding chapter consists of three parts: In the first part, the findings of the present study will be compared to previous studies of women's experiences of battering and their treatment by the criminal justice system, and to the current literature on women's helpseeking efforts as described in the "causal model of helpseeking" in the second chapter. In the second part, the implications of these findings for policy and practice will be discussed. In the third part, the limitations of the present study will be examined and questions for future research will be explored.

Integration of the Findings with the Literature

Frieze's (1979) study of the perceptions of battered women found that, while most of the women initially blame themselves for the violence, once they start to attribute the cause of the violence to their partners, they can begin to take an active role in first trying to change their own behaviour and then trying to change the behaviour of their partners. Only when these efforts are unsuccessful do these women seek out other sources of help. Their changed perception of the responsibility for the violence indicates, as do the findings in the present study, that the women's experiences of the battering evolve over a period of time and do not remain static. Most of the women look first to themselves for solutions to stop the violence and look second to their partners or to other sources of help for solutions. Unlike Frieze's findings, however, when the women in the present study correctly attributed
the cause of the violence to their partners, more than half of them were still unwilling to seek criminal justice intervention. It was only when these women experienced a heightened awareness of risk, and believed that their partners' behaviours extended beyond what they could control, that they were prepared to involve formal sources of help. Although all of the women went through their own processes to reach a place where they could shift the responsibility for the violence from themselves to their partners, other factors, in particular the personal safety of themselves or their children, came into play before they could proceed.

Ferraro and Johnson (1983) documented the stages that women go through in experiencing the violence, and the catalysts that enable the women to redefine the violence. They identified six factors that influence these women's decisions to seek help to end the violence: change in the level of violence, change in the relationship, severe despair, change in the visibility of the violence, and external intervention. Again, there are similarities and differences between the catalysts and corresponding actions described by Ferraro and Johnson and the catalysts and corresponding actions found in the present study. In the present study, three of the catalysts emerged as important factors in enabling the women to take action: change in the level of violence, change in the visibility of the violence, and external interventions. A fourth factor not mentioned in Ferraro and Johnson's study that was very important to these women was the risk to their children. In the present study, the women identified both physical and emotional risks to their children, as well as the risk to themselves of losing the respect of their children if they continued to remain in the violent relationship.
Ferraro and Johnson (1983) and Bowker (1983) found that, once these women begin to take action to end the violence, they most frequently seek out informal sources of help before they involve formal sources of help such as therapists or police. Although the present study did not specifically document the range of help-seeking efforts that the women undertook before the criminal justice system became involved, three of the women interviewed mentioned seeking assistance from family and friends: all of these three women came from cultures that place great importance on the role of extended family members in resolving family difficulties. Two of the other women had previously sought assistance from formal sources of help other than the police: both of these women had spent time in transition houses and had attended counselling sessions on their own. Unlike Ferraro and Johnson’s findings, it was difficult to document any clearly defined stages of help-seeking undertaken by these women, beginning with the least formal and intrusive sources and ending with the most formal and institutionalized sources. Their past histories of violence, their perceptions of the danger and/or risks involved, as well as the actual circumstances that resulted in police intervention, all appeared to be more significant than the specific forms their help-seeking took or the sources of help they sought out.

Leighton’s (1989) study of women’s experiences of their treatment by the criminal justice system made three observations that have significant relevance to these findings. He found that, although most of the women wanted the protection and support afforded them by criminal justice intervention, they were often ambivalent about actually proceeding through the system. In particular, he found that the women were reluctant to support the criminal charges laid by the police. Although his findings have been echoed in a number
of anecdotal reports produced by members of the criminal justice system, the present study does not support that conclusion. It is true that the women were ambivalent about actually becoming involved in the proceedings, but they also were relieved to be able to relinquish sole responsibility for ending the violence in their relationships and to have the criminal justice system impose formal sanctions on their partners' behaviour. Although several of the women in this study were uncertain about whether they would have agreed to charges being laid if they had been solely responsible for making the decision, they strongly supported the decision once it had been made. Their conviction that criminal charges were the most appropriate form of intervention may have been strengthened by the presence of the second factor identified by Leighton: the attitudes of individual personnel who have contact with the women as they proceed through the system. As in Leighton's study, all of the women interviewed commented on their interactions with individual members of the justice system. In the present study, almost all of the women's initial contacts with the police were positive and these encounters appeared to influence their decisions to cooperate with the process. As did the women in Ferraro's (1989) study, however, these women also differentiated between attitudes and actions. The police did not consistently comply with the policy by arresting the batterers, even after they made it clear to the women that there were probable grounds to charge the men with assault. In three of the eight cases, although the officers were supportive and suggested that an assault had taken place, they implied that the actual decision to proceed with charges was up to the women themselves and not the criminal justice system.

The women's positive experiences with the police were in direct contrast to the negative experiences many of these same women reported having with
crown counsel. Leighton found that those women who encountered patronizing or insensitive attitudes on the part of individual intervenors felt that the system failed to meet their needs. The women in this study did not express such strong views, nor did they judge the whole process by their less than satisfactory contacts with crown counsel. However, at best they were skeptical that their crown counsel would present their case in an appropriate manner, and at worst they felt powerless to ensure that their experiences would be accurately presented to the judge. Yet, unlike the women in Leighton’s study, the women in the present study persisted with the proceedings and ultimately felt vindicated by the outcomes. The third point raised by Leighton that is also relevant to this study is his observation that the justice system is not a system at all, but is in fact a series of component and autonomous parts each with their own specific tasks. For those women who did not require ongoing protection following the arrest and laying of charges, this observation had little consequence. However, for those women who required ongoing communication with members of the criminal justice system and needed up-to-date information on their partner’s activities, this was a dangerous reality. The women’s most vociferous complaints about the criminal justice system were related to the administration of various protective orders and to their perception of the system’s questionable commitment to maintaining their ongoing safety.

The most important factor to articulate in comparing this study with the studies conducted by Frieze (1979), Ferraro and Johnson (1983), and Leighton (1988), is the determination of these women to end the violence in their lives, and their recognition that they needed the justice system to assist them in ending it. Despite their frustrations and fears, they proceeded with
the charges and persisted with the process. They acknowledged that there were
times when they wanted to withdraw from the process and that they were often
doubtful that the system ultimately would help them. Yet even with these
doubts, they believed that it was necessary to complete the process and to
take a stand against their partners' violence. This contradicts the literature
that describes women who have been battered as incapable of taking a stand
(Walker, 1979, 1984) and also challenges the belief of many criminal justice
professionals, as noted by MacLeod and Picard (1989), that these women can be
easily dissuaded by their partners from pursuing charges. The fact that these
women did proceed and persist with the process and, more importantly, that
eyesaw themselves becoming stronger as a result of their experiences, could
be challenged by those who say these women represent a very small minority of
women who actually proceed with the process. Other factors, such as the
visibility of violence in two of the situations, the severity of the violence
in a third situation, and the relative sophistication of the women
interviewed, could also have contributed significantly to these women's
decisions not to withdraw from the proceedings. While these factors are
important to consider and will be discussed again when examining the
limitations of the study, it is equally important to stress that these women's
determination to end the violence, their obvious pride in taking a stand, and
their strong will to survive the experience should not be seen as
extraordinary. These qualities of resilience and personal strength have been
documented in the lives of many victimized women, and have been seen as
important qualities to build on when working with women who have been sexually
assaulted (Burgess & Halmstrom, 1974) or who have experienced childhood sexual
abuse (Butler, 1982; Herman, 1992).
What is particularly interesting, and is not reflected in any of the literature reviewed, is that despite these women's beliefs that the justice system could serve as a deterrent to future violence, and that they had benefited personally from completing the process, they were uncertain whether they would recommend that other women proceed with charges. It is not clear whether they felt this way because they see the decision to proceed as an intensely personal one, or because they see it as being taken out of women's hands once the police recommend that charges be laid. Do these women recognize that each woman has to arrive at this decision in her own way and at her own pace, and that other factors, such as her perception of the degree of risk, her past experiences with formal sources of help, and her initial contact with the intervenors, will influence her course of action? Is their trust in the criminal justice system based more on the quality of their own interactions with particular persons than on a policy that enables women to relinquish, to a larger system, the responsibility for ending the violence? These questions were neither asked, nor answered, by the present study. What is apparent from this present study, however, is that the women's past assumptions about the criminal justice system, and their perceptions about the weaknesses of various components within the system, are secondary to their own beliefs about what enabled them to proceed and to persist with the process. Almost without exception, these women credited their own determination to end the violence to their warm encounters with an intervenor, and their personal resilience to overcome various obstacles put in their way. While the proactive charging policy created a more conducive and empathetic environment in which these women could make their decisions, and in fact enabled them to relinquish sole responsibility for ending the violence, these women saw themselves as active
participants in the process. They were confused and uncertain about what was expected of them, and at times they even felt shut out of the process, but implicit in their comments is their belief that they had to be active and vigilant participants in order for the proceedings to succeed.

The present study set out to explore the decision-making process that women who have been battered undergo when they decide to proceed with criminal justice system intervention, and to document the specific factors they identify as enabling them to persist with the process. To provide a framework for conceptualizing this process, Gondolf and Fisher's (1988) causal model of helpseeking was examined. The model suggests that women living in violent relationships engage in a wide range of helpseeking efforts in order to end the violence, that their efforts to seek help increase in direct proportion to the severity of the violence, and that the range of activities they undertake expands as their partner's antisocial behaviour intensifies. Based on the results of their research, Gondolf and Fisher found that these women are survivors and that their efforts to seek an end to the violence reflect the same qualities of determination and resilience that we attribute to others who survive life-threatening accidents or diseases.

The women in the present study reveal some of the characteristics described in Gondolf and Fisher's study. At the same time, there are some emergent data that do not necessarily fit with their model. For example, in Gondolf and Fisher's study, all of the women had long histories of living in violent relationships, had engaged in numerous personal coping strategies, and had sought out several informal sources of help before turning to the more formal sources. Most of the women had spent some time in a transition house or a women's shelter and had sought out various advocacy services. The women in
the present study had diverse histories of violence: for one woman, this was
the first incident of physical abuse, while another woman had lived with the
violence for over twenty-five years. Only two of the women in the present
study had spent time in a transition house. Of the four women who had
previously involved the police, only two complained of poor treatment by the
police in the past. These two women responded to their past treatment
differently: one was uncertain whether her needs for safety and ongoing
protection would ever be met, while the other became more determined than ever
to pressure the system to respond appropriately. Consistent with Gondolf and
Fisher's findings, however, the increased severity of the violence, and the
women's perceptions of increased risk to themselves or to their children,
intensified their efforts to seek help.

As did the women in Gondolf and Fisher's study, these women did not see
themselves as passive or helpless. While they acknowledged the effects of the
violence on their self esteem, and openly discussed the fear they felt when
facing the violence, they also saw themselves as taking an important stand.
Again, the journey they took to reach this place is not easily documented.
Their personal transformations from victims to survivors took many forms, but
did not necessarily follow the almost linear process described by Gondolf and
Fisher. This may be due to the fact that their research focused on women
residing in transition houses, many of whom had not been helped when they
sought assistance from the police. For three of the women in the present
study, it was the actual criminalizing of the violence, whether as a result of
their own efforts or as a result of others, that put them in a position to
reflect on the violence in their relationships and on the personal coping
strategies they had used to protect themselves from injury. For four of the
women, the criminalizing of the violence was the successful conclusion of numerous efforts to engage formal sources of help. And for one of the women, the criminalizing of the violence brought her to the realization that she faced the likelihood of ongoing violence in her relationship if she did not take steps to end it. Unlike Gondolf and Fisher's findings, it appears that, in the present study, the characteristics that enabled these women to take a stand did not precipitate the criminalizing of the violence, but emerged instead as a consequence of criminalizing the violence.

Another criteria that Gondolf and Fisher used to substantiate their "survivor hypothesis" was whether or not the women decide to leave their partners and live on their own. They found that women are more likely to leave their partners if there are sufficient resources available to support them with their decisions. They list three critical resources: income assistance, job opportunities, and child care. They did not find that other factors, such as the severity of the abuse and the women's backgrounds, are as influential in supporting the women's determination to end their relationships. The one factor that they found to be more significant than economic independence, to the women's decisions to maintain or end their relationships, was whether their partners enrolled in specialized counselling. The present study did not produce such clear findings regarding what factors influenced these women's decisions to maintain or end their relationships. Five of the women were employed in comparatively well paid jobs, and two of these women had children. Of the remaining three women who had children, one was on welfare and the other was employed on a seasonal basis. Neither of these women have sufficient financial resources to support themselves and their children adequately. One woman is committed to maintaining her relationship, while the other woman is
adamant that she will never see her partner again. Although four of the eight men were ordered to attend mandatory counselling, only two of the women agreed to let their partners return. These two women's decisions to maintain their relationships appeared to have less to do with economic factors and more to do with social and cultural factors. In one situation, the woman was from a culture that frowned on divorce, while in the other situation, the woman felt that her young children needed a father. In both cases, however, these women were hopeful that the strength that they gained from persisting with the process, combined with the impact on their partners of being convicted of assault, would enable their partners to acknowledge their responsibility for the past violence and begin to make the necessary changes for a nonviolent future. The remaining six women attributed their decisions to end their relationships to their determination not to be involved with men who were violent. As well, four of these women made a direct link between the self confidence they had gained from taking a stand against their partners' violent behaviour and their decisions to live on their own. Unlike the women in the study by Gondolf and Fisher, none of the women in the present study raised any connections between their relative financial independence and their decisions not to return to their partners. This may have more to do with the particular profiles of the women who agreed to be interviewed for the present study than with the economic and social realities for most women living in violent relationships.

Dobash and Dobash (1992) also explored women's helpseeking efforts. They describe a two-stage process whereby the women first attempt to negotiate nonviolent relationships using their own personal coping strategies, including leaving the relationship to demonstrate to their partners that they are
serious about the need for change. When they reach a point where they realize that their efforts are not successful, the women proceed to the second stage where they actively seek help to end the relationship. During this stage they frequently approach formal sources of help to assist them. Unlike the findings of Dobash and Dobash, the present study did not find that the women followed a set of such clearly delineated steps. However, if this first stage described by Dobash and Dobash is redefined as the women’s "private" efforts to end the violence, and their second stage is redefined as the women’s "public" efforts to end the violence, Dobash and Dobash’s findings are relevant to the present study. The same survivor characteristics of resilience and determination, that Gondolf and Fisher (1988), and Dobash and Dobash (1992), documented in the women’s private efforts to end the violence, were revealed in the present study’s examination of the women’s public efforts to end the violence. Thus, once the violence was criminalized and became public, the women had first to acknowledge that their own efforts needed to be reinforced, and second to call upon their internal resources to see them through the process. Initially the women credited other factors with enabling them to proceed, in particular their initial contacts with the police, but when they had an opportunity to reflect upon the process, they also saw their own significant contributions to the outcomes. However, it is important to note that, although the women personalized their experiences, several of them commented on society’s changing perception of women who have been battered, and on how those changes may have influenced the attitudes of people within the criminal justice system. This was particularly true for the two women who had sought assistance in the past. While all of the women focused on micro issues that made a difference to them and that facilitated their decision to persist, they were
also affected by macro issues, such as society's recognition that violence against women is a social problem and not a private matter, and the implementation of policies that prescribe a proactive role for the criminal justice system in protecting women from harm.

Both Gondolf and Fisher (1988) and Dobash and Dobash (1992) stress the importance of appropriate responses, by formal sources of help, to these women's efforts to end the violence. They describe the women's various attempts to obtain help, and their many frustrations with the systems of intervention. They believe that the women increase their efforts in direct proportion to the frequent frustrations they experience with the services they seek out. However, in the present study, seven of the eight women describe their initial encounters as being positive, and also comment on the importance of other supports, such as victim advocacy services, in ensuring that their needs were met. Only one of the women found herself having to increase her efforts in order to obtain the response she wanted. Yet even though these women had positive experiences and were not frustrated in their efforts to obtain support, they still demonstrated the survivor characteristics of determination and resilience. What this finding suggests is that the quality of the surviving experiences, as perceived by these women, is directly influenced by their personal interactions with key intervenors and the availability of support along the way. Yet their actual efforts to overcome the obstacles they encounter, as they move through the proceedings, may, in fact, happen whether they receive the required support or not. Although it is clear from the present study that the women's initial contacts with key intervenors were critical to their decisions to proceed, it is not clear how
important the availability of ongoing support was to ensuring that they persisted with the process.

The helpseeking model provides an important framework for understanding what factors motivate women to proceed and persist with criminal justice intervention. By reframing their experience of the battering, and documenting their many and diverse efforts to end the violence, this model focuses on the strengths and inner resources each of the women bring to their experience. The findings of the present study show that the range of helpseeking efforts and survivor characteristics identified in past studies were also present in these women as they moved through the criminal justice system. These findings indicate that the helpseeking model is useful in understanding and describing the efforts of these women to end the violence, even after they relinquish sole responsibility for ending the violence to formal sources of help. What the helpseeking model does not address, which this present study was able to document only in a preliminary fashion, is what other factors need to be in place before these women can access their own survivor characteristics, and how these characteristics can be nurtured and reinforced by service providers and criminal justice personnel. The implications for policy and practice, will be addressed in the next section of this chapter.

**Implications for Policy and Practice**

Hoff (1990) states that long-held beliefs regarding women who have been battered and their roles in stopping the violence have formed a "powerful foundation for both victim blaming and self-blame" (p. 229). These beliefs have shaped the attitudes of service providers toward these women and have influenced the preferred forms of intervention. Terms such as "battered
woman’s syndrome" and "learned helplessness" have been used to pathologize the violence and to shift explanations of the causes of this violence from social and economic concerns to individual difficulties. Hoff believes that much of the feminist research on women who have been battered has challenged these beliefs by documenting that:

battered women are knowledgable, capable people who have developed diverse strategies for coping within the violent relationships, as well as when they leave it. Their ability to cope with life threatening crises in spite of self blame and intimidation from others that they were somehow responsible for their plight, reveals them more as survivors than as helpless victims. (1990, p. 228).

Yet, despite this research, she argues that many health and human service professionals fail to see or ignore the efforts the women make to end the violence in their lives. By their attitudes and actions, many have colluded with the traditional view that violence in intimate relationships is a private matter to be resolved by the family members themselves. She asserts that, if the public were aware of strong survivor characteristics found in these women, there would be a profound change in how society views women who have been in violent relationships. If the research that confirms the presence of these positive characteristics were known and accepted by professionals, it would have important implications for both human services practice and public policy development. She presents a powerful argument for ensuring that human service providers and criminal justice professionals locate the solutions to the violence within social and economic contexts and join publicly with the women in their efforts to end the violence. While the ultimate goal, according to Hoff, ought to be the eradication of violence through the achievement of social and economic equality and the elimination of sexism, a more immediately achievable goal must be the development of policies and practices that are
sensitive to the needs of women who have been battered and that are designed to nurture and strengthen the women's coping skills.

Since 1985, the major focus of social policy in the area of violence against women in relationships has been on the role of the criminal justice system in responding to these cases. The evolution of this issue from private matter to public concern has been described in detail in the second chapter of the present study. Although all professions have been called upon to examine their role in protecting and supporting women who have been battered, shelter workers and police officers have been identified as having pivotal roles in ensuring these women's safety. While the women's movement has played an important role in defining battering and in explaining its impact and consequences on the lives of these women, it has been the shelter workers who have transformed this theoretical understanding of violence into their daily practice. Their work has focused on the need to de-personalize and de-pathologize the battering, and to locate its causes clearly within a socio-cultural context. Shelter workers have developed practical tools to provide women with the information and skills they need to navigate through the various systems of intervention. They have committed themselves to a model of empowerment for working with the women and they are critical of any approach that judges or devalues the actions taken by these women. Yet MacLeod (1987) estimates that only about 10% of women who are battered seek help from transition houses or other front-line services, and that most women seek more traditional forms of help such as doctors, clergy, private counsellors, or social workers (p. 63). It is thus essential that social workers understand the nature and dynamics of violence against women, and can provide these women with substantial support, whether the women are trying to save their intimate
relationships or to end them. However, because the present study focuses on the women's experiences of criminal justice intervention, and because only one of the women interviewed had any specific contact with a social worker, the major focus of this section will be on criminal justice policy and practice, and only incidentally on social work policy and practice.

MacLeod and Picard (1989), in their analysis of what women who have been battered need from criminal justice system, identify six needs: for protection, validation, information, financial support, empowerment, and justice. With the exception of financial support, the present study confirmed that these factors are critical to supporting women who have lived in violent relationships through a painful and difficult process. The present study also suggests that these women need to be approached not as stereotypes but as individual women who are at different stages in a process. Although this may appear to contradict the existing pro-arrest policy, whereby the police are called upon to arrest whenever there are lawful reasons to do so, it in fact supports the underlying tenets of that policy, that violence against women is a crime and that the state has an obligation to protect women from future violence and to impose criminal sanctions on the offender. The present study suggests that a combination of factors facilitates the women's progress through the criminal justice system: their changed perception of the violence, their awareness that the violence must be stopped, and a strong personal connection with individual members of the criminal justice system. If the women are not yet ready to relinquish responsibility for ending the violence, or if they do not feel that they are respected or supported by members of the criminal justice system, they may decide not to persist with the process.

Criminal justice system personnel need to understand that the women must reach
a point where they are able to recognize for themselves that they have done all they can to end the violence and that their only solution is to criminalize it. Otherwise, these personnel will continue to be frustrated when women resist the laying of charges, refuse to cooperate with investigations, or reconcile with their partners before the completion of the proceedings. Until the women agree that criminal justice system intervention is the most appropriate option for them, or until they believe that the system can provide them with greater ongoing safety than they can attain through nonintervention, many women will continue to seek police protection to stop the immediate violence but will not support the laying of charges. For women to make key decisions in their lives, they need to be informed and involved at all stages of the proceedings, once the responsibility for ending the violence moves from their private realm to the public domain. The findings of the present study suggest that the women want a role in these proceedings even when they are relieved of the burden of ensuring their own and their children’s safety. There were differences among the eight women interviewed, about how much they wanted to interact with key criminal justice system personnel and how much they wanted to be involved in the proceedings, but each of them wanted some role in the process and each believed she had an important contribution to make. At the moment that they relinquish sole responsibility for ending the violence and turn it over to the criminal justice system, there is an opportunity for the women and the system to form a partnership to end the violence. The findings of the present study suggest that the women wanted the opportunity to form such partnerships, and that such partnerships would have strengthened their feelings that criminal justice intervention was an appropriate option for them.
The Ministry of Attorney General's Policy on Violence Against Women in Relationships (V.A.W.I.R.) has been described as one of the most progressive and comprehensive policy directives ever issued in the area of violence against women (Ratel, personal communication, March 29, 1993). Community involvement, for revisions to the draft policy, was actively solicited and women's organizations and criminal justice personnel were consulted at each stage of the process. The policy locates violence against women within a socio-cultural context and clearly states that the violence is a result of a misuse of power. The behaviours described as cause for investigation range from the threat of violence to actual assaults. The police are required to investigate all reports. The policy also clearly states that, while women in intimate relationships are the primary victims of violence, men or women in same-sex relationships, women who are elderly, young women who are dating, and vulnerable men in heterosexual relationships are also covered by the policy. The policy calls upon members of the criminal justice system to be sensitive to the special needs of women from different cultures and communities when these women are required to involve the system in their private lives. The policy urges the police to be particularly sensitive to the cultural dynamics faced by immigrant and visible minority women. Police officers who do not comply with the spirit of the policy by arresting the suspect must document their reasons for not doing so and must have their decisions approved by their supervisors. Finally, the policy calls upon the police to work closely with all other components of the criminal justice system to ensure that the women are kept informed of the status of their partner, at bail hearings, at first appearances, and upon release into the community.
Although the policy provides a thoughtful and sensitive approach to criminal justice intervention, it presents the experience of women who have lived with violence as a homogenous one, which does not reflect the reality that many women are at different stages in the process and that they may not yet be ready to proceed. The policy does not envision partnerships between the women and the system, in which the women are given the opportunity to make informed choices about their involvement and are briefed adequately about what they can expect as they move through the process. The sense of relief that all of the women in the present study felt when they could sole relinquish responsibility for ending the violence was quickly replaced by a sense of powerlessness for some when they felt that the system was moving ahead without informing them or involving them in key decisions.

While the policy clearly specifies the role of the attending police officer in investigating these cases, and even prescribes a role for police supervisors in ensuring that the policy is lawfully complied with, the policy is almost silent on the importance of a comparable role for crown counsel. The present study found that, although all but one of the women felt that they were appropriately treated by the police, the five women who went to court had serious concerns about their treatment by the crown counsel. While the policy states that the police "must" do such-and-such, it only suggests that the crown counsel "should". From the perspective of the women who proceed through the system, and from that of the police who have had their discretion removed, this is a serious shortcoming that needs to be addressed.

Another finding of the present study that has implications for policy is related to the availability of court-mandated treatment for the men who have been convicted of assault. The women's feelings about their (ex-)partners'
need for counselling was not related to whether they intended to reconcile with them. Although the women see the involvement of the criminal justice system as a deterrent to future violence, they do not believe that proactive intervention is the sole solution to ending the violence. Seven of the eight women saw counselling as an essential part of criminal justice intervention. These women believed that the men needed to examine their violent behaviour, to see the consequences of this behaviour on other family members, and to take responsibility for causing the violence. While the women did not see treatment as an alternative to criminal sanctions, they did see it as a necessary part of the process and they did believe that criminal sanctions could serve as impetus for the men to change their behaviour.

Perhaps the most important finding of the present study and its relation to practice is that individual intervenors, whether they are members of the criminal justice system, medical professionals, or human service workers, need to recognize and honour the survivor characteristics found in most women who are victimized. As a first step, they must challenge the traditional assumptions about these women as passive victims who are unable to make choices about their futures. When women come to them with symptoms of anxiety, depression, and low self esteem, they must attend to these micro issues but they must also be aware of interventions required at the macro level. If they attend only to the symptoms of battering and not to its social basis, it is likely that they will send many women back to their violent relationships, possibly to suffer severe physical and emotional injuries. Most women living in violent relationships need very practical information and support. They need to have concrete information about resources available to them and about what will happen if they decide to leave their relationships. Conversely, if
intervenors pay attention only to the women's need for practical resources and services, and ignore their grief and pain about living with violent partners—and perhaps about leaving them—they may give the impression that they neither understand nor appreciate the emotional struggle these women are engaged in.

Social workers in particular can play important roles when these women do decide to leave violent relationships and can work with them to determine what they need in order to maintain their independence and self-reliance. They can help these women navigate other systems: they can provide information on how to obtain childcare services and how to apply for job training programs. Social workers need to have some understanding of how the criminal justice system works, and of the specific pitfalls these women may encounter if they choose to participate in the process. They need to know how to facilitate these women's feelings of empowerment without taking the process over for them. Most importantly, they need to remind themselves continually of what these women have already accomplished and what they are capable of achieving in the future. And finally, they need to let the women themselves decide whether they ought to live on their own or return to their partners.

Counselling for couples should only be considered an option when the women themselves choose that option. As it is for other intervenors, the ultimate obligation of social workers ought to be to ensure the safety of these women and their children.

As social workers, we cannot look at practice issues without looking at the power imbalance that can be created between client and worker. Those of us who are white-skinned, able-bodied, and well-employed are also privileged in ways that many of our clients are not. We may enjoy feelings of acceptance by society-at-large, and by its various intervention systems in particular, that
few experience who are nonwhite, who are poor, or who have disabilities. We who regard ourselves as feminist social workers have a particular challenge. Feminism calls upon us to examine privilege in our society and to deconstruct the role of gender in power relations, in policy development, and in practice interventions. We have an obligation to ask: Who is hurt by this policy? How does this practice intervention support or detract from my client’s right to consider her choices and make her own decisions? How does this policy affect my client and her ability to be self supporting? We also have a responsibility to examine the effect of our privileges on our relationships with our clients and to consider the ways we may unintentionally reinforce the power imbalances faced by women who have experienced violence.

Our decisions about practice must be founded on our willingness to share our commonalities as women, and respect our diversity as women, from different classes, cultures, lifestyles, and abilities. When we are faced with the facts and figures about violence against women, when we hear about the experiences of women we know, women we work with, and the many other women we read about in the newspapers, it is easy to despair about the lack of progress of women in society and about the limited efforts to eradicate violence against women. As social workers, we are mandated to empower those with whom we work, whether they are individuals, groups, or entire communities. Our work is shaped by the needs of our clients--their social realities--and by the resources available to assist them. In the area of violence against women, we face a much larger challenge: a deeply entrenched system of patriarchy that has formed and shaped our laws and institutional practices. It is only in the past ten years that there has been social policy specifically designed to address the issue of violence against women, and only in the past five years that efforts to end
violence against women in relationships have been deemed part of the social agenda of both the federal and provincial governments. While social policy, appropriate practice, and sensitive intervention will offer some solutions for some women living in—or leaving—violent relationships, only when we honestly acknowledge the gender nature of these actions, and begin to dismantle those societal structures that maintain and perpetuate gender inequality, will we begin to address our true social agenda: the eradication of the oppression of women and the elimination of violence against them by the men they love.

Limitations of the Study

One of the limitations of the present study is the sample size and the nature of the sampling procedure. The sample is small and purposive in nature. From a quantitative perspective, this method of sampling, although producing a "case-rich" study, is neither a representative sample, nor will it allow for statistical generalizability. The small sample size and the heterogeneity of the women interviewed limit the possibility of making associations between particular variables and reported experiences. In addition, since all of the women interviewed live in Vancouver and thus their cases were investigated by Vancouver police officers, it is possible that this sample does not adequately reflect the population of all women who involve the criminal justice system in their lives as a result of their partners' violence.

Some qualitative researchers (Gupa, 1981; Kirk & Miller, 1986), however, challenge the practice of judging qualitative research by the standards of quantitative research and believe that qualitative research must be evaluated by its own standards. Strauss and Corbin (1990) believe that some of the standards commonly used to judge quantitative research—significance, theory-
observation, generalizability, and consistency—need to be modified to "fit the realities of qualitative research and the complexities of the social phenomena that we seek to understand" (1990, p. 250). Given that the purpose of grounded theory is to specify the conditions in which certain interactions or actions occurred, they posit that

it is generalizable to those specific situations only. Naturally the more systematic and widespread the theoretical sampling, the more conditions and variations will be discovered and built into the theory, therefore the greater the generalizability (also the precision and predictive capacity). (1990, p. 251).

As noted above, the women of the present study have very diverse backgrounds: a variety of ages, differences in their relationships to the men who assaulted them, a range of abusive behaviours, different family structures, different ethnic backgrounds, and a variety of occupations, from spiritual therapist to seasonal park employee. Two of the women were interviewed within a few months of their experiences, four women were interviewed within a year, and two women were interviewed almost two years after their partners had been convicted. Given these differences, the emergent data can offer a level of generality that accounts for much diversity, and can consequently provide a certain level of applicability to the general population.

Although there are several differences among the women, there are also similarities that limit generalizability. All of the women live in Vancouver, and dealt with criminal justice personnel working in the Vancouver system. They had access to well-trained and informed service providers as well as highly respected victim advocacy services. Even though not all of the women used these services, they knew that these services were available to them and knew how to contact them if they needed them. In all eight cases, the men were found guilty of assault, and in six of these cases they received sentences
considered appropriate by the women interviewed. This is not consistent with past research on sentencing outcomes in cases involving assaults against women. It is unknown whether the findings in the present study would be significantly different if the majority of these men had been acquitted or had received conditional discharges. Would the helpseeking efforts of these women and their survivor characteristics be any less evident if their partners had not been convicted? Based on existing research, it is difficult to assess how important a positive outcome is to the women’s feelings of pride and new found strength.

Although there was some ethnic diversity among the women interviewed, none of them had difficulties reading or communicating in English. They did not have to rely upon interpreters or family members to assist them through the process. They were also relatively independent of their families and were able to make decisions that they considered in their own best interests and they did not feel required them to sacrifice their own needs to their families’ wishes. Again, based on previous research on the barriers and obstacles faced by women who have been battered from different cultures, these experiences do not reflect the majority of immigrant and visible minority women. In addition, the present study does not involve any aboriginal women. The two aboriginal women who were approached did not want to participate. This omission from the study reflects both the distrust that many aboriginal people feel toward the Western justice system and the reality that few women from aboriginal communities are willing to endure the pain of proceeding through such an adversarial and historically racist justice system. Based on the above, it is likely that the present study is biased in terms of the education and knowledge level of the women involved. Would the experiences of these
women been very different had they not been able to communicate comfortably in their own languages or if they had come from cultures that have, in the past, been mistreated by the Canadian justice system? Would women who feared the loss of their temporary immigration status, or the support of extended families, be able to take a stand against the violence of their husbands?

The study may also be biased in terms of the women's economic status. Although they represented a range of income levels and occupational groups, only one of them was actually on welfare. Studies have shown that economic survival is an important aspect of these women's decisions to stay or leave their relationships. It is not clear what influence economic status had on their decisions to take a stand against their partner's violence, but it is likely to have had an impact on the six women who chose to end their relationships.

Another limitation of the present study is the fact that all of these women had contacts within the justice system that they turned to when they were frustrated or in difficulty. This may have influenced their perceptions of events and their responses to obstacles along the way. None of these women fell through the cracks in the way that many others do, who become involved in large confusing systems. This could be evidence of their own resourcefulness and of their sustained efforts to end the violence, or it could be seen as a factor that limits the generalizability of the study.

Finally, the present study may also be informed by my own personal biases. As stated earlier, my understanding of the world and my conceptualization of the research problem comes from a feminist perspective, which influenced my formulation of the problem, my choice of methodology, my interactions with the women interviewed, and the ways in which I selected and
presented the words of these women. It is likely that a researcher who did not believe that violence against women is a gender-based crime would see different categories and different themes emerging from the data. Another researcher may have focused on the intrusive nature of the justice system in the lives of family members or may have highlighted the process of grieving that the women went through when they realized they could no longer maintain their relationships with their partners. The present study could be considered "one-sided", since it examines the institutional aspects of violence against women and their efforts to surmount them instead of exploring the emotional consequences for women who have experienced violence. However, as Fine (1989) argues,

In the case of violence against women, such [individualistic] research not only fails to advance the cause of the battered women's, anti-rape and anti-sexual harassment movements but often works against them by creating easily assimilated images of women as victims, powerless, unable to fend for themselves and even masochistic. Such research reinforces hegemonic beliefs that support male violence against women and facilitates secondary victimization by courts, hospitals, schools, therapists and social agencies. (1989, p. 552).

The present study would have benefited from a larger and more varied sample, but is very difficult to find women who are willing to discuss such a painful time in their lives after it has passed. It would have been helpful to interview women from different jurisdictions, from a greater range of ethnic backgrounds, and with more diversity in their social and economic status. With more time, perhaps such a larger and more diverse group could have been found. In particular, with more time, special efforts would have been made to include aboriginal women, who have an important and unique perspective on the criminal justice system. It is also regrettable that this study was not able to include the experiences of women with disabilities, elderly women, or lesbians: these groups of women have been marginalized by the criminal justice system and few
have yet found the support they would need to overcome the many barriers they
would likely face as they moved through the proceedings.

If this study were repeated, there would be changes in the interview
guide: more questions would be asked about the women’s previous helpseeking
efforts and about their past uses of informal and formal sources of help. By
broadening the interview beyond their actual experiences with the criminal
justice system, valuable information could have been collected regarding their
own process of coming to terms with the violence in their relationships. Also,
actual courtroom experience was not as commonplace as anticipated: only five
of the cases went to trial and only two of the women were required to testify
against their partners. These interviews could have been handled effectively
by asking a few broad questions about experiences during the trial and then
spending more time on the factors that contributed to their decisions to
persist with the proceedings. All of the women were very willing to share
their opinions with me and a more thorough examination of their views would
have provided important data for future work.

While coding the transcripts, I noticed that several of the women’s
responses seemed unconnected to the questions asked, perhaps indicating that
they had things to say that I missed. Several other of their responses were
not as clear as they could have been, perhaps indicating that they did not
understand the intent of the questions. Most of these responses could have
been enhanced with follow-up questions to probe or clarify.

While analyzing the data, I could have been more consistent in assigning
codes to specific concepts found in various words or phrases, since the first
reading produced a large number of codes, many of which were not sufficiently
distinct to justify a separate label. This meant that much time was required
to determine whether there were real differences between specific concepts or whether they reflected each other: the transcripts had to be reread several times to establish clearer meanings for the codes. Although this ultimately did not bias or alter the findings of the study, it did make the process of analysis more time-consuming and awkward than necessary.

Implications for Future Research

In looking at the experiences of women who have been battered in terms of the helpseeking model, it is evident that their access to—and dependence upon—their survivor qualities is influenced by their past efforts to seek help or to take stands. Further research is needed that focuses on the skills that they acquired from their previous helpseeking efforts and how they applied these skills to their experiences with the criminal justice system. Such research would help service providers and victim advocates to determine the resources these women require and the support they may need as they move through the process.

The present study indicates that criminal justice system personnel, including investigating police officers, would have fewer reluctant witnesses if they could properly assess the stage that these women were at in their helpseeking efforts and could determine whether these women were ready to form partnerships with the justice system to end the violence in their lives. The women of the present study were relieved to be able to relinquish sole responsibility for ending the violence, but they were willing to relinquish this responsibility only after they had reached their own conclusions that the violence must be stopped. If police officers were able to see these women as strong, determined, and capable of making important decisions about when and
how to proceed, they would be more likely to intervene in a respectful and supportive manner. The present study indicates that the quality of these women’s initial contacts with police officers is crucial to their overall perception of how they are treated by the justice system.

More research is needed on the actual process of "criminalizing the violence" and the contradictory feelings many women experience as they move the violence from their private realm into the public domain. How do women reconcile their very private feelings about their relationships with the public scrutiny that results from involvement with the criminal justice system? Are specially designated family violence courts more hospitable to women who have been assaulted by their partners? When cases go to trial, what more can be done to ensure that the women feel that they are adequately represented and that their needs are not being neglected, or ignored, to maintain the rights of the accused?

Since "pride in taking a stand" is one of the key themes in this study, it would be useful to compare women who chose to persist with the process with those who chose to withdraw. Did those women who withdrew from the criminal justice process encounter obstacles that those women who persisted did not? Did these two groups differ in the quality of their initial contacts with the police and other criminal justice system personnel? How important were these initial contacts in their decisions to persist or withdraw? Did those women who withdrew from the process share the same "pride in taking a stand" felt by those who persisted? Finally, how important was the support they received from informal and formal sources of help in enhancing this sense of pride?

As noted above, much of the early literature on women who had been battered portrayed them as helpless and bereft of the social supports and
skills necessary to end the violence in their lives. Only in the past ten years have researchers begun to document the many courageous and proactive efforts that these women take to protect themselves and their children from further violence. Most of these studies have focused on the women's efforts to access help before they entered the criminal justice system. The present exploratory study set out to examine their experiences as they proceeded through the system and, in particular, to determine the factors the women considered most important in assisting them. Although some of the same qualities of determination and resilience that were documented in previous studies of women who were battered have emerged in this study, its findings are only preliminary. Further studies in this area are needed to increase the professional knowledge of service providers and criminal justice system personnel, and to improve their skills in supporting--and empowering--these women as they take their own stands to end the violence of the men that they have known and loved.


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I, [insert name], agree to be interviewed on an audio tape for this study of battered women's perceptions of their experiences with the criminal justice system. I understand that Shelley Rivkin is a graduate student in the UBC School of Social Work and that this study is part of the requirements for a Master's degree in Social Work.

I have been informed that the purpose of this project is to explore the experiences of women going through the court process and that the interview is approximately one and one half hours long.

I understand that, as a participant, my rights will not be jeopardized, that my privacy will be maintained, and that the data obtained in this study will be used in a manner to maintain confidentiality and my personal rights.

I have been told that the tape containing my interview will be identifiable by a number and will be kept in a locked filing cabinet. I understand that all of the transcripts and any material that would in any way identify me will be destroyed at the end of the project.

I understand that I may interrupt the interview at anytime to ask for clarification. I understand that I have the right not to answer certain questions. I am also aware that at any time I have the right to withdraw my consent and discontinue my participation in the interview.

Dated: ___________________________ Signature of the participant

Dated: ___________________________ Signature of the researcher

I have received a copy of this consent form ________________________

Initials of the participant
Appendix B: Interview Guide

Interview Facesheet

<table>
<thead>
<tr>
<th>Name</th>
<th>Age</th>
</tr>
</thead>
<tbody>
<tr>
<td>Children:</td>
<td>No. Gender</td>
</tr>
<tr>
<td>Occupation</td>
<td>Currently working Income Assistance</td>
</tr>
<tr>
<td>Ethnicity</td>
<td>Present marital status</td>
</tr>
</tbody>
</table>

I would like to start the interview by having you talk about the events that led up to your involvement with the criminal justice system.

What was your relationship to the man who assaulted you?

How long have you been involved with him?

Can you describe the relationship?
(probe) . degree of physical abuse
 . presence of verbal abuse
 . evidence of stalking

Can you tell me about the actual incident that resulted in the police becoming involved?
(probe) . extent of violence
 . presence of children
 . other witnesses

Have you sought help in the past?

Can you describe some of the ways you have previously sought help?
(probe) . sought out a neighbour or friend
 . contacted a women’s centre
 . gone to a counsellor
 . talk to a member of the clergy, doctor, etc.
 . asked for help from family members
 . gone to a transition house
 . called the police

Had you called the police before this incident?

Can you describe what happened when they arrived?
Can you tell me about the events that led up to your partner being charged? (probe) how did the police respond
did they take you to a transition house
did they explain what they were going to do with your partner
were you referred to a victim assistance worker
did they show concern for your children

How did you feel about the way the police handled the situation?

Were there some things you would have liked them to do differently?

How would you describe your reaction when you found out that the police were planning to lay charges against your partner?

I would now like to talk about the events that took place after the police recommended that charges be laid. (probe) was your partner arrested?
was he released with a "promise to appear"?
were you advised to seek a "no contact order"?
were you able to obtain a "no contact order"?

Can you describe your first meeting with the crown counsel and how you felt about it?

What was your understanding of your role if the case went to court?

Did you ever consider asking that the charges be withdrawn?

What made you decide to proceed with the charges?

Can you tell me about the kind of support your received from family, friends or counsellors?

How important was that support in convincing you to proceed with the charges?

What made the most difference to you in deciding to continue with the case? (probe) support from family or friends?
support from counsellors or victim assistance workers?

How would you describe the way you were prepared for the proceedings?

How did you feel when you walked into court on that first day?

Tell me about the trial and how you felt during the proceedings?

Does anything stand out in your mind as making the trial easier to cope with?

What was the outcome of the trial? (probe) conviction/sentence?
acquittal?

How did you feel immediately after you heard the judge’s decision?
Now that you have had a chance to think about the meaning of the judge's decision, have your feelings changed?

Before you became involved in this situation, how would you describe your attitude toward the justice system?

To what extent has this experience affected your opinion of the justice system?

The law requires police to lay charges and crown counsel to prosecute men who have been charged with assaulting their partners. Now that you have been through it yourself, do you believe it is an effective way to stop men from continuing to batter their partners?

In your opinion, are there other options besides police involvement that should be available to women who are being battered? If yes, can you tell me what some of those options might be?

Based on your own experience, how would you describe the justice's system's attitude toward battered women?

What advice would you give other women who want to know if they should proceed with charges?

Looking back on this experience, can you tell me about one incident, either good or bad, that really stood out for you?

Can you describe some of those ways you think you might have changed because of this experience?

When you think about what you went through, what do you think was most important to you in you helping you persist with the process?

If you could pick a word or a phrase to describe yourself, now that you have completed this process, what would you select?
Appendix C: Transcript of Sample Interview

I = Interviewer
R = Respondent

I: I would like to start by asking you a few questions about yourself. How old are you?
R: I am 37 years old.
I: Do you have children?
R: I have three children, one two-year-old and four-and-a-half-year-old twins.
I: What is your occupation?
R: Social Worker.
I: Are you currently working?
R: We are on social assistance.
I: What is your relationship to the man who assaulted you?
R: He is my husband and we have been married for seven years.
I: What is your marital status?
R: We are separated but he is back living with me on a trial basis.
I: Can you describe the relationship?
R: Tumultuous, very highs and very lows, and not too much in the middle, lots of adversities, financial problems--my husband and I met in India and we came here two years ago.
I: Can you describe the situation that led you to call the police?

R: It was on the night of 30th of September, we had been engaged in an argument already on the bus for about 30 minutes, and I, I didn’t want to discuss it, and I yelled at him that I didn’t want to talk about it anymore, I had had enough, and he struck me very, very hard, it landed here on the base of my jaw and behind my ear and it put me in the bushes, and when he did that, then the children cried out, and when they cried out some neighbours were alerted, some of the women were living in a house with a balcony, they came out on the balcony and saw what was going on, and they called the police, and then they came down and intercepted, and actually said that they were going to stay with us until the police came—yeah, a women’s community, it would never have happened else—at which time, they did precisely that, they stayed with us until the police came about 15 minutes later and they checked to see if the kids were alright, that wasn’t what the problem was at all, and they arrested them and then they charged him.

I: Was this the first time you had called the police?

R: No, I had called the police many times before.

I: What was different about this situation that resulted in charges being laid?

R: But this time I didn’t call, which is precisely why it went to the point that it did, it didn’t become a dispute between my husband and I, another party had called, and that is why it went to the point that it did, my husband had a restraining order put out on him, and he managed from, to drop the restraining order, and he was pressuring me a lot, to drop the charges, but because I didn’t lay the charges, none of that was in my hands any longer and that’s why it came to the position that it did, otherwise, he has the ability to really work on my head, it was very painful, how it happened as it did.
I: Did the police take you to a transition house?

R: I already knew about transition house, I had been in transition house two times before. PREVIOUS HELPSEEKING

I: Were you referred to a victim assistance program?

R: Yes.

I: How did you feel about the way the police treated you? Were there things that you think that they could have done that would have made you feel different?

R: These particular police were very receptive, unlike some other police that have been here, but as I said, the matter was very different, because somebody else called, and now there was no dispute, someone else witnessed me being struck, and so all they asked me, has it happened in the past, and I said yes, and that was enough for them, clearly it was a pattern, and he needed to be accountable for it. These two were very well informed, these two particular officers, they were very receptive, they wanted to know what I wanted, they asked me what do you want, I said, I want him out of here. POSITIVE CONTACT PAST HISTORY OF VIOLENCE WITNESSES POSITIVE EXPERIENCE RESPECTFUL, CONCERNED TO TAKE ACTION

I: Were you aware that it is up to police to lay charges?

R: Yes.

I: What was your reaction when you found out that the police were going to lay charges?

R: I felt good. NOT ALONE
R: I think in something like domestic violence, it is very good, obviously it is a very complicated issue, for a woman especially to see clearly, and sometimes somebody else needs to have the power to do that, usually it is very complicated, you’re feeling very afraid, to take any measure, and in this way the onus is off her, it is society that is telling him that this wrong, it is not my opinion, that he can point a finger and hold me accountable, in that way I think it is very good, but I think the police need more educating about this, I was very fortunate in this incident, in my mind these policemen seemed very informed and sympathetic. I haven’t had positive experiences in the past.

I: I would like to talk about the events that took place once the police became involved. What happened after the charges were laid?

R: He spent 24 hours in jail, and was released on his recognizance, but with a restraining order, and he did not really abide by the order, he telephoned me within five minutes of being released and, you know, it became a very complicated thing because my children wanted to see their daddy, and so on, and I did not have a third party who could help us with the arrangements, so it was like, you can come and take the kids, and he got one foot in the door, and then he was in the house and, you know, it was difficult to say you can’t go to your room, it was very difficult, and consequently about two weeks we were talking, and then he was telling me to get the restraining order dropped and I did, I was very sorry that I did.

I: Did he plead guilty?

R: No, it went to a preliminary hearing.
I: When did you have your first contact with a crown counsel? Can you describe that contact and how you felt about it?

R: Two days later. He was very easy to talk with, this particular crown counsel, very, very sympathetic, and at this point my husband and I had begun counselling procedures, him separately from me, and so he felt that my husband was taking steps, but the mere fact the he was pleading not guilty, he was still in denial and so he really wanted this to go to court fully, and I agreed with him, even though I was kind of, I was very nervous about the procedure, um, I was still glad that I was going ahead with it.

I: Were you aware that you might have to testify against your husband, partner, if the case went to court?

R: I felt alright, I think I always knew that I would have to testify.

I: Many women decide to have the charges withdrawn after finding out that they will be the primary witness. Did you ever consider withdrawing charges?

R: Not this time.

I: What made you stick with your decision to proceed with the charges?

R: Well, the support of the crown counsel, his empathic position, the fact that there were two witnesses, and, uh, the fact, uh, I felt it was really right this time, and the woman that I was having contact with at victim assistance works with BWSS and I had been going to BWSS drop-in for some time.
I: Did you go to or call BWSS for assistance and/or information?

R: I knew about them, in fact the last time I was in transition, I had information, and this time, when he was formally charged, I got up a lot more courage to come to drop-in, but what happened between the time that he was arrested and charged, and the time that we went to court, I went into transition for two weeks by myself, and left him with the kids, because I had been in transition before with the kids, and I never really deal with what I needed to deal with, with my kids there, and I didn’t have a problem with him being with the kids, so I left, and in that two weeks, I did lots of thinking, and I went to lots of drop-ins and I talked to as many people as I could, and I saw a lawyer and I had papers drawn up for us to become legally separated, and the civil restraining order was then issued. That’s what made it, it really solidified the happenings of going to court, that’s when it happened, in my time in transition.

I: What other agencies or people did you contact? What kind of support did you receive?

R: I attended an ongoing support group on domestic violence at Family Services and, on top of that, I am also doing one-on-one counselling, because I started with that when I was in transition, and I was so desperate to talk to someone about this, and psychiatrists have three months waiting lists, and all these places, it was very difficult to find someone, and fortunately, and at that time BWSS, some of the women were on retreat, was very short staffed, so they couldn’t give me the kind of one-on-one I needed, so I got a tip from Vancouver Information Services that they did free counselling service at the YWCA, and she’s a fabulous counsellor, she had worked in transition houses, had dealt with family violence, I was again very fortunate, we connected and I still see her, I’m doing pretty in-depth counselling.
I: Did your family support you? Can you talk a little more about the support you received?

R: My mother-in-law, she’s aware of what’s happening, she came to visit, she’s emotionally supportive of me, it was very painful for her, for she had lived some of it herself, and while she was here, my husband and I had a very big fight and I broke my finger, at which time my daughter ran to her grandmother and said, he’s hurting my mommy, and she just broke down, because it was precisely the words that my husband used to his own grandma, when his mother was being beaten, it was like a flashback to twenty years ago for her and, uh, she told me that it was very sad for her, and at any cost she would like to see our family together, but she knew it was impossible to go on this way. But she had a way of really glossing it over, and even so she saw these bad things, she still has this feeling that our family will be together, so it is kind of difficult there, but she told me in no uncertain terms I would get her support. My family would be more difficult, but her family really, she told me, anytime, first and foremost we are friends and I should do whatever I need to know, and that was very nice to know, because I have been with her before, with my husband, and there was always been a lot of tension, a lot of arguing, when we have all been together, in fact that is usually when big major happenings happen, you see that he’s confronted with all the anger he has with his mother and it comes toward me, but this time she got to see it without putting blinders on and it was really good for her, too. I didn’t try to gloss it over, or pretend that nothing had happened, so this incident at the end of September happened just two weeks after she left.
I: When did you meet crown counsel?

R: I met crown counsel the week of the court date, what happened was it kept getting put over, it was put over three time because my husband's lawyer was out of town, it was supposed to go to preliminary hearing in October, it actually didn't go until the 13th of December, the 19th of December, or something like that, so it was like, it kept getting put over, so he never made a plea, but once he pleaded guilty, then we were in contact, and I was always involved with the victim's lady, giving the victim impact statement and everything.

I: Was that the victim assistance program?

R: Yes.

I: Can you describe how you felt as you walked into court on that first day?

R: I was pretty well prepared, I had sat in court a number of times, and watched the proceedings, so I wasn't that unfamiliar, but on the day, there was my husband sitting right beside me, it was weird, a bizarre feeling, but all in all, it was, felt right because of all the talking I had been doing with people about it--it felt right.

I: What aspect did you find most difficult?

R: Believe it or not, to listen to my husband's testimony, it was hard to believe, my husband spoke on the witness stand for 45 minutes, I couldn't believe it, the judge gave him lots of rope, because my husband talks a lot, which is one of the manipulative aspects of his personality, and he was going on and on, saying that he did not kick me, the crown had said how the first initial contact was when he kicked me, and he said it was not, it was a push with his foot, and he was explaining why and it was really convoluted, and as English is not his first language, the judge gave him a lot of time to explain, and he explained, and I couldn't stand to hear all the justifications for what he did, so I finally had to leave the room.
I: Were you called to testify? Can you describe how that felt?

R: Yes, I was fairly well prepared for it, interesting enough, there was not a lot that his lawyer could dispute, that was where the push-and-kick debate came from, but when it came to the slap there was no, he was not denying that, so everybody was a bit puzzled as to why he was still pleading not guilty.

I: Did you feel the judge understood your situation? Were there things that you wish you had--could have told the judge?

R: Absolutely, he did get my impact statement, he did listen to my testimony, and my recommendations that my husband have mandatory counselling and he had an opportunity to know how I felt about things.

I: Did you receive support during the trial? From whom? How did you feel about it?

R: The counsellor did it for me, just the way I could talk it over and talk it over, not to rehearse, but to know what was expected of me to recount and to recall it again and again, the best way to do it, and as I say, just knowing It wasn’t all in my hands, I didn’t even have to testify and this would still have happened. I think it was the thing that made me stick with it.

I: Overall, how would you describe the way you were treated in court?

R: Very good. Well, during my husband’s testimony, crown counsel was very good in discounting some of his things about, like, a push with a foot wasn’t a kick, but crown counsel always managed to whittle that down, and in the end, that he slapped me across the face and he always had a choice not to do that, he had to be accountable for that--it was the slap that put me off my balance--and so my husband, in fact, everybody allowed him to dig his own grave, which was very good.
I: Can you tell me something about some particular incidents, either good or bad, that stood out for you during the trial?

R: Yes, that was the turning point, was the testimony of the witnesses. When the crown was going to give the closing argument, the judge said he didn't need to hear anymore, he had really made his mind up on the basis of what the witnesses had said. The witnesses were very clear, very sure, and their testimonies did not conflict each other or mine, so he didn't even listen to crown's argument.

I: What was the outcome of the trial?

R: My husband was convicted.

I: What sentence did he receive?

R: He received probation with conditions--18 months, mandatory treatment, and 60 hours of community service.

I: How did you feel immediately after you heard the judge's decision?

R: I felt it was very fair.

I: Now that you have had time to think about the meaning of the judge's decision, have your feelings changed?

R: No, I think it was still fair, I think it was a good balance, I was not interested in seeing him go to jail, I was not interested in him having a criminal record.
I: Has the fact that your husband has gone into treatment affected him and your relationship?

R: Yes, he has been able to account for his actions and know that he has a choice, when we are in a disagreement, he has the choice to always walk away, and that’s the first time he has always had the notion that he has been pushed to the end of his tether, that I leave him no choice but to do what he does, and he has been able to make a 180 degree change, he hasn’t made a 360 degree change yet because I still bring him to that point, but its coming, and he is looking toward going into one-on-one counselling and do some more intense work, once the group ends, and he’s getting, actually, its worked out very well, the community service work that he is entitled to do, he’s made some very nice connections which may lead to a job--he is working for an environmental agency, its right up his alley and they like him and he likes them, so he’s feeling good about himself and he’s able to contribute something. We’re still having trouble sorting out boundaries, and we kind of blunder it out, he takes on a lot of responsibility with the children, and it leaves me some freedom to be away from them, which had never happened before, so because of that, I allow him to come in more, and sometimes I get very angry with him, that’s what happened today as a matter of fact, so were still struggling a lot but its better. I’m able to say what I need now, which is something I was never able to do. I am hopeful because I he does have the ability to change. I: Before you become involved in this situation, how would you describe your attitude toward the justice system?

R: Never trust it.
I: To what extent has this experience affected your opinion of the justice system?

R: I feel that people like BWSS have done a lot to impact on the justice system, and domestic violence, and I think that was a lot of work on their part, educating people in the justice system, that helped me go through what I went through, otherwise I am not, I don't have that much faith in the justice system on its own. Now, over so many years they have seen the failure of their system and maybe they have to make some changes. People like BWSS, constantly being on guard, saying that doesn't work, and women need to feel safe about testifying, and only through that, I don't think it was the justice system as it is, that made it possible for me to go through what I went through, I am very lucky, very, very lucky, I am one of those people who went through the fray, I would have been, I would have dropped the charges, I was ready, but the fact that we had that little thing, it was not in my hands anymore, made it so much easier, so much easier, and if other, those other incidents when I did phone the police and the police did take--like that one time he did not strike me but he totally demolished the house, and I a two two-week-old babies, and I was not prepared to get into a fracas with him, which did not result in my babies being hit, I called as soon as it started but it wasn't enough, it seems like it always has to go to a really bad point, you know, before the police take a stand properly, but it is very complicated.

I: Now that you have been through the justice system do you believe it is an effective way to stop men from continuing to batter their wives, partners, girlfriends?

R: I think it has the potential.
I: In your opinion, should there be other options available to women who are being battered. Can you tell me what some of those options might be?

R: I think there should be, there should be, I don't know, maybe education, women need to know that they don't have to put up with it, like in the drop-in group, 95% of those women, they are the sole wage earners, or pay for most things or whatever, yet they still feel that they can't do, so I don't really know, I really wish I knew the answer to that, legal advocacy, knowing about their legal right.

I: Based on your own experience, what do you think the justice system's attitude is toward women who are, or have been, battered?

R: Patronizing, I can't really say why I say that, but very patronizing, women are very emotional you know, they don't come from a logical point of view, so I don't think on the whole they hold women in the highest esteem, although I must say, there were an awful lot of crown counsel who were women, which I found surprising. There was another thing, when I first went to victim assistance to have the charges dropped, there was this man who I thought was a real ding-dong, he was like, I didn’t feel warm with him, I didn’t feel like talking with him, nothing, but when I went back, there was a woman, it was real different, I think they moved him to a different department, he didn’t last too long, I guess the consensus was with a lot of women that they didn’t feel too comfortable, it was obvious, very obvious.
I: What advice would you give other women who want to know if they should proceed with charges?

R: I would really encourage her to do it, but, only if she was physically safe, you have to be in a position where you feel physically safe, but even then there are no real guarantees, you can get a restraining order, but that doesn't mean that you have a 24-hour guard at your house. She needs to have a very supportive network around her, from the legal community as well as from her own community, I felt pretty alone in that way, I am not very connected to the community that much here, and I don't have family here, but because I got so much support from BWSS that, uh, they gave me a lot of strength to go forward and it really helped for me to really to come to terms with what our relationship has been about for so long, it really made it clear for me, and that was good, there was no more glossing it over, pretending, or denial, it was really happening, it was a very cathartic experience.

I: Do you feel you have changed because of this experience? Can you describe some of those ways?

R: It has made me stronger, it has made me listen to myself, in a number of ways, knowing what feels right, listening to what feels right, and acting upon it. I never felt guilty, as much as my husband tried to make me feel guilty for me going through with the whole story, he dropped it less and less, he tried to humiliate me, but it wasn't sticking this time, I felt really right about it. So the ability to go forward with that was really good, it has helped me be where I am today--although we are slipping in and out--it is a whole lot better.
I: If you could say anything you wanted, to a member of the criminal justice system, what would you say and who would you say it to?

R: I would just want to say: Listen to those women at BWSS, they know what they are speaking about, and get more information and, if it's coming to the court date, really try to understand where the women is coming from, and what it means for that woman to testify against her husband. But as I say, I had such a positive experience that I can't criticize it very much. I think the justice system has closed the gap a little bit, I think it is getting better.

I: Looking back on this experience, what was most important to you in giving you the strength to carry on with the process?

R: To have someone by my side, and that was the woman from victim assistance, I could not have done that without her, she called me every week, she did not prompt me ever, but she always helped me to clearly recall what had happened, and it was a constant contact, so when I felt I was wavering I felt that there was someone there who would say, I'll be there with you and I'll help you sit in that courtroom, I'll go sit in courtrooms with you so you can watch the proceeding, whatever you need, I'll help you with, that has been the biggest help for me. And fortunately for me also, to have a crown counsel who was empathic, and even though I had a male crown counsel in the end, even though I spoke to several female crown along the way, he was fantastic, he was informed, he was really great.
I: If you could pick one word or phrase to describe yourself now that you have completed the process, what would you select?

R: I stood up for myself.
## Appendix D: Final Clustering of Transcript Codes

<table>
<thead>
<tr>
<th>Heightened Awareness of Risk</th>
<th>Interaction with the Criminal Justice System</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Perceptions</strong></td>
<td><strong>Accessing Support</strong></td>
</tr>
<tr>
<td><strong>Actions</strong></td>
<td><strong>Validating Feelings</strong></td>
</tr>
<tr>
<td><strong>Beliefs</strong></td>
<td><strong>Empowerment vs Powerlessness</strong></td>
</tr>
<tr>
<td>♦ growing anger</td>
<td>♦ male beliefs</td>
</tr>
<tr>
<td>♦ increase in severity of the assaults</td>
<td>♦ unsupported</td>
</tr>
<tr>
<td>♦ risk to self</td>
<td>♦ revictimized</td>
</tr>
<tr>
<td>♦ risk to children</td>
<td>♦ follow policy</td>
</tr>
<tr>
<td>♦ children fearful</td>
<td>♦ change in attitudes</td>
</tr>
<tr>
<td>♦ woman fearful</td>
<td>♦ ambivalence</td>
</tr>
<tr>
<td>♦ change behaviour</td>
<td>♦ shared responsibility</td>
</tr>
<tr>
<td>♦ staying silent</td>
<td>♦ shut out from the process</td>
</tr>
<tr>
<td>♦ control anger</td>
<td>♦ frustrated with process</td>
</tr>
<tr>
<td>♦ ongoing violence</td>
<td>♦ disinterested and uncaring</td>
</tr>
<tr>
<td>♦ feeling heard</td>
<td>♦ appropriate sanctions</td>
</tr>
<tr>
<td>♦ condemned violence</td>
<td>♦ feeling empowered</td>
</tr>
<tr>
<td>♦ public involvement</td>
<td>♦ want a shared role</td>
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<tr>
<td>♦ positive experience</td>
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<thead>
<tr>
<th>Criminalizing the Violence</th>
<th>Surviving the Experience</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Initial Contact with the Police</strong></td>
<td><strong>Personal Resilience</strong></td>
</tr>
<tr>
<td><strong>Relinquishing Responsibility</strong></td>
<td><strong>Becoming Strong</strong></td>
</tr>
<tr>
<td><strong>Fear vs Safety</strong></td>
<td><strong>Personal Growth</strong></td>
</tr>
<tr>
<td>♦ involve police</td>
<td>♦ new strength</td>
</tr>
<tr>
<td>♦ witnesses</td>
<td>♦ inner resources</td>
</tr>
<tr>
<td>♦ need protection</td>
<td>♦ independent</td>
</tr>
<tr>
<td>♦ feeling safe</td>
<td>♦ stand up for rights</td>
</tr>
<tr>
<td>♦ not going to take it anymore</td>
<td>♦ emerging self</td>
</tr>
<tr>
<td>♦ private to public</td>
<td>♦ new outlook</td>
</tr>
<tr>
<td>♦ take action</td>
<td>♦ pride in stand</td>
</tr>
<tr>
<td>♦ ambivalent</td>
<td>♦ independant and assertive</td>
</tr>
<tr>
<td>♦ pressure from partner</td>
<td>♦ able to fight for self</td>
</tr>
<tr>
<td>♦ greater fear</td>
<td>♦ deserve better</td>
</tr>
<tr>
<td>♦ personal connection</td>
<td></td>
</tr>
<tr>
<td>♦ support from others</td>
<td></td>
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<tr>
<td>♦ not alone</td>
<td></td>
</tr>
<tr>
<td>♦ take a stand</td>
<td></td>
</tr>
<tr>
<td>♦ police take over</td>
<td></td>
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<tr>
<td>♦ respectful/concerned</td>
<td></td>
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<tr>
<td>♦ not responsible</td>
<td></td>
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<tr>
<td>for ending the violence</td>
<td></td>
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</table>
**Certificate of Approval**

<table>
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<tr>
<th>Principal Investigator</th>
<th>Department</th>
<th>Number</th>
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<tbody>
<tr>
<td>Carter, B.</td>
<td>Social Work</td>
<td>B93-0014</td>
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**Institution(s) Where Research Will Be Carried Out**

- CO-INVESTIGATORS:
  - Rivkin, S., Social Work

**Sponsoring Agencies**

**Title:** Unequal partners: Battered women's perception of their experience with the criminal justice system

**Approval Date:** MAR 31 1993  
**Term (Years):** 3  
**Amended:**

**Certification:**

The protocol describing the above-named project has been reviewed by the Committee and the experimental procedures were found to be acceptable on ethical grounds for research involving human subjects.

Dr. R. Croteen  
Dr. I. Franks, Associate Chairs

Dr. R. D. Spratley  
Director, Research Services

This Certificate of Approval is valid for three years provided there is no change in the experimental procedures.
January 19, 1993

Dear Ms.

Vancouver Family Court has received a request from Shelley Rivkin who is a student in the Masters programme at the School of Social Work at the University of British Columbia. She has asked for permission to interview a selected number of women who have been involved with the justice system because they were abused by their husbands or boyfriends. She wants to interview you about your opinions of how you were treated by the police and crown counsel and have you describe your experience of going through the criminal justice system. The interviews will be about one and a half hours and all responses will be kept confidential.

You are under no obligation to participate in the research project. If you are interested in participating, you will have the option of being interviewed by Ms. Rivkin in her home or in a neutral location. If at any time you are unhappy with the questions she asks you can withdraw.

If you are interested in participating, please contact me at the above phone number. I will give Ms. Rivkin your name, phone number and the best times to call you. She will follow up with a phone call where she will explain her research project to you in more detail. Before the interview begins you will be asked to sign a consent form.

Sincerely,

Andrea Rolls
Family Court Counsellor
South Probation Office