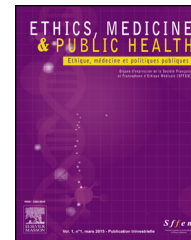




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Looking back and looking forward: Psychological and legal interventions for domestic violence



Regards passés et futurs : interventions psychologiques et légales pour les violences domestiques

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Received 7 January 2015; accepted 23 February 2015
Available online 4 April 2015

KEYWORDS

Intimate partner violence;
Battered woman syndrome;
Cycle of violence;
Custody;
Child abuse;
Trauma treatment;
Psychology and law

Summary This article traces the history of the last 40 years in identifying and assessing domestic violence victims and its impact on the family. Although there is a long and unfortunate history of domestic violence or intimate partner abuse, only since the United Nations, the United States, and other countries began to focus on the civil rights of women, has the focus been on understanding the dynamics of power and control in these relationships and studied the commonalities with other forms of gender violence and intersections with other aspects of cultural norms and values. Overcoming barriers to resources including changes in the criminal justice, civil, and family laws has been a critical step to protecting women and children from further abuse. Custody laws and presumptions of shared parental access continue to place these families in danger. Trauma therapy with an emphasis on reducing power and control issues together with using the courts to help solve problems (therapeutic jurisprudence) are among the recommendations.

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<http://dx.doi.org/10.1016/j.jemep.2015.02.002>
2352-5525/© 2015 Published by Elsevier Masson SAS.

MOTS CLÉS

Violence conjugale ;
Le syndrome de la
femme battue ;
Cycle de la violence ;
La garde ;
Maltraitance des
enfants ;
Traitement des
traumatismes ;
Psychologie et loi

Résumé Cet article retrace l'histoire de ces 40 dernières années pour identifier et appréhender les victimes de la violence familiale et son impact sur la famille. Si la violence domestique ou la violence conjugale ont une histoire longue, ce n'est que depuis que les Nations Unies, les États-Unis et d'autres pays se sont intéressés aux droits civils des femmes, qu'il a été possible de comprendre la dynamique du pouvoir dans ces relations, et qu'on a commencé à étudier les points communs avec d'autres formes de violence entre genres et comment elles s'intègrent avec d'autres aspects des normes et des valeurs culturelles. Il a été nécessaire de surmonter les obstacles, dans les domaines juridiques, civils, familiaux pour protéger davantage les femmes et les enfants. Les lois de garde et les attentes en matière de partage de garde continuent de poser problème aux familles. Parmi les recommandations, utiliser la thérapie du trauma à la fois sans chercher à contrôler, avec un contrôle juridique éventuel (par la jurisprudence thérapeutique).

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Introduction

It has been said that we need our two eyes; as one helps us look backwards and one helps us look towards the future. This article tries to do both, covering the highlights of the past 40 years. Domestic violence (DV) or as it also has been called, intimate partner violence (IPV), has been reported for as long as we have written history. Historical scholars concluded that rarely was anything specifically done to prevent it, although in the 18th century some laws were passed to limit the amount of violence used [1]. One such law held that a man could beat his wife with a stick as long as it was no wider than his thumb. During that time period, a husband was responsible for his wife, and until women began to gain their own legal and social rights, apart from fathers and husbands, it was thought necessary for men to sometimes use physical punishment to demand compliance with their rules [2]. As the new women's movement in the 1960s began to demand legal, civil, and social rights for women, overturning patriarchy, focus began with gender violence, specifically wife abuse, in Europe and rape in the United States [3]. By the 1980s, most of the Western world began to focus on various forms of gender violence including rape, domestic violence, sexual abuse of girls and boys (mostly although not exclusively by men), and sexual harassment and exploitation by men in positions of power. Although there were some attempts to focus on men who were being beaten by their intimate partners [4], the numbers of known cases were very small and the women's movement's concern for the disproportionate numbers of women being abused by men made it difficult to conduct research [3].

The United Nations (U.N.) focus on women's civil rights brought attention to the rest of the world as discussed below. More recently, other areas of gender violence have been added, such as domestic and global sex trafficking in girls and women [5]. Obviously, as these issues of gender violence became more clear, the common denominator was that men were most often (although not always) the perpetrators and women the victims. Even when boys or

men were the victims, most often in child sexual abuse cases such as in the Church or sex trafficking, the perpetrators were mostly men. Countries where there was more attention given to equality between women and men seemed to have less domestic violence and countries where there was civil unrest or at war with other countries seemed to have more violence against women in general, including rape and domestic violence, specifically [5].

The history of the attempt to deal with domestic violence occurred in a context where feminist activism and civil, social, and legal reforms were taking place simultaneously in the 1970s and 1980s in the Western world [6]. In 1976, the U.S. held its first national conference on women's rights in Houston, Texas where delegates who had been elected by their states were sent to prepare the agenda for the U.N. Decade on Women Conferences that took place in several venues including the 1985 U.N. Conference on Women in Nairobi, Kenya. Another U.N. conference followed in China 10 years later. High on the agenda of priorities was the issue of men's violence against women, specifically physical, sexual, and psychological abuse. Scholarly presentations in academic settings focused on power and control issues between men and women with the patriarchal ideology being considered a major barrier to full equality for women with men. In 1994, the U.N. Commission on Human Rights appointed a Special Rapporteur on issues concerning Violence Against Women with a website where annual reports focusing on definitions, incidence, prevalence, best practices, and legislation could be easily accessed by all member countries [7].

At these conferences, world leaders and Non-Governmental Organizations (NGO) discussed the various barriers to women around the world obtaining full legal, civil, and social rights. Mental health and legal remedies to overcome sexist bias and discrimination against women were studied and policy implications and scholarly works were published during the 1980s and 1990s and can be found on the Special Rapporteur's website. For the China conference, all nations who belonged to the U.N. were asked

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