



IN GOD'S SHADOW:
UNVEILING THE HIDDEN WORLD OF
VICTIMS OF DOMESTIC VIOLENCE IN
OBSERVANT RELIGIOUS COMMUNITIES

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ABSTRACT

In recent years, the phenomenon of domestic violence has been elevated to the unreputable status of a global epidemic infesting our society. Despite continuous efforts by law and policy makers to combat this adverse phenomenon affecting one in every three women around the globe, the problem persists to thrive among us. This article provides a rare insight into the world of domestic violence victims in religious communities and the vital importance for legal professionals and law makers to understand and account for the unique challenges these vulnerable victims face in the path towards safety. Through this particular case study, this article aims to highlight the indispensable importance of complementing legal knowledge with comprehensive cultural and social awareness, as an integral part of the use of legal instruments to combat urgent social problems in our diversifying modern society. Absent such an inherent interdisciplinary approach by legal practitioners, researchers, and lawmakers, the law is doomed to lose its power as an effective instrument in the combat against modern social ailments.

I. INTRODUCTION

The age of modern globalization has enriched the religious, ethnic, and cultural composition of our society. Criminal justice systems across the western world encounter these heightened levels of diversity on a daily basis and are called to adapt. Such adjustments and adaptations are essential in order to promote public safety, a sense of security, and community trust in law enforcement and the criminal justice system.

In this new environment, comprehensive knowledge of statutory provisions and case law is simply insufficient. When applying the law, legal practitioners, and particularly judges and prosecutors, are repeatedly required to identify hidden social signals, understand social dynamics, and interpret behavioral and cultural codes. These complex tasks are indispensable when evaluating the credibility of the persons involved in a case, interpreting legal evidence, assessing compliance with the relevant legal standards, conducting risk assessments, and developing case strategies. Absent this vital social and cultural awareness in the legal context, there is a substantial risk that the intended objectives of the written law will not be fulfilled.

One area of law that is highly affected by the increased cultural and religious diversity of our society is the battle against domestic violence. Domestic violence is a phenomenon known to cut across all social and economic classes, races, religions, geographic regions, and professions.¹ Despite this widespread distribution of the phenomenon across society, communities

¹ See Aimee Lee Ball, *The Faces of Abuse*, 3396 HARPER'S BAZAAR 190, 192 (1994); Leslie Bennetts, *Special Report: Domestic Abuse*, PARENTS, Nov. 1994, at 44, 45; Katherine Hancock Ragsdale, *The Role of Religious Institutions in Responding to the Domestic Violence Crisis*, 58 ALB. L. REV. 1149, 1149 (1994); LISTENING TO THE THUNDER: ADVOCATES TALK ABOUT THE BATTERED WOMEN'S MOVEMENT (Leslie Timmins, ed., 1995); Nancy Nason-Clark, *Holy Hush or Shattered Silence? Abuse and the Christian Church*, WINESKINS ARCHIVES (Jan.-Feb. 2008), <http://archives.wineskins.org/article/holy-hush-or-shattered-silence-jan-feb-2008/> [hereinafter Nason-Clark, *Holy Hush*]; Tamr Rotem, *The Haredi Community is Discovering Domestic Violence, But Slowly*, HAARETZ (Jan. 18, 2004), <http://www.haaretz.co.il/misc/1.939630> (Published in Hebrew); UNDERSTANDING ABUSE: PARTNERING FOR CHANGE (Mary Lou Stirling et al. eds., Univ. of Toronto Press 2004); ANNE O. WEATHERHOLT, BREAKING THE SILENCE: THE CHURCH RESPONDS TO DOMESTIC VIOLENCE ix (2008).

differ in their perceptions of domestic violence, as well as in their attitudes toward abused women and violent husbands.² As a result, not all victims are confronted with the same set of challenges on their way to freedom from the chains of violence and abuse.

It is in this context that this article aims to shed light on domestic violence victims of closely knit and conservative religious communities. This is a group that faces a distinct set of barriers, which affect their ability and willingness to report abuse, escape the abuse, and cooperate with law enforcement and prosecution agents.³ Religion and domestic violence are interconnected in a complex web of interfaces. On the one hand, religion can empower and comfort victims through spiritual inspiration and community support.⁴ On the other hand, religious issues and considerations, which surface in the midst of crisis, are primary issues, which have critical weight in situations of domestic abuse. If not addressed, they will inevitably become roadblocks to the victim's path towards safety and the public battle against domestic violence.⁵

In recent years, we have observed increasing efforts by legislatures and policy makers to initiate statutory acts and

² Muhammad M. Haj-Yahia & Elishevan Sadan, *Issues in Intervention with Battered Women in Collectivist Societies*, 34 J. MARITAL & FAM. THERAPY 1, 1 (2008).

³ See Loretta Pyles, *The Complexities of the Religious Response to Domestic Violence*, 22 AFFILIA: J. WOMEN & SOC. WORK 281, 283 (2007) ("Although religion and spirituality can be sources of support for women, they may also pose barriers to women who are living in abusive situations").

⁴ Idelle M. Fraser et al., *Social Support Choices for Help with Abusive Relationships: Perceptions of African American Women*, 17(4) J. FAM. VIOLENCE 363, 363 (2002) (spirituality and religious institutions have been effective sources of support for women of diverse faiths, including spiritual, emotional, and practical assistance from clergy and others in the spiritual community). See generally Nancy Nason-Clark, *Making the Sacred Safe: Woman Abuse and Communities of Faith*, 61 SOC. OF RELIGION 349 (2000) [hereinafter Nason-Clark, *Sacred Safe*].

⁵ MARIE M. FORTUNE, SALMA ELKADI ABUGIDEIRI & MARK DRATCH, *A Commentary on Religion and Domestic Violence*, FAITH TRUST INST. 1, 1 (2010), available at <http://www.faitrustinstitute.org/resources/articles/Commentary.pdf> [hereinafter FORTUNE ET AL.].

amendments to combat the phenomenon of domestic violence.⁶ Nevertheless, drafting and enacting written laws is only the first step in the implementation of effective new criminal justice policies. The written law provides a general framework but lacks the details and customized approach to effectively address the needs of specific groups, such as religious victims of domestic abuse. In order to effectively implement these prominent anti-domestic-violence laws in diverse communities, legal practitioners must compliment their knowledge of the law with a profound awareness of the unique circumstances and challenges repeatedly manifested in communities of faith. Addressing the special needs of this group of vulnerable victims is a vital for the effective prosecution and eradication of the domestic violence epidemic infesting our society. It is also expected to enhance the quality of justice in these cases and to promote public safety.

This article aims to provide an in-depth understanding and an inside look into the intricacies, vulnerabilities, and struggles of domestic violence victims in communities of faith and to untangle some of the complexities associated with this sensitive issue. It intends to assist legal practitioners and researchers in developing the necessary cultural awareness and sensitivity for the communities they serve. This additional layer of knowledge and skills is a vital element to enhance the ability of legal professionals to implement and promote laws and policies combating the adverse phenomenon of domestic violence.

The body of knowledge and analysis presented in this article form the building blocks for devising and formulating the multi-layered interpersonal elements of effective legislative implementation and enforcement. It provides valuable instruments for policymakers and lawmakers combating the phenomenon of domestic violence in religious communities, as well as prosecutors, judges, law enforcement agents, victim advocates, social service providers, and case workers, who serve faith communities and interact with religiously devout victims of domestic abuse. Lastly, this article aims to expand our understanding of the multifaceted issues and concerns affecting

⁶ See e.g., Jonathan Weisman, *Senate Votes Overwhelmingly to Expand Domestic Violence Act*, N.Y. TIMES (Feb. 12, 2013), http://www.nytimes.com/2013/02/13/us/politics/senate-votes-to-expand-domestic-violence-act.html?_r=1&.

victims of crime in the modern era and to highlight the value and importance of victim-oriented legal strategies.

To achieve its objectives, this article utilizes a diverse set of methodologies, including qualitative interviews with professionals who regularly work with domestic violence victims of different religious communities, and an extensive review and analysis of literature and research. These alternative research methods enable a comprehensive multidimensional understanding of the law, the legal system, and the communities they serve.

In comparison to most law review articles, this article is not about case law, statutory analysis, or multilateral conventions. Its focus is on a different dimension of legal practice that is too often absent from law school classrooms and is fading between dusted law books. It is the human exchange, sensitivity, and intercultural awareness that legal practitioners must master in order to execute and fulfill the intended objectives of the legislated statutes and judicial decisions. Without this fundamental and imperative element of legal practice, the written law is void, its implementation fails, and the public is left devoid of the protection the law was intended to provide.

Section II of this article will demonstrate and introduce the intricate interrelations between the discipline of religion and theology and the phenomenon of domestic violence. Section III will outline the common challenges manifested in domestic violence victims of most religious communities. In turn, sections IV–VI will present and analyze the faith-specific challenges faced by victims of the major religious denominations—Judaism, Islam, and Christianity, respectively. Based on the in-depth analysis of the unique challenges confronting religiously devout victims of domestic abuse, section VII will offer practical recommendations for legal professionals and lawmakers to help effectively address these unique challenges and enhance the battle against domestic violence in our society through interdisciplinary strategies, integrating legal expertise with social and cultural awareness.

II. DOMESTIC VIOLENCE & RELIGION

Domestic violence, also known as “intimate partner violence,” is defined as “a pattern of behavior between individuals involved in intimate or family relationships in which one person tries to maintain power and control over the other person by using various types of abuse. These forms of abuse include verbal, emotional, psychological, physical, sexual, economic, and spiritual abuse.”⁷

The World Health Organization (WHO), in its most recent report, has declared domestic violence to be a “global public health problem of epidemic proportions.”⁸ This rigorous international survey has found that thirty percent of women worldwide suffer from intimate partner violence.⁹ Similarly, the American Medical Association (AMA) has estimated that “[n]early one quarter of women in the United States will be abused by a current or former partner some time during their lives.”¹⁰ Domestic violence was identified to be the single major cause of injury to women in America.¹¹ Although domestic

⁷ CHANGE FROM WITHIN: DIVERSE PERSPECTIVES ON DOMESTIC VIOLENCE IN MUSLIM COMMUNITIES 2 (Maha B. Alkhateeb & Salma Elkadi Abugideiri eds., 2007) [hereinafter CHANGE FROM WITHIN].

⁸ *Violence Against Women: Global Picture Health Response*, WORLD HEALTH ORG., http://www.who.int/reproductivehealth/publications/violence/VAW_infographic.pdf (last visited Apr. 24, 2014).

⁹ *Id.*; see also Claudia Garcia-Moreno et al., *WHO Multi-country Study on Women's Health and Domestic Violence Against Women*, World Health Org. 15 (2005), available at http://www.who.int/gender/violence/who_multicountry_study/summary_report/summary_report_English2.pdf (a multi-site international study conducted by the World Health Organization (WHO) has found that “15–71% of women with most sites falling between 29–62%” had experienced physical violence, sexual violence, or both, by an intimate partner during their lifetime).

¹⁰ Anne H. Flitcraft et al., *Diagnostic and Treatment Guidelines on Domestic Violence* AM. MED. ASSOC., 6 (1992), available at http://www.ncdsv.org/images/AMA_Diag&TreatGuideDV_3-1992.pdf.

¹¹ Kamran Memon, *Wife Abuse in the Muslim Community*, ISLAMIC HORIZONS, Mar.–Apr. 1993, available at <http://www.islamawareness.net/Wife/abuse.html>.

violence affects both women and men, it was found that over eighty-five percent of victims of domestic abuse are women.¹² Due to this predominance, this article will focus on female victims of domestic violence.

Studies of the general population do not suggest that the prevalence of domestic abuse is greater amongst communities of faith.¹³ However, prominent scholars investigating the relationship between religion and domestic violence have concluded that “although there is no compelling evidence that violence is more frequent or more severe in families of faith, religious women are more vulnerable when abused.”¹⁴ They have found that “in families of strong faith, many of the patterns that are observed within mainstream culture are intensified: the fear, the vulnerability, the isolation.”¹⁵ This trend stems from the fact that for religious women, these patterns are “commonly and strongly reinforced” by religious ideologies, cultural traditions, and conservative community norms.¹⁶

Studies conclude that, as a result of these social and cultural forces, abuse victims in religious communities are less likely to leave the abusive relationship, more likely to believe the abuser’s promise to change his violent ways, more reluctant to seek community-based resources or shelters, and more commonly express guilt that they have failed their families and God in not being able to make the marriage work or to stop the abuse.¹⁷

Religious ideologies, traditions, teachings, and practices represent a significant aspect of the life and culture for most

¹² Shannan Catalano, Erica Smith & Howard Snyder, *Female Victims of Violence*, U.S. DEP’T OF JUST., 5 (Sept. 2009), available at <http://www.bjs.gov/content/pub/pdf/fvv.pdf>.

¹³ Heidi M. Levitt & Kimberly Ware, “Anything With Two Heads Is a Monster” *Religious Leaders’ Perspectives on Marital Equality and Domestic Violence*, 12 VIOLENCE AGAINST WOMEN 1169, 1170 (2006).

¹⁴ Nancy Nason-Clark, *When Terror Strikes at Home: The Interface Between Religion and Domestic Violence*, 43 J. FOR SCI. STUDY OF RELIGION 303, 304 (2004) [hereinafter Nason-Clark, *When Terror Strikes*].

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

people in the United States and around the world.¹⁸ Religious concerns are primary issues central to many people's lives.¹⁹ In general terms, religion is a lens through which individuals of faith perceive and interpret reality.²⁰ As a result, it has a substantial effect on all aspects of the life of the individual.

Researchers and scholars have recognized the immense impact of religious cognitions on "shaping the diverse ways in which individuals interpret and assign meaning to undesirable events and conditions, assess the degree of threat posed by such problems, and gauge their own capacity for dealing with them."²¹ Different from other systems of meaning, "[r]eligion is unique in centering on what individuals hold to be sacred,"²² and thus it has greater command over a person's cognition. Religious victims of domestic abuse must confront not only the abuse and the tormentor, but also their own ingrained ideologies, beliefs, values, and perceptions, which are constantly challenged in this crisis situation.²³

Furthermore, studies show that religion exerts its most pronounced influence in times of stress and crisis, such as circumstances of domestic abuse and victimization.²⁴ These

¹⁸ FORTUNE ET AL., *supra* note 5, at 1.

¹⁹ *See id.* at 1–2.

²⁰ Daniel N. McIntosh, *Religion-as-Schema, with Implications for the Relation Between Religion and Coping*, 5 INT'L J. PSYCHOL. RELIGION 1, 1 (1995); Crystal L. Park, *Religion and Meaning*, in HANDBOOK OF THE PSYCHOLOGY OF RELIGION AND SPIRITUALITY 295, 295 (Raymond F. Paloutzian & Crystal L. Park eds., 2005).

²¹ Darren E. Sherkat & Christopher G. Ellison, *Recent Developments and Current Controversies in the Sociology of Religion*, 25 ANN. REV. SOC. 363, 374 (1999).

²² Kenneth I. Pargament, Gina M. Magyar-Russell & Nichole A. Murray-Swank, *The Sacred and the Search for Significance: Religion as a Unique Process*, 61 J. SOC. ISSUES 665, 682 (2005); Park, *supra* note 19, at 295.

²³ Hemi Ramiel, *The Religious Community is Coping with Domestic Violence*, NE'EMANEI TORAH VA'AVODAH, <http://toravoda.org.il/node/3285> (last visited May 16, 2014) (Published in Hebrew).

²⁴ FORTUNE ET AL., *supra* note 5, at 2; Daniel N. McIntosh, Roxanne Cohen Silver & Camille B. Wortman, *Religion's Role in Adjustment to a Negative Life Event: Coping with the Loss of a Child*, 65 J. PERSONALITY & SOC. PSYCH. 812, 812 (1993).

situations are often accompanied by “crisis of meaning” when individuals struggle “to make sense out of experiences of suffering and to place the experiences in a context of meaning for their lives.” Questions framed in theological terms such as “Why is this happening to me?”, “Why did God let this happen?”, or “What meaning does this have for my life?” arise in an effort to “comprehend and contextualize the experience of domestic violence, allowing the individual to regain some control over their lives in the midst of crisis.”²⁵ This dynamic creates an intricate interrelation between domestic violence and religion, with a broad array of practical ramifications on the lives of religious victims of domestic violence and on the work of legal professionals serving these vulnerable victims.

Despite the dominance of religion in our society, and its fundamental influence on countless individuals suffering from domestic abuse, religious concerns and its consequences are rarely taken into consideration when devising legal strategies to combat domestic violence. In fact, legal practitioners and criminal justice professionals are often oblivious to the unique set of sensitivities and challenges experienced by religiously devout victims of domestic violence, or they underestimate the severity and intensity of religious issues in the legal context. Ignorance or avoidance of these prominent issues when implementing anti-domestic-violence laws and policies can result in grave failures and errors in the legal implementation. There is an imminent risk of misinterpretation of behaviors, mis-assessment of credibility and risks, misunderstanding of evidence and its weight, and general incidences of miscommunication. Under these circumstances, the safety of the victims and the community is severely compromised, and the underlying intended objective of the law is not fulfilled.

The following sections will outline in detail the religious issues, with bearing on the implementation of anti-domestic-violence laws and policies, and their effect on religiously devout victims of domestic abuse, as well as on the working practices of legal professionals. It will thoroughly explore common elements

²⁵ FORTUNE ET AL., *supra* note 5, at 2; see also SALMA ELKADI ABUGIDEIRI, *A Perspective on Domestic Violence in the Muslim Community*, FAITH TRUST INST. 2 (2010), available at <http://www.faithtrustinstitute.org/resources/articles/DV-in-Muslim-Community.pdf> [hereinafter ABUGIDEIRI, *Domestic Violence*].

that apply to victims of all major religions, as well as faith-specific concerns and challenges.

Notwithstanding the best attempt to provide a thorough and inclusive account of the prominent issues relevant to the major religious denominations, it is crucial to note that substantial sub-division and diversification exists within communities of every faith. There is variation in customs, beliefs, and traditions among the different subgroups. Thus, the issues raised in the general as well as faith-specific sections of this article may not be manifested in every sub-group. Similarly, some sub-groups may display additional issues and concerns. Moreover, the level, intensity, and manifestation of these issues may vary between communities. They could even vary within a specific group. Moreover, although victims of “ultra-observant” constituencies and communities are the most prone to the impact of religious barriers and challenges, domestic violence victims of all levels of religious affiliation and commitment could potentially be affected to some extent.

When reading this article, it is imperative to note that while many traditional religious practices may present particular challenges for women seeking to escape abuse, many victims draw great and invaluable strength from their faith, as well as from individuals within their communities. In fact, some victims unequivocally claim that they would not have been able to cope with the victimization and abuse, or regain their freedom, without their faith.²⁶ It is not the author's intention to criticize or vilify traditional religious beliefs and practices. Rather, the article intends to enlighten providers of services to women in these communities about the challenges that may be present for such victims. This will have the effect of building trust and accommodating their faith wherever possible.

²⁶ SALMA ELKADI ABUGIDEIRI, *Immigrant Muslim Women*, FAITH TRUST INST. 1 (2010), available at <http://www.faitrustinstitute.org/resources/articles/Immigrant-Muslim-Women.pdf> [hereinafter ABUGIDEIRI, *Immigrant Muslim*].

III. COMMON CHALLENGES

Despite their varying beliefs, customs, and traditions, many religions share commonalities that similarly impact their members who face abuse in the home. These commonalities can also impact the work of legal professionals who serve the various religious communities.

It is vital to remember that religious victims do not come with a tag announcing their faith. Although some members of certain religious groups wear distinct costumes and articles of clothing, others do not. Moreover, some victims may intentionally discard any identifying clothing or artifacts when interacting with authorities in order to avoid being recognized or detected by someone who may report their actions to their community. Therefore, sensitivity, attention, and gentle questioning are required in order to detect the hidden signs and indicators of religious affiliation and to assess the victim's level of religious observance, depth of commitment to religious laws, traditions, and unique needs.

Scriptures of most religions have been interpreted (or, many argue, misinterpreted) to justify spousal abuse and to support male authority and female submission in familial structures and society.²⁷ For centuries, abusers have misused sacred texts and religious beliefs to justify their actions that threaten, intimidate, instill guilt, and keep the oppressed in their control.²⁸

Scholars and practitioners assert that in communities of faith, "domestic abuse has . . . roots in the form of *spiritual abuse*."²⁹ Spiritual abuse is defined as "misusing the power of sacred texts, religious traditions, or sacramental authority . . . to oppress or victimize."³⁰ Considering the sanctified status of religious scriptures, and their fundamental and

²⁷ Ron Clark, *The Silence in Dinah's Cry: Narrative in Genesis 34 in a Context of Sexual Violence*, 2 J. RELIGION & ABUSE 81 (2001); FORTUNE ET AL., *supra* note 5, at 11; Levitt & Ware, *supra* note 13, at 1170; Nason-Clark, *Holy Hush*, *supra* note 1, at 349; WEATHERHOLT, *supra* note 1, at 16.

²⁸ FORTUNE ET AL., *supra* note 5, at 2; WEATHERHOLT, *supra* note 1, at 16, 30.

²⁹ WEATHERHOLT, *supra* note 1, at 30 (emphasis added).

³⁰ WEATHERHOLT, *supra* note 1, at 30.

uncompromising meaning to religiously devout victims of faith, the use of these scriptures by the abuser, or even clergy, can form a substantial barrier for the victim.³¹ It may deter reporting and cooperation with law enforcement and convince the victim to remain in the abusive relationship.

Moreover, the conceptualization of the abuse as a spiritual issue can exacerbate the victim's dependence on the religious group and its clergy for guidance concerning the decisions she needs to make to ensure her safety.³² This often creates a dynamic that blames the victims for their suffering.³³ It also enhances vulnerability, discourages independent actions, and deters the acceptance of advice from secular experts.³⁴

Patriarchal culture and traditions are common characteristics of religious communities. Scholars have found that many religious systems reserve leadership roles to males, have unequal membership status for males and females, limit female involvement in rituals, and hold beliefs that women are less connected to God.³⁵ Gender norms often prescribe passivity, meekness, and compliance to female members, making it difficult for women to enact resistance and affecting their ability to challenge their husbands' wills in any way.³⁶ Traditional teachings that empower men and assign greater power to the male partner can enable the abuse of that power.³⁷ This gender imbalance also influences "beliefs about proper marital behavior, power within relationships, and the

³¹ FORTUNE ET AL., *supra* note 5, at 2.

³² Janet Liebman Jacobs, *Divine Disenchantment: Deconverting from New Religions*, SOC. SCI. PHIL. & RELIGION, Oct. 15, 1990, at 5; Nason-Clark, *Holy Hush*, *supra* note 1, at 306.

³³ FORTUNE ET AL., *supra* note 5, at 2.

³⁴ Nason-Clark, *Holy Hush*, *supra* note 1, at 306.

³⁵ Levitt & Ware, *supra* note 13, at 1170.

³⁶ *Id.*

³⁷ *Id.*; WEATHERHOLT, *supra* note 1.

appropriateness” of domestic violence among communities of faith.³⁸

Most religious communities also construct social structures that observe more anachronistic and conservative gender roles. Initially, “the division of labor was considered equivalent as women were given more power over child care and household decisions just as men held power over employment and worldly decisions.”³⁹ Nevertheless, it is now recognized and supported by empirical evidence that this divide reduces opportunities for women to seek support outside of the family or religious community.⁴⁰ Furthermore, this arrangement leaves women in roles that promote their economic dependence and often makes them subject to poverty upon leaving the relationship, unlike their male partners.⁴¹ As a result, the ability to leave an abusive partner is significantly impeded for victims in these communities.

As part of this role-division, women are often charged with the inherent responsibility to maintain the home, ensure the well-being of the family, observe the peace in the home and marital relationship, please their husbands, and keep the family intact.⁴² This allocation of responsibilities stems from religious

³⁸ MARIE M. FORTUNE, KEEPING THE FAITH: GUIDANCE FOR CHRISTIAN WOMEN FACING ABUSE (1987); JOHN S. MCCLURE & NANCY J. RAMSAY, TELLING THE TRUTH: PREACHING ABOUT SEXUAL AND DOMESTIC VIOLENCE (1998).

³⁹ Levitt & Ware, *supra* note 13, at 1169.

⁴⁰ James M. Alsdurf & Phyllis Alsdurf, *A Pastoral Response, in* ABUSE AND RELIGION: WHEN PRAYING ISN'T ENOUGH 165 (Anne L. Horton & Judith A. Williamson eds., 1988); Telephone Interview with Fida Tabony Abu Dbai, Social Change Project Manager, Women Against Violence Organization (WAVO) (Mar. 18, 2013) [hereinafter Dbai].

⁴¹ Dbai, *supra* note 40; Levitt & Ware, *supra* note 13, at 1169; Jessica Pearson, Esther Ann Griswold & Nancy Thoennes, *Balancing Safety and Self-Sufficiency: Lessons on Serving Victims of Domestic Violence for Child Support and Public Assistance Agencies, in* 7 VIOLENCE AGAINST WOMEN 176, 178, 186 (Claire M. Renzetti, ed., 2001); PATRICIA TJADEN & NANCY THOENNES, NAT'L INST. OF JUSTICE, EXTENT, NATURE AND CONSEQUENCES OF INTIMATE PARTNER VIOLENCE, FINDINGS FROM THE NATIONAL VIOLENCE AGAINST WOMEN SURVEY 33 (2000).

⁴² Dbai, *supra* note 40; Levitt & Ware, *supra* note 13, at 1170; Ramiel, *supra* note 22; Interview with Chana Widawski, Program Coordinator, Victim Services

ideologies that see the roles of women, as wife and homemaker, as pivotal to her sense of self-worth and religious duties.⁴³ Under this construction, family failure, dissolution of the marital relationship, or the inability to stop the abuse are interpreted by many religious women as signs that they have failed God. This belief leads to an extreme sense of guilt, self-blame, and vulnerability to further abuse.⁴⁴ It was also found that abused women who hold more traditional beliefs about relationship are “more likely to justify their abuse, remain in the relationship, and allow their partner to control them.”⁴⁵

Other common religious customs and traditions can potentially erect additional barriers in the path towards safety for a religious victim of abuse. For example, customary, modest dress-codes are very efficient in concealing the bruising and physical signs of violence and abuse.⁴⁶ Also, the laws of many religious constituencies deem it inappropriate, or even a sin, for a woman to interact with men other than her husband or very close relatives.⁴⁷ Such prohibition can limit the ability of religious victims of abuse to communicate and interact with male police officers, prosecutors, medical practitioners, and other service providers. Consequently, reporting the abuse, cooperating with prosecution agents, and seeking assistance could become nearly impossible. Moreover, absent the necessary cultural sensitivity, the discomfort of these victims

Unit, Kings County District Attorney, in New York, NY (March 29, 2013) [hereinafter Widawski]; Interview with Fatma Zahra, Counselor, Victim Services Unit, Kings County District Attorney, in Brooklyn, NY (March 27, 2013) [hereinafter Zahra].

⁴³ Nason-Clark, *Holy Hush*, *supra* note 1, at 304.

⁴⁴ Dbai, *supra* note 40; FORTUNE ET AL., *supra* note 5, at 2; Jacobs, *supra* note 32, at 103; Levitt & Ware, *supra* note 13, at 1170; Nason-Clark, *Holy Hush*, *supra* note 1, at 306; Widawski, *supra* note 42.

⁴⁵ Diane R. Follingstad et al., *Factors Related to Physical Violence in Dating Relationships*, in *INTIMATE VIOLENCE: INTERDISCIPLINARY PERSPECTIVES* 121 (Emilio Viano ed., 1992); Levitt & Ware, *supra* note 13, at 1186.

⁴⁶ Dbai, *supra* note 40; Widawski, *supra* note 42.

⁴⁷ Dbai, *supra* note 40; Interview with Wanda Lucibello, Chief of Special Victims Division, Kings County District Attorney, in Brooklyn, NY (Mar. 27, 2013) [hereinafter Lucibello]; Widawski, *supra* note 42; Zahra, *supra* note 42.

while in the presence of men can be misinterpreted as a sign of dishonesty or unwillingness to cooperate.

The anatomy and dynamic of the marital institutions in communities of faith is another shared element. The marital bond among members of religious communities is often tied at an early age. Significant age differences between husband and wife are more common than in secular communities. Traditional customs like arranged-marriages and marriages facilitated by the couple's families of origin are still prevalent in many communities of faith. As a result, a woman may have only partial or no control over whom she will marry or when her marriage will occur. These patterns in the constitution of marital relationships can affect the power dynamic in the relationship, exacerbate the imbalance, and increase vulnerability.

The promise to stay together "until death do us part" is a common discourse in most religious traditions.⁴⁸ This is a promise the couple makes to each other, to the family, to the community, and to God; thus, it carries a very heavy obligation. Even in abusive situations, the sanctity of marriage conceptualizes dissolution of the relationship or divorce as an impossible or unacceptable option. This notion is reinforced by entrenched personal beliefs, community norms, and messages delivered by clergy and congregational members.⁴⁹

A belief that she is unable to end her marriage if she wishes to maintain her faith can trap the victim in an abusive relationship.⁵⁰ The victim may believe, and may be threatened, that she will be expelled from the community or excommunicated if she chooses to divorce her abusive spouse. Under some circumstances, an anti-divorce sentiment reinforces a victimized woman's sense of failure and vulnerability.⁵¹ It may also discourage victims in these communities from seeking community-based assistance or resources in a situation of domestic abuse.⁵² There is often a tendency among clergy to

⁴⁸ FORTUNE ET AL., *supra* note 5, at 11.

⁴⁹ Levitt & Ware, *supra* note 13, at 1186; WEATHERHOLT, *supra* note 1.

⁵⁰ Levitt & Ware, *supra* note 13, at 1186.

⁵¹ Nason-Clark, *Holy Hush*, *supra* note 1, at 306.

⁵² *Id.* at 304.

endorse interventions that protect the marriage over those that provide the wife with the support to divorce or separate, sometimes resulting in an unintended compromise of the victim's safety.⁵³

“Although abused religious women want the battery to stop, they may not wish to terminate their relationship with the abuser, either temporarily or forever.”⁵⁴ Absent awareness and sensitivity to these unique circumstances, law enforcement agents, prosecutors, and service providers may be extremely confused and misled by such reaction of a victim. The victim's attitude could raise doubts regarding the truthfulness of the complaint of abuse, and adversely affect the assessment of the victim's credibility. It may also render some conventional responses to domestic violence, like mandatory arrests, problematic for religious victims.⁵⁵ Such measures could erect additional barriers for the victim and inhibit their ability to end the abuse and seek safety. Furthermore, the resources these women seek in the aftermath of violence may vary from those sought by their more secular counterparts.⁵⁶

The important role and significance of the community for individuals of faith is also a considerable issue, which bears on victims of domestic abuse. A religious community provides for its members' spiritual, social, emotional, and sometimes financial needs. Many religious communities are characterized by closeness in terms of social structure and living environment, interdependence between community members and organizations, and relative isolation from mainstream secular society. Membership in a community is a fundamental part of religious practices and is essential in order to maintain the faith and to observe religious rituals and traditions. The vast majority of each member's familial and social ties will be within the community. It is frequently the case that group members—in particular, women—will have very few, if any, contacts

⁵³ Levitt & Ware, *supra* note 13, at 1187; WEATHERHOLT, *supra* note 1.

⁵⁴ Alsdurf & Alsdurf, *supra* note 40; Nason-Clark, *Holy Hush*, *supra* note 1, at 305.

⁵⁵ Lucibello, *supra* note 47.

⁵⁶ Alsdurf & Alsdurf, *supra* note 40; Nason-Clark, *Holy Hush*, *supra* note 1, at 305.

outside the community. Thus, the decision of leaving the community is one of epic proportion and consequence and one that can be incomprehensible to an untrained outsider.

It is important to note that under some circumstances, a close community can be an invaluable source of support for abuse victims.⁵⁷ It can provide resources, shelter, financial assistance, emotional and spiritual support, legitimization of the victim's need for safety, and accountability for the abuser. The confines of women-only networks within religious communities were found to be a particularly valuable source of informal social support for battered women and their children.⁵⁸ The ability of the community to play a positive role highly depends on the level of awareness and sensitization to the issue of domestic violence and the approach of clergy and community leaders towards the issue.⁵⁹

At the same time, a close-knit religious community can become an oppressive agent and a monumental inhibiting barrier for victims of domestic abuse in such communities. Communities of faith commonly have a hierarchal structure. A family's reputation and good name can determine the individual's social status, marriage prospects, involvement in religious rituals and community activities, and even the ability to conduct business within the community.⁶⁰

Disclosure of information regarding domestic violence and so-called dysfunctional family dynamics, as well as the victim's response to the abuse, could greatly affect the community's perception of the victim and her status within the community. Victims in such communities may be extremely fearful that reporting the violence will tarnish their family's reputation and

⁵⁷ FORTUNE ET AL., *supra* note 5, at 1; Fraser et al., *supra* note 4, at 363 (spirituality and religious institutions have been effective sources of support for women of diverse faiths, including spiritual, emotional, and practical assistance from clergy and others in the spiritual community); Nason-Clark, *Sacred Safe*, *supra* note 4, at 349.

⁵⁸ Nancy Nason-Clark, *Religion and Violence Against Women: Exploring the Rhetoric and Response of Evangelical Churches in Canada*, 43 SOC. COMPASS 515, 521 (1996) [hereinafter Nason-Clark, *Religion and Violence*].

⁵⁹ Levitt & Ware, *supra* note 13, at 1170.

⁶⁰ Dbai, *supra* note 40; Ramiel, *supra* note 23; Widawski, *supra* note 42.

adversely affect not only themselves but also their entire family line. This fear is further exacerbated by the closeness of the community, which makes it difficult to keep matters private and confidential.⁶¹ The lack of understanding of the community's dynamic and the full range of forces weighing on the victim could obscure the reason behind a victim's reluctance to report abuse or cooperate with law enforcement.

The prominent role of the community in the lives of religiously devout victims amplifies the community's capacity for intimidation and coercion. Even very subtle acts, which may not be intuitively interpreted as threatening by an outsider, and sometimes may not meet the legal threshold of criminal intimidation, could potentially have a tremendous influence on a religious victim.⁶² Examples may be the appearance of a large number of community members in court to support the abuser, use of scriptures and religious symbols by clergy or prominent community members, intentional exclusion from community events, withdrawal of community support and assistance, and "silent treatment" towards the victim.⁶³ Considering the community's dynamic, such relatively minor and often elusive acts can easily coerce a victim of domestic violence into silence, leading the victim to recant previous statements regarding the abuse and to terminate cooperation with law enforcement.

Practitioners also report that some religious victims severely fear judgment and chastisement by their community. As a result, while some victims find it comforting to consult with service providers or victim support organizations affiliated with their own faith, others may be extremely reluctant and afraid to do so. Some may specifically request not to have any contact with organizations affiliated with their own religion for fear of judgment or possible breach of their confidentiality. Some victims raise concerns that association with such religiously affiliated organizations or service providers may result in

⁶¹ Dbai, *supra* note 40; Widawski, *supra* note 42.

⁶² Lucibello, *supra* note 47; Ramiel, *supra* note 23; Widawski, *supra* note 42.

⁶³ Lucibello, *supra* note 47; Widawski, *supra* note 42.

disclosure of information regarding their abuse or contact with authorities to their clergy and congregation.⁶⁴

Clergy and religious leaders are a focal point in every religious community. Their central role in all aspects of the life of the community and its members provides them with a great degree of influence over the community's attitude towards the issue of domestic violence. Similarly, clergy have substantial control over the ability of abuse victims, within the community, to obtain the support and resources necessary to terminate the abuse and reach safety.

The willingness of clergy to discuss the issue of domestic abuse in religious services and counseling sessions, and the rhetoric used, can have an enormous impact on community attitude and on the inclination of the victim to come-forward, report the abuse, and take active steps to end the violence. Researchers have found that “[m]ost religious leaders do not name violence in the family context for what it is. Instead, they refer to family conflict, disagreements, or problems of communication.”⁶⁵ “Most clergy have never preached a message that explicitly condemns wife abuse, child abuse or violence in the home.”⁶⁶ Similarly, information regarding violence in dating and relationships is absent from premarital couples’ counseling and youth group discussions.⁶⁷ A discourse that implies approval of uneven gender roles and imbalance of power in the marital relationship can be interpreted to dismiss or even support abusive behavior, and such a discourse is thus likely to contribute to the problem.⁶⁸

Religious groups frequently seek to portray a positive image of peacefulness and non-violence to the outside world. They believe that this image reinforces the faith’s superior values.⁶⁹

⁶⁴ Interview with Sara Lynn Vahling, Senior Clinical Supervisor, Victim Services Unit, Kings County District Attorney, in Brooklyn, N.Y. (Mar. 27, 2013) [hereinafter Vahling]; Zahra, *supra* note 42.

⁶⁵ Nason-Clark, *Holy Hush*, *supra* note 1.

⁶⁶ Nason-Clark, *Holy Hush*, *supra* note 1.

⁶⁷ Nason-Clark, *Holy Hush*, *supra* note 1.

⁶⁸ Levitt & Ware, *supra* note 13, at 1186.

⁶⁹ Rotem, *supra* note 1.

To this end, clergy and community leaders may adamantly deny that domestic violence exists in their community, and they will minimize the importance of the problem.⁷⁰ Discussing the issue of domestic abuse in public will be considered as “airing the dirty laundry in public” or “taking skeletons out of the closet” and therefore will be discouraged and even forbidden. Thus, communities may attempt to suppress information regarding incidences of domestic violence in the community, silence victims, deter reporting to secular authorities and law enforcement, and avoid referrals to secular expert service providers outside the community.⁷¹

Studies have found religious leaders to be among the “first persons to whom women report marital abuse.”⁷² Thus, the nature, quality, and effectiveness of their responses are of vital importance and are likely to have substantial consequences. Unfortunately, clergy are often untrained to address and provide effective intervention in situations of domestic abuse.⁷³ Moreover, most are unfamiliar with service providers or resources available to domestic violence victims in their area, like shelters, transition houses, counselors, and victim advocates.⁷⁴

⁷⁰ MARIE FORTUNE, *VIOLENCE IN THE FAMILY: A WORKSHOP CURRICULUM FOR CLERGY AND OTHER HELPERS* (1991) [hereinafter FORTUNE, VIOLENCE]; Nason-Clark, *Holy Hush*, *supra* note 1; Pyles, *supra* note 3, at 284; Ramiel, *supra* note 23; Rotem, *supra* note 1; WEATHERHOLT, *supra* note 1.

⁷¹ CHANGE FROM WITHIN, *supra* note 7, at 4; Dbai, *supra* note 40; Ramiel, *supra* note 23; Rotem, *supra* note 1.

⁷² Lori Beaman-Hall & Nancy Nason-Clark, *Partners or Protagonists? The Transition House Movement and Conservative Churches*, 12 *AFFILIA: J. WOMEN & SOC. WORK* 176, 183 (1997); Levitt & Ware, *supra* note 13, at 1170–71; *see also* Ramiel, *supra* note 23.

⁷³ Alsdurf & Alsdurf, *supra* note 40; Cynthia K. Dixon, *Violence in Families: The Development of a Program to Enable Clergy to Provide Support*, 1 *J. FAM. STUD.* 14 (1995); FORTUNE, VIOLENCE, *supra* note 70; Levitt & Ware, *supra* note 13, at 1170–71; Pyles, *supra* note 3, at 284; Ramiel, *supra* note 23; Alberta D. Wood & Maureen C. McHugh, *Woman Battering: The Response of Clergy*, 42 *PASTORAL PSYCHOL.* 185, 185 (1994).

⁷⁴ FORTUNE, VIOLENCE, *supra* note 70; Nason-Clark, *Holy Hush*, *supra* note 1; Pyles, *supra* note 3, at 284, 287.

The result is an increased likelihood of inappropriate response, which can compromise the safety of the victim and result in reluctance or inability to provide valuable referrals to secular and community-based services.⁷⁵ Clergy's belief in the sanctity of marriage and the family often sways them to endorse interventions that protect the marriage and to encourage women to return home and remain in abusive relationships "despite the serious risks to their physical and mental health."⁷⁶ It was also observed that religious leaders tend to "attempt to control perpetrators by placing penance on them, restricting their religious participation, or providing peer monitoring," with a belief that these punishments and controls will eliminate the abuse.⁷⁷

Practitioners observe that the dominance of traditional and conservative religious and cultural practices is particularly pronounced in communities of immigrants and ethnic minorities. Substantial efforts to maintain a structured, tight, and relatively isolated community in these groups has also been identified. Practitioners explain that the heightened commitment to these conservative practices is a measure used to form and maintain a distinct identity in a foreign land through religious symbols and practices, prevent assimilation and erosion of religious integrity, maintain the community's reputation, and cope with an unfamiliar reality.⁷⁸ Although their country of origin may have advanced and modernized since their departure several decades ago, religious communities often cling to the conservative traditions they observed before

⁷⁵ Nason-Clark, *Holy Hush*, *supra* note 1; Nason-Clark, *When Terror Strikes*, *supra* note 14, at 303–04; Pyles, *supra* note 3, at 281, 287 (Proactive collaboration and communication between religious institutions and social service providers and advocates seems to be lacking in the communities that were studied); Widawski, *supra* note 42.

⁷⁶ Nicole Knickmeyer et al., *Responding to Mixed Messages and Double Binds: Religious Oriented Coping Strategies of Christian Battered Women*, 5 J. RELIGION & ABUSE 55 (2004); Levitt & Ware, *supra* note 13, at 1170–71, 1187; Ramiel, *supra* note 23.

⁷⁷ Levitt & Ware, *supra* note 13, at 1187.

⁷⁸ Dbai, *supra* note 40; Widawski, *supra* note 42; Zahra, *supra* note 42.

their departure. Under these circumstances the barriers and challenges described above are further accentuated.⁷⁹

Despite the fact that many wars around the world were triggered by religious disagreements, it is apparent that a multitude of parallel threads also exist among most major religious groups. These entrenched values, ideologies, and practices have a deep and immense impact over the entire community's attitude and approach towards the issue of domestic abuse, as well as the dynamic of the marital relationship and dynamic. Consequently, they also have a powerful effect on victims of domestic violence in these religious communities. They hinder the victims' ability and inclination to report the abuse, cooperate with law enforcement and prosecution, end the abuse, and reach safety.

Lack of awareness, understanding, and sensitivity to these influential factors may lead to misinterpretation of the victim's behavior, responses, motives, and constraints. It can result in miscommunication, mishandling of the victim's case, and, potentially, further aggravation of the victim's circumstances and endangerment of the victim's safety and well-being. Therefore, consideration and incorporation of these notions in case management by all practitioners is of vital importance and value.

IV. JEWISH VICTIMS

Religious Jewish communities, either in Israel or the diaspora, maintain a close-knit and mainly isolated structure. The community structure aims to uphold the group's identity, prevent assimilation, and observe their religious rituals, laws, and traditions. This is particularly true for the Haredi (or Ultra-Orthodox) sect. Despite the long-standing denial of the domestic violence phenomenon by observant Jewish communities and efforts to exhibit a peaceful exterior, it is a known fact that, like any other segment of society, domestic violence does exist across Jewish communities of all denominations.⁸⁰ In fact, it was shown that Jewish women stay

⁷⁹ Dbai, *supra* note 40; Zahra, *supra* note 42.

⁸⁰ *Abuse Facts*, JEWISH COALITION AGAINST DOMESTIC ABUSE,

in abusive relationships by an average of five-to-seven years longer than non-Jewish women.⁸¹

Judaism, like most other religions, consists of numerous denominations and sects. Although based on similar foundations and scriptures, there is variation in the details of ideological schemes and the level of observance and restriction by religious rules, which may influence the effect the issues outlined below have on Jewish victims of domestic violence of the different constituencies.

There is a widespread conviction in the Jewish world that domestic violence is not an issue that should be openly discussed or brought up publicly.⁸² In many communities, domestic abuse is considered an inter-marital issue, and therefore it is considered taboo and often is not discussed even with a mother, sister, or close friend.⁸³ Consequently, women may not be aware that spousal abuse is not part of normal marital relationships or that it is illegal and forbidden by law.⁸⁴

Haredi communities are extremely isolated. Jewish laws prohibit community members from having any exposure to secular media or literature.⁸⁵ Community members often do not have TV sets in their homes; there is no access to open internet; and reading secular newspapers, magazines, or books is strictly

<http://jcada.org/www/docs/4/> (last visited Apr. 24, 2014); *A Rabbi's Introduction to Domestic Violence*, FAITH TRUST INST. 2 (2010), available at <http://www.faithtrustinstitute.org/resources/articles/Rabbis-Intro-to-DV.pdf>.

⁸¹ *Abuse Facts*, *supra* note 80; MARICOPA ASS'N OF GOV'TS, *The Jewish Perspective*, in DOMESTIC VIOLENCE RESOURCE GUIDE FOR FAITH LEADERS 41 (Oct. 2001), available at http://www.azmag.gov/archive/DV/Resources/RDVC_2011-04-04_Domestic-Violence-Resource-Guide-for-Faith-Leaders.pdf.

⁸² Abraham J. Twerski, *Tackling a "Shondeh,"* JEWISH ACTION (1998), <http://www.ou.org/publications/ja/5758/spring98/shondeh.htm>.

⁸³ *Abuse Facts*, *supra* note 80; Widawski, *supra* note 42.

⁸⁴ Widawski, *supra* note 42.

⁸⁵ Avital Chizhik, *Orthodox Jewish Women Don't Need Tefillin; We Need Real Empowerment*, HAARETZ (Feb. 4, 2014, 3:26 PM), <http://www.haaretz.com/jewish-world/jewish-world-features/.premium-1.572170>. [hereinafter Chizhik, *Orthodox*]

prohibited.⁸⁶ Furthermore, community members, and women particularly, are discouraged from using unholy languages (e.g., English). Thus, in some ultra-orthodox communities the ability to communicate in English is very poor. The outside world is systematically demonized.⁸⁷ Community members are trained from a very young age to mistrust, fear, and avoid interaction with “the other” – a term referring to individuals who are not members of the Haredi community. Such interaction, and particularly that with individuals who are not members of the Jewish faith, is highly discouraged and even forbidden. As a result, the information distributed and shared within the community is very rarely supplemented by information from the “outside world.” There is a lack of information about norms and laws governing the issue of domestic violence, the criminal justice system, and the services available to victims of domestic abuse.⁸⁸

The void of information also creates great misconceptions and mistrusts in any external, secular, or state systems and authorities.⁸⁹ There is often an extreme fear of secular authorities. This is particularly severe with descendants of formerly communist European states (i.e. Soviet states and former USSR) and of holocaust survivors, who witnessed continuous abuse of power, violation of privacy, and anti-Jewish policies by state authorities.⁹⁰ Specialized programs, designed to combat domestic violence in Jewish communities and provide assistance to victims in the community, are often denounced and labeled anti-Semitic and as a hostile strategy to single out the Jewish community.⁹¹

⁸⁶ Chana Widawski & Shoshannah D. Frydman, *A Marriage of Jewish Family Services and The Criminal Justice System: Innovation and Collaboration in Addressing Domestic Violence in the Orthodox Community*, 82 J. JEWISH COMMUNAL SERVICE 59, 63 (2007); Chizhik, *Orthodox*, *supra* note 85.

⁸⁷ Chizhik, *Orthodox*, *supra* note 85.

⁸⁸ Widawski, *supra* note 42.

⁸⁹ *Id.*

⁹⁰ *Id.*

⁹¹ *Id.*

The Talmudic law of *Mesirah* prohibits any Jew from dispensing information or reporting a fellow Jew to secular or state authorities and from potentially causing a fellow Jew's arrest.⁹² Although application of the rule varies, it essentially forbids reporting to the police or any other state agency, referring to state-run or secular shelters, providing court testimony, or any other form of collaboration with law enforcement or prosecution, even when a legitimate crime is concerned.⁹³ In many communities, *Mesira* is an unforgivable offense and will carry the most severe punishment, including expulsion from the community, ex-communication, and loss of child custody.⁹⁴ In some reported cases, battered women who reported abuse and escaped to a shelter for safety were disowned by their own family and children, who chose to endorse and fully support the abusing husband.⁹⁵

The community has tremendous power over the individual and can leverage this power to silence the victim and force the victim's submission and compliance with community laws and norms.⁹⁶ Sanctions against the victim and her children may also be inflicted, including actively and explicitly supporting the abusive husband, expelling the victim's children from the community's schools and education programs, denying child custody, denouncing the victim's family name, and ostracizing the victim.⁹⁷ Although these intimidation mechanisms have a

⁹² *Id.*; Michael J. Broyde, Informing on Others for Violating American Law: A Jewish Law View, JEWISH LAW ARTICLES, <http://www.jlaw.com/Articles/mesiralaw2.html> (last visited Apr. 16, 2014); Ron Kampeas, Jewish Law Goes to Court: Mesira Meets American Justice, JEWISH COMMUNITY VOICE 35 (Sept. 21, 2011), available at http://www.jewishvoicesnj.org/news/2011-09-21/PDF/Page_035.pdf.

⁹³ *About Us*, BAT MELECH, <http://batmelech.org/who-we-are/about-us> (last visited Apr. 24, 2014); Broyde, *supra* note 93; Telephone Interview with Maya Yosipov, Rights of Victims of Crime Law Officer, Israel Police (June 25, 2013) [hereinafter Yosipov]. Note that in some cases, the rule can be waived by obtaining prior authorization by rabbinic authority. Widawski, *supra* note 42.

⁹⁴ Rotem, *supra* note 1.

⁹⁵ *Id.*

⁹⁶ Yosipov, *supra* note 94.

⁹⁷ Widawski, *supra* note 42.

devastating effect on the victim, they often do not rise to the level of criminality, or the victim may not be willing to come forward; therefore, they are very difficult to prevent or prosecute.⁹⁸

Similar to other ultra-observant and conservative groups, the Jewish ethos considers the integrity and well-being of community as a sacred higher value, and individuals are expected to sacrifice themselves to benefit the community.⁹⁹ Reports regarding a domestic abuse victim are often viewed as shattering the community's image of non-violence and peacefulness and as a "stain" on the entire community.¹⁰⁰ Thus, she is expected to carry the burden for the benefit of the community, remain silent, remain in the abusive relationship, and even endure punishment and social sanctions.¹⁰¹ The abused woman therefore becomes a victim not only of her spouse, but also of the community as a whole.¹⁰²

Jewish communities, and Haredi communities particularly, have alternative mechanisms and institutions to address and resolve internal community problems.¹⁰³ There are independent Rabbinical Courts, disciplinary committees, and mediators.¹⁰⁴ In the vast majority of cases, these institutions are run by male members of the community with no female representation. Extreme social pressure is applied to resolve all disputes and problems internally.¹⁰⁵

All community members are expected to approach the rabbinical courts and institutions with their claims of wrongdoing, rather than report to secular state authorities, in an effort to preserve the autonomy and standing of their Jewish

⁹⁸ *Id.*; Yosipov, *supra* note 94.

⁹⁹ Rotem, *supra* note 1.

¹⁰⁰ Rotem, *supra* note 1; Yosipov, *supra* note 94.

¹⁰¹ Rotem, *supra* note 1.

¹⁰² Ramiel, *supra* note 23.

¹⁰³ Widawski, *supra* note 42.

¹⁰⁴ Yosipov, *supra* note 94.

¹⁰⁵ *About Us*, BAT MELECH, *supra* note 94.

legal institutions.¹⁰⁶ “If a [community member] refuses to have a case heard in these rabbinic courts, the rabbinic judges can and do issue so-called ‘refusal notices’ which publicly announce that the person in question insists on taking the case to the state courts.”¹⁰⁷ The notices often include the imposition, or threat, of social sanctions, which have a serious impact on the lives of those subjected to them. These sanctions can include exclusion from synagogue and prohibitions on the community from conducting business with such a person, can affect the eligibility of the person’s children for marriage, and can have numerous other negative impacts on an individual’s personal and communal life.”¹⁰⁸

On rare occasions, when the internal courts decide to intervene in favor of a domestic violence victim, alternative resolution will be mandated. These may include renting a separate apartment for the wife, sending her abroad temporarily, or dispensing internal social sanctions against an abuser. Currently, there is no feasible method for evaluating the efficacy of these alternative methods.¹⁰⁹

Like many religious communities, Rabbis and community leaders are extremely influential in Jewish communities. Their role stretches far beyond spiritual leadership and performance of religious services and rituals. The Rabbi is a community leader. He has authority over the interpretation and application of Jewish law and provides rulings on acceptable norms, customs, and behavior. The Rabbi serves as a counselor for community members who approach him for advice on all aspects of their lives, ranging from spiritual dilemmas to family life, social concerns, and business problems. The Rabbi also

¹⁰⁶ Jeremy Sharon, *A-G: Prosecute Rabbinic Judges for Excommunication Threats*, JERUSALEM POST (Mar. 7, 2013), <http://www.jpost.com/National-News/A-G-Prosecute-rabbinic-judges-for-excommunication-threats>; Yosipov, *supra* note 94.

¹⁰⁷ Sharon, *supra* note 107.

¹⁰⁸ Sharon, *supra* note 107.

¹⁰⁹ Ramiel, *supra* note 23.

holds a judicial and disciplinary function as a mediator and a member of the rabbinical courts and tribunals.¹¹⁰

Jewish laws mandate that every member of the community obtain the permission of the Rabbi before making any decision, even on personal matters.¹¹¹ Understandably, this function is particularly pronounced in Haredi communities. In order to conform to this obligation, a domestic abuse victim who wishes to take any active step to improve her situation must first gain authorization from her community Rabbi. This will include taking any action to leave her husband (temporarily or permanently), reporting the abuse to authorities, or requesting an order of protection. Failure to obtain such permission can have very severe consequences on the victim and can affect her ability to maintain custody of her children, obtain a divorce, and continue to be a member of the community.¹¹²

Practitioners who handle Jewish victims in different capacities should be mindful of the following requirement: It is important to ask the victim whether she may be interested in approaching her Rabbi for authorization before taking any active steps in her case. If the victim wishes to follow this path, attempting to provide a sufficient timeframe to accommodate the process is also essential. Such measures could help the victim to avoid adverse repercussions, which could further burden her and aggravate her situation.

Similar to other religious denominations, the Jewish Rabbis act as counselors and hold a significant function in addressing cases of domestic violence in their community.¹¹³ As previously discussed, lack of appropriate training, unawareness of available resources, and reluctance to refer victims to secular experts are common problems.¹¹⁴ Moreover, many Rabbis hold very conservative positions and will prioritize keeping the family

¹¹⁰ Richard Hirsh, *The Role of The Rabbi: A Preliminary Perspective*, 64 THE RECONSTRUCTIONIST 43 (1999).

¹¹¹ Widawski, *supra* note 42.

¹¹² Widawski, *supra* note 42.

¹¹³ Ramiel, *supra* note 23.

¹¹⁴ *Id.*

together and avoiding divorce over the victim's needs.¹¹⁵ This conservative approach may potentially have a silencing effect on the victim and the community as a whole.¹¹⁶

Victims in these communities may be very hesitant to confide in their Rabbi about the abuse. Some will fear that they will not be believed, will be suspected of lying, or will be considered a "meshugah" (crazy).¹¹⁷ These fears are particularly valid when the abuser is a "respectable member of the community" and holds an elevated status in the hierarchal community structure based on his family lineage, scholarly skills, or commitment to religious rules and obligations.¹¹⁸

Another imminent concern is the fear of "Shondeh," which translates to shame or disgrace.¹¹⁹ This is the family's good name and reputation in the community, which determines the family's status in the community's hierarchy. Admission of lack of normalcy in the marriage, or violation of the peace of the home, can bring great shame to the victim and her family and stain the family's lineage.¹²⁰ "Shondeh" is considered particularly severe when it happens under circumstances where a Jewish person is embarrassed where non-Jews can observe.¹²¹ Hence, reporting the abuse to someone outside the community,

¹¹⁵ *Id.*

¹¹⁶ MARICOPA ASS'N OF GOV'TS, *supra* note 81; Rotem, *supra* note 1. Ramiel, *supra* note 23; Yosipov, *supra* note 94.

¹¹⁷ Twerski, *supra* note 82.

¹¹⁸ *Abuse Facts*, *supra* note 80; Widawski, *supra* note 42; Yosipov, *supra* note 94.

¹¹⁹ *Abuse Facts*, *supra* note 80.

¹²⁰ MARICOPA ASS'N OF GOV'TS, *supra* note 81; Ramiel, *supra* note 23; Widawski, *supra* note 42.

¹²¹ Doron Kornbluth, *Shanda fur di Goyim!*, DORONKORNBLUTH (July 26, 2009, 12:00 AM), <http://www.doronkornbluth.com/articles.asp?AID=25#.UbohO1KNqSk> ((referred to in Yiddish as "shanda fur die goy"))

like the police or secular service providers, carries particularly severe consequences.¹²²

Because most Jewish communities, particularly those in the diaspora, are very closely knit and reside in relatively close quarters, it is inevitable that “everyone knows everyone’s business.” Therefore, community members will immediately notice police at the home due to a domestic disturbance report, and it will be near impossible to remain discreet and avoid public exposure.¹²³

To avoid “Shondeh,” even the victim’s family of origin may pressure her to overlook the abuse, keep the family intact, and avoid reporting.¹²⁴ The family may threaten to disown the victim if she discloses or reports the abuse.¹²⁵ Parents whose daughters complain of being abused may encourage them to return to their husbands despite the abuse, using excuses such as “the children need a father” or “he is a good provider.”¹²⁶ In these situations, the victim will suffer from rejection and abandonment from those she trusted the most and whose support she expected, which can have a devastating effect on the victim.

Traditional marriage practices and the dynamics of Jewish marriages are also complex issues, which erect numerous barriers for Jewish victims of domestic violence. *Shidech*, or arranged marriages, are still common practice in many Jewish communities. Observant Jewish girls will marry very young, often in their teens. There are many situations in which there will be a significant age gap between husband and wife. The girl will have very little, if any, control over the chosen suitor or over the decision to marry altogether. The family’s criteria when choosing a husband for their daughter, rather than assessment

¹²² Avital Chizhik, *When 'Fairy-Tale' Marriage Turns Sour, Help for Religious Women*, HAARETZ (Feb. 25, 2014), <http://us3.campaign-archive2.com/?u=be6be516e1292198bdabad9b9&id=7b8b30296a&e=92a03880e1> [hereinafter Chizhik, *Fairy-Tale*].

¹²³ Widawski, *supra* note 42; Chizhik, *Fairy-Tale*, *supra* note 123.

¹²⁴ Yosipov, *supra* note 94; Chizhik, *Fairy-Tale*, *supra* note 123.

¹²⁵ Widawski, *supra* note 42.

¹²⁶ Twerski, *supra* note 82; Chizhik, *Fairy-Tale*, *supra* note 123.

of the suitor's character and benevolence, will commonly focus on his family's status, reputation, and financial means and on his commitment to the Torah and religious rules.¹²⁷ These practices can cause great imbalance of power in the marital relationship.

The taboo over intra-marital issues, coupled with lack of access to any external resources, leaves the future wife largely in the dark, with little to no information regarding what to expect from a normative marital relationship.¹²⁸ In Haredi communities, the new husband is likely to be the first male outside her immediate family with which a girl has ever interacted.¹²⁹ Bridal instruction, performed by the Rabbi's wife or a female community elder prior to the marriage, is obligatory. However, these sessions are more likely to focus on the wife's duties and responsibility to maintain the peace of the home and integrity of the family, rather than the possibility of spousal abuse. As a result, many Jewish victims of domestic abuse "feel that they are alone, that no one else in the Jewish community is living with abuse and that no one will understand or believe them."¹³⁰ They will be very fearful to disclose or report the abuse to anyone, let alone the authorities.

Within the marriage, a patriarchal role division prevails. The role of the husband/father in the family is very important. He is the head and leader of the family, will lead all religious ceremonies and rituals, and is charged with teaching the children the Torah and Jewish laws. He often has full control over the household finances and may restrict the wife's access to money.¹³¹ A victim may be willing to tolerate her abuse in order to maintain the presence of the leader in the family.¹³²

The woman's domain is in the home, and many women will remain relatively isolated from the outside world. As the family

¹²⁷ DEBORAH FELDMAN, UNORTHODOX: THE SCANDALOUS REJECTION OF MY HASIDIC ROOTS (2012).

¹²⁸ *Id.*

¹²⁹ *Id.*

¹³⁰ *Abuse Facts*, *supra* note 80.

¹³¹ *Id.*

¹³² Widawski, *supra* note 42; Yosipov, *supra* note 94.

leader, the husband has some authority to restrict his wife's freedom to leave the home and interact with others.¹³³ The isolation enhances the woman's vulnerability and her ability to seek help in a situation of abuse. Some women may be allowed to work outside of the home.¹³⁴ Nevertheless, employment opportunities permitted for married women are very limited and are often restricted to jobs within the community. Moreover, observant Jewish women often have limited education, and therefore their earning capacity is extremely restricted.¹³⁵ Under these circumstances, an abuse victim may be extremely fearful of financial ruin or inability to support herself and her children if she leaves her husband.¹³⁶

One of the fundamental values of Jewish family life is "Shalom Bayit"—peace in the home.¹³⁷ The wife is charged with the responsibility of maintaining this peace and the family's integrity.¹³⁸ Domestic violence and abuse violates the peace of the home. Many Jewish victims of domestic abuse will consider it their failure to meet their obligation and responsibility and will be struck with a deep sense of self-blame and guilt.¹³⁹ The abuser sometimes uses the concept of "Shalom Bayit" to blame the victim for the abuse and to coerce her to remain in the abusive relationship and avoid dissolution of the marriage as part of her duty to maintain the family's integrity.¹⁴⁰ Divorce may be viewed as an ultimate symbol of the victim's failure in her religious duty as a woman, a wife, and a mother.

The obligation of the wife to be obedient and compliant with her husband, is another challenging notion for victims of

¹³³ FELDMAN, *supra* note 128.

¹³⁴ *Id.*

¹³⁵ *Id.*

¹³⁶ Rotem, *supra* note 1; Yosipov, *supra* note 94.

¹³⁷ FORTUNE ET AL., *supra* note 5, at 9.

¹³⁸ Ramiel, *supra* note 23; Widawski, *supra* note 42.

¹³⁹ Ramiel, *supra* note 23; Widawski, *supra* note 42; Yosipov, *supra* note 94.

¹⁴⁰ Ramiel, *supra* note 23; Widawski, *supra* note 42.

domestic abuse.¹⁴¹ It is said that “a Kosher wife does as her husband wants.”¹⁴² Although some Rabbis ruled that this concept does not apply in circumstances of domestic abuse,¹⁴³ strong and rooted commitment to this notion makes it particularly difficult for the abused woman to recognize her status as a “victim” rather than a blameworthy party. Furthermore, any active steps taken to end the abuse go against her husband’s authority and violate her obligation to be obedient and follow her husband’s wishes.¹⁴⁴

Judaism views marriage as necessary for personal fulfillment, as the fundamental unit of community life, and as part of God’s plan.¹⁴⁵ Marriage is perceived as a primary religious obligation.¹⁴⁶ It is sacred and viewed as a permanent institution, which must be taken very seriously.¹⁴⁷ Still, the notion of “till death do us part” is not part of the marriage vows,¹⁴⁸ and divorce is a theoretically viable option according to Jewish tradition.¹⁴⁹ Marriage also carries a vital social status, essential for acceptance and participation in the community’s life.¹⁵⁰

¹⁴¹ Ramiel, *supra* note 23.

¹⁴² Jeff Forsythe, *Shalom Bayis (Peaceful Marriage) for the Jewish Wife*, RABBI FORSYTHE ON PERFECTING YOUR RELATIONSHIP & SELF, <http://www.shemayisrael.com/rabbiforsythe/shalombayis/wife.htm> (last visited Apr. 10, 2014).

¹⁴³ See, e.g., Shlomo Aviner, *Does as Her Husband Wants*, ZUG, <http://www.zug.org.il/alon7/art2.aspx?pardir=alon6¶rt=avi> (last visited Apr. 24, 2014) (Published in Hebrew).

¹⁴⁴ Yosipov, *supra* note 94.

¹⁴⁵ FORTUNE ET AL., *supra* note 5, at 9.

¹⁴⁶ *Id.* at 11.

¹⁴⁷ *Id.* at 9, 11.

¹⁴⁸ *Id.* at 11.

¹⁴⁹ *Id.*

¹⁵⁰ Avital Chizhik, *Behind the Lace Partition: The Voice of a Single Orthodox Woman*, HAARETZ (Sep. 17, 2013, 8:22 PM), <http://www.haaretz.com/jewish-world/jewish-world-features/.premium-1.547581>. [hereinafter Chizhik, *Lace Partition*]

Nevertheless, a woman who wishes to divorce must obtain a *get*, which is a religious divorce authorization granted by the husband through a rabbinical court.¹⁵¹ Without the *get*, the woman becomes an “agunah,” translated as “chained” to her husband, and is unable to remarry. This is an extremely male-dominated system.¹⁵² Some Rabbis and tribunals will not concede that domestic abuse mandates a divorce.¹⁵³ Numerous attempts by the presiding Rabbi to enforce “Shalom Bayt” may be made before a divorce is authorized. If carried by an untrained authority, such efforts could compromise the victim’s safety and potentially risk her life.¹⁵⁴

Severe pressures to conform to the husband’s terms and conditions are also frequently employed. One survivor of an abusive marriage who sought a *get* describes:

After more than two years of threats and pressure to accept a *get* (Jewish bill of divorce) under the conditions her husband insisted on, [the victim] surrendered. ‘They told me if I didn’t, I’d be sorry. So I broke,’ she says, waving a hand. ‘I was willing to give everything up for freedom. I said: Take the money, take the apartment. I don’t care, I’m sick of this, take it all. Leave me alone.’¹⁵⁵

Even if an authorization for a divorce is granted, “[a]ny step that does not fully conform to the notion of a ‘normative marriage’ is in stark conflict with the victim’s perception of herself, and the community’s perception of her.”¹⁵⁶ This is the result of the group’s belief in the fundamental and sacred value of marriage.¹⁵⁷ The social structure of the Haredi community is

¹⁵¹ Widawski, *supra* note 42.

¹⁵² *Id.*

¹⁵³ Ramiel, *supra* note 23.

¹⁵⁴ *Id.*

¹⁵⁵ Chizhik, *Fairy Tale*, *supra* note 123.

¹⁵⁶ Ramiel, *supra* note 23.

¹⁵⁷ *Id.*

such that there is no place for a single mother or divorced woman in society.¹⁵⁸ Re-marriage is a challenge, and the woman is likely to be marginalized, denied community privileges, and possibly ostracized from the community to some extent, while the abuser will often retain his status in the community.¹⁵⁹

Fainy Sukenik, a Haredi woman who managed to leave her abusive husband describes her life following her divorce:

No one speaks with you about important things, no one asks if you need help, people don't want to even get close to you, as if it's a contagious disease. You become a pariah, people stop acknowledging you, they stop saying hello in the street. No one asked me, 'Where are you on Shabbat?' Now, I understand them, I forgive them. People are afraid ... Why must I suffer? I have not sinned, I have not transgressed, I have not committed a crime. I am not rebellious. I am a Haredi from top to bottom – how can this society shove me aside?¹⁶⁰

One of the most prominent and powerful challenges for a Jewish victim of domestic abuse is her concern for her children.¹⁶¹ Reporting domestic abuse can have devastating ramifications for the victim's children in the Jewish community. Such actions, which compromise the family's good name and status in the community, damage the children's marriageability and will affect the possibility of finding them a "Shidech" (a

¹⁵⁸ Chizhik, *Lace Partition*, *supra* note 151.

¹⁵⁹ Rotem, *supra* note 1 (report of a woman who chose to divorce her abusing husband and escape to a shelter. While her ex-husband was allowed to remain in the community, she was exiled from the city and was socially isolated. She is unemployed, lives in severe financial strain, and experiences daily fear of being evicted and having her children expelled from school due to her inability to pay their fees); Widawski, *supra* note 42.

¹⁶⁰ Chizhik, *Fairy Tale*, *supra* note 123.

¹⁶¹ Widawski, *supra* note 42.

good match).¹⁶² Having the children expelled from their school and educational programs is also a very viable possibility, as these programs are run and controlled by the community and its religious leaders.¹⁶³ There are numerous reports of Jewish women who suffered years of abuse and agreed to report and dissolve the abusive marriage only after their youngest child was successfully married.¹⁶⁴

Furthermore, since reporting the abuse to the secular authorities is considered a violation of Jewish law, the victim is very likely to lose custody of her children if she chooses to leave her abusive husband. The children will be taken away by the husband and his family and will often be manipulated to turn against her.¹⁶⁵ The situation is even more severe if the victim had to escape to a secular shelter in order to escape the abuse, where it is deemed that the children were placed in an environment that did not respect and observe Jewish laws and customs. Causing the children to commit such sins is considered grounds to remove the children from the mother's custody, even despite the father's violent past.¹⁶⁶ There is a report of a woman who managed to escape her husband after many years of abuse, but was unable to take the children with her.¹⁶⁷ After several years of failed attempts to regain custody of her children, her only option was to remarry her abusive husband.¹⁶⁸

Additionally, based on the custom of "pru u'rvu" (be fruitful and multiply), observant and Haredi families usually have a

¹⁶² *Id.*; Shoshi Heller, *Domestic Violence in the Haredi Jewish Family: Women Fighting Back*, KIKAR HASHABAT (May 12, 2011), <http://www.kikarhashabat.co.il/%D7%A0%D7%A9%D7%99%D7%9D-%D7%9E%D7%95%D7%9B%D7%95%D7%AA.html> (Published in Hebrew); Ramiel, *supra* note 23; Yosipov, *supra* note 94.

¹⁶³ Heller, *supra* note 163; Widawski, *supra* note 42.

¹⁶⁴ Heller, *supra* note 163; Widawski, *supra* note 42; Widawski & Frydman, *supra* note 86, at 61.

¹⁶⁵ Rotem, *supra* note 1.

¹⁶⁶ *Id.*

¹⁶⁷ *Id.*

¹⁶⁸ *Id.*; Widawski, *supra* note 42.

large number of children. A domestic violence victim attempting to escape abuse may have difficulty taking all of her children with her and finding proper accommodation in a shelter. Moreover, it may be nearly impossible for a single mother to support her large family without the assistance of the husband.¹⁶⁹

Due to the limited exposure to mass media and the “outside world,” observant Jewish children are particularly influenced by their home environment, more so than children in secular families who have more frequent and diverse access to external stimuli. As a result, patterns of behavior learned at home are extremely dominant in the children’s socialization process and in shaping their character and behavior. Thus, exposure to violent and abusive behavior at the home, which is damaging to any child, is even more destructive for a child in an observant Jewish community. There is an extremely high risk that the learned behavior, without any counterexample of positive role models, will affect the child’s behavior in adulthood. Therefore, availability of immediate and intense therapy for the children is particularly vital for Jewish families suffering from domestic abuse in order to break the cycle of violence and unlearn the negative behavior.¹⁷⁰

On the practical front, observant Jewish women’s concerns about leaving their home include the need to have kosher food at a shelter or alternative housing, the need to be able to observe the Shabbat and other religious practices, and the need to be close to their children’s schools.¹⁷¹ This is due to the fact that the observance of many rituals, customs, and religious laws require being part of the community and using institutions and resources within the community (for example, availability of adequately Kosher groceries, religious educational programs for the children, access to the “Mikve”, etc.). For Haredi victims, going to a non-orthodox shelter is not a feasible option, and there is a necessity of specialized services, which are rarely available. In addition to compromising their spiritual integrity

¹⁶⁹ Lucibello, *supra* note 47; Rotem, *supra* note 1; Widawski, *supra* note 42.

¹⁷⁰ *About Us*, BAT MELECH, *supra* note 94; Widawski, *supra* note 42.

¹⁷¹ *Abuse Facts*, *supra* note 80; MARICOPA ASS’N OF GOV’TS, *supra* note 81; Widawski, *supra* note 42.

and faith, they will have the unbearable burden of the aforementioned consequences related to child custody, marriageability of children, and the family's reputation.¹⁷²

Leaving the community and attempting to integrate in the secular world can be an overwhelmingly shocking cultural experience. Reality is particularly harsh for a separated woman who has "no source of income, no education or skills, and no work opportunities, and most likely has several children."¹⁷³ Some report that "suicidal cases are not uncommon among women who have left their community and find themselves alone in the foreign territory of [secular society], and among those who barred from seeing their own children."¹⁷⁴

As a result of this range of barriers and challenges, it is very rare that observant Jewish victims of domestic violence directly report the abuse to authorities.¹⁷⁵ In many cases, the report of abuse will come from external sources, which directly witness or suspect the abuse. When the authorities approach the victim, she will often adamantly deny the allegation and refuse to cooperate.¹⁷⁶ In other cases, she may request that her husband will be "warned" by the police in an attempt to stop the abuse but will insist he should not be arrested.¹⁷⁷ Awareness to the reasons and motivations behind these patterns of behavior is essential to properly handle these situations, compel the victim's cooperation, and take effective steps to ensure the victim's safety.

V. MUSLIM VICTIMS

Like many communities of faith, until recently, many Muslim communities have largely closed their eyes and devoted very few resources to helping the victims of domestic violence

¹⁷² MARICOPA ASS'N OF GOV'TS, *supra* note 81; Widawski, *supra* note 42.

¹⁷³ Chizhik, *Fairy-Tale*, *supra* note 123.

¹⁷⁴ Chizhik, *Fairy-Tale*, *supra* note 123.

¹⁷⁵ Yosipov, *supra* note 94.

¹⁷⁶ *Id.*

¹⁷⁷ *Id.*

and stopping the abusers.¹⁷⁸ The Muslim community is extremely ethnically and racially diverse, ranging from Arabs and Africans to Eastern Europeans and South Asians.¹⁷⁹ As a result, cultural factors intertwine with religious issues when barriers for Muslim victims of domestic violence are concerned, and it becomes nearly impossible to clearly distinguish the two elements.¹⁸⁰ Thus, differences can be found between Muslim communities, depending on the community's country of origin.¹⁸¹ It is also essential to note that in predominantly Muslim countries, particularly Middle Eastern and South Asian countries, Islamic concepts seep into the general culture, and therefore, they are likely to affect non-Muslim victims from these countries.

Experts in Islamic theology and the Qur'an repeatedly argue that the Qur'an and the Sunnah do not condone domestic violence, but rather that they provide a model of healthy family systems with clear teachings about justice, gender equity, mutual respect in marital relations, and family units that are grounded in love, compassion, and mercy.¹⁸² Islamic teachings, supported by the Qur'an and Sunnah, promote just and harmonious relations between family members.¹⁸³ Experts agree, however, that these concepts are often distorted by and manipulated through various misinterpretations, false understandings of Islamic teachings, and confusion between

¹⁷⁸Memon, *supra* note 11.

¹⁷⁹ ABUGIDEIRI, *Domestic Violence*, *supra* note 25, at 2; CHANGE FROM WITHIN, *supra* note 7, at 5; *Islam Basics*, COUNCIL ON AM.-ISLAMIC REL. (June 28, 2012, 20:29), <http://www.cair.com/american-muslims/about-islam.html>.

¹⁸⁰ CHANGE FROM WITHIN, *supra* note 7, at 5; Muhammad M. Haj-Yahia, *Wife Abuse and Battering in the Sociocultural Context of Arab Society*, 39 FAM. PROCESS 237, 239 (2000) [hereinafter Haj-Yahia, *Wife Abuse*].

¹⁸¹ Dbai, *supra* note 40.

¹⁸² SALMA ELKADI ABUGIDEIRI & ZAINAB ALWANI, WHAT ISLAM SAYS ABOUT DOMESTIC VIOLENCE (2003); CHANGE FROM WITHIN, *supra* note 7, at 3; FORTUNE ET AL., *supra* note 5, at 10; Memon, *supra* note 11.

¹⁸³ ABUGIDEIRI & ALWANI, *supra* note 183; CHANGE FROM WITHIN, *supra* note 7, at 3; FORTUNE ET AL., *supra* note 5, at 10; Memon, *supra* note 11.

cultural practices and Islam.¹⁸⁴ The result is varying degrees of legitimacy and justification of domestic abuse in Muslim communities.

According to principal Muslim ideology, one must not get involved in the “private” family affairs of other Muslims.¹⁸⁵ Domestic violence and “wife-beating” are perceived to be a private matter that should be kept within the family and considered to be a taboo.¹⁸⁶ Some Imams misinterpret Islam by “putting the importance of family privacy above any harm that might come to the individual woman” and “tell[ing] the women it is wrong for them to discuss their problems with anyone other than their husbands.”¹⁸⁷ Thus, any involvement of “bodies outside of the family (formal and informal) in the relationship between violent husbands and battered wives” is strongly opposed.¹⁸⁸ Asking for help of any sort is considered to be a sign of weakness, especially among members of “higher society.”¹⁸⁹ Therapy and counseling are particularly stigmatized, and both the victim and the abuser are often embarrassed to seek such assistance.¹⁹⁰ These cultural views prevent witnesses from intervening in favor of a domestic abuse victim situated in a Muslim community, while also inhibiting the victim from seeking external assistance.¹⁹¹

Muslim women are particularly prone to spiritual abuse as a result of their status in the religious Muslim community. Women are not religiously or socially obligated to participate

¹⁸⁴ CHANGE FROM WITHIN, *supra* note 7, at 5–6.

¹⁸⁵ Memon, *supra* note 11.

¹⁸⁶ ABUGIDEIRI, Domestic Violence, *supra* note 25; Muhammad M. Haj-Yahia, *On the Characteristics of Patriarchal Societies, Gender Inequality, and Wife Abuse: The Case of Palestinian Society*, 20 ADALAH'S NEWSL., at 2 (Nov. 2005), available at <http://adalah.org/newsletter/eng/nov05/fet.pdf> [hereinafter Haj-Yahia, *Characteristics*].

¹⁸⁷ Memon, *supra* note 11.

¹⁸⁸ Haj-Yahia, *Characteristics*, *supra* note 187.

¹⁸⁹ Dbai, *supra* note 40.

¹⁹⁰ *See id.*

¹⁹¹ *See* Haj-Yahia, *Wife Abuse*, *supra* note 181, at 239–40.

regularly in religious services or to communicate directly with clergy.¹⁹² What is expected of them according to their religion is conveyed secondhand through men, particularly their husbands.¹⁹³ Consequently, Muslim women often accept “un-Islamic treatment from their husbands because they don’t know their Islamic rights, and they don’t realize their husbands are crossing the Islamic line.”¹⁹⁴ An abusive husband will often cause his wife to doubt her understanding of Islam by telling her she is a “bad Muslim,” leading her to believe she deserves the abuse and is required to endure it as part of her religious duty.¹⁹⁵

Muslim communities are extremely patriarchal.¹⁹⁶ This is based on the Islamic ideology of complementary but different gender roles in Muslim families.¹⁹⁷ It is believed that each partner in the marital relationship is “better suited to particular areas in the relationship. For example, men have been given a leadership role, with the responsibility of providing financially for their families. Women, by virtue of their biological design, are obviously the only partner who can bear and nurse children.”¹⁹⁸

When taken to an extreme, the Qur`anic male leadership role may be interpreted as a “ruler” position, with the wife as the husband’s property.¹⁹⁹ In this role, the husband will demand total obedience from his wife and may justify abusive behavior against her. The husband will also be deemed entitled to control his wife’s movement, forbid her from leaving the house or the neighborhood, as well as control and supervise her interaction

¹⁹² See Zahra, *supra* note 42.

¹⁹³ See *id.*

¹⁹⁴ Memon, *supra* note 11.

¹⁹⁵ See ABUGIDEIRI, Domestic Violence, *supra* note 25.

¹⁹⁶ HALIM BARAKAT, THE ARAB WORLD: SOCIETY, CULTURE, AND STATE 102–05 (1993); Dbai, *supra* note 40.

¹⁹⁷ ABUGIDEIRI, Domestic Violence, *supra* note 25; FORTUNE ET AL., *supra* note 5, at 10.

¹⁹⁸ FORTUNE ET AL., *supra* note 5, at 10; see ABUGIDEIRI, Domestic Violence, *supra* note 25, at 2; Dbai, *supra* note 40.

¹⁹⁹ Dbai, *supra* note 40; Memon, *supra* note 11.

with others and her access to education and employment.²⁰⁰ The Islamic requirement for the head of household to consult with other members of the family when making decisions is frequently ignored.²⁰¹ Women are expected to avoid talking back or questioning their husband's authority.²⁰² Furthermore, the Qur'anic verse which instructs how to treat a disobedient wife is misinterpreted as a license for abuse.²⁰³ Unfortunately, this is by no means an uncommon interpretation.

Male machismo is an integral part of child socialization and education in many Muslim communities.²⁰⁴ On the one hand, boys are taught from a very young age to act assertively, show masculinity, participate in fights, be dominant, and control and dominate women.²⁰⁵ They are shamed for any behavior that society perceives to be feminine or childish.²⁰⁶ Girls, on the other hand, are expected to be subjected to this control, otherwise they will be criticized for being rebellious, wanton, disobedient, or provocative.²⁰⁷ For this same reason, a woman who reports her abusive husband to the police will endure grave shame and scrutiny²⁰⁸ and could be ostracized from the community.²⁰⁹ The community may even consider her abuse as

²⁰⁰ See Dbai, *supra* note 40; Memon, *supra* note 11.

²⁰¹ See Memon, *supra* note 11.

²⁰² See Dbai, *supra* note 40; Haj-Yahia, *Characteristics*, *supra* note 187, at 4; Memon, *supra* note 11.

²⁰³ FORTUNE ET AL., *supra* note 5, at 11; Memon, *supra* note 11.

²⁰⁴ See Dbai, *supra* note 40; Haj-Yahia, *Characteristics*, *supra* note 187, at 2.

²⁰⁵ See Dbai, *supra* note 40; Haj-Yahia, *Characteristics*, *supra* note 187, at 3.

²⁰⁶ See Dbai, *supra* note 40.

²⁰⁷ See Haj-Yahia, *Characteristics*, *supra* note 187, at 3.

²⁰⁸ ABUGIDEIRI, *Domestic Violence*, *supra* note 25, at 2; Haj-Yahia, *Wife Abuse*, *supra* note 181, at 239-40; Yosipov, *supra* note 94.

²⁰⁹ See Haj-Yahia, *Wife Abuse*, *supra* note 181, at 238; Yosipov, *supra* note 94.

justified due to her failure to perform her designated role.²¹⁰ “In other instances, women may not even recognize that they are victims of abuse because it is so common for them due to the acceptance of abusive behavior in their particular society.”²¹¹

Scholars identify that as a result of this socialization process, boys in these communities are more likely to develop hostility toward girls and women and to learn to compulsively hold on to their masculinity.²¹² Their hostility toward women is accompanied by a strong desire to oppress and humiliate them, to view them as inferiors, and to treat them aggressively.²¹³ It is argued that men in such communities use violence against their intimate partners in order to maintain and reinforce their status in the family, as well as to attain and preserve all of the privileges that the patriarchal society accords them as males.²¹⁴

Another important assertion made by scholars and researchers is that these patriarchal elements often underlie certain attitudes toward battered women in society, affect the legitimacy of their efforts to stop the abuse, and even influence the way that many professionals within the community treat women who are victims of domestic violence.²¹⁵ They argue that, in many cases, the attitudes of professionals and society toward battered women impede the provision of assistance, support, community-based services, and protection to battered women and their children.²¹⁶

Supplementary issues to the patriarchal hierarchy are women’s perception of men and their dependence on men in order to function in society. As a natural consequence of the gender hierarchy in many Muslim communities, women see all men as powerful figures that should be feared.²¹⁷ Additionally,

²¹⁰ See Haj-Yahia, *Wife Abuse*, *supra* note 181 at 240–41.

²¹¹ ABUGIDEIRI, *Domestic Violence*, *supra* note 25, at 2.

²¹² See Haj-Yahia, *Characteristics*, *supra* note 187, at 2.

²¹³ *See id.*

²¹⁴ *See id.* at 1.

²¹⁵ *See id.* at 2.

²¹⁶ *See id.* at 2.

²¹⁷ *See* Dbai, *supra* note 40.

according to Muslim modesty laws, any interaction with males that are not immediate family members is strictly forbidden.²¹⁸ The situation of talking to any man, including a police officer, prosecutor, or service provider, is likely to cause extreme stress, confusion, and fear for many observant Muslim women.²¹⁹ This fear discourages Muslim victims of abuse from contacting authorities to report their abuse or seek help. Moreover, the distressed and withdrawn reaction, when manifested in the presence of male prosecution or law enforcement agents who are unaware of this unique sensitivity of Muslim victims, can be misinterpreted as uncooperative behavior, dishonesty, and lack of credibility.

In many highly observant Muslim communities women are highly dependent on their male relatives, particularly their husbands, in order function in society under religious rules.²²⁰ In some communities, it is customary that women should not be out in public without a male escort.²²¹ For these women, any movement outside the privacy of the home, like grocery shopping or other errands, will require the accompaniment of their husbands. Thus, access to authorities and service providers is extremely restricted. Additionally, for many Muslim women, this custom will also limit participation in educational programs or employment and thus prevent any level of financial independence.²²² In the case of immigrants or minorities, women's confinement to the house limits their ability to master the local language.²²³ As a result, Muslim women are particularly susceptible to community coercion. They feel unable to leave their abusive husbands for fear that they will be unable to function in society, perform mundane

²¹⁸ See Zahra, *supra* note 42; Dbai, *supra* note 40.

²¹⁹ See *id.*

²²⁰ See *id.*

²²¹ See Dbai, *supra* note 40; Zahra, *supra* note 42; FORTUNE ET AL., *supra* note 5, at 11.

²²² See Dbai, *supra* note 40; Zahra, *supra* note 42; FORTUNE ET AL., *supra* note 5, at 11.

²²³ See Dbai, *supra* note 40; ABUGIDEIRI, *Immigrant Muslim*, *supra* note 26, at 2.

everyday tasks without their husband's escort, or support themselves and their children financially.²²⁴

The social perception of the institution of marriage in Muslim communities is another factor that could potentially pose a challenge to victims of domestic abuse. Marriage is encouraged, and there is a strong emphasis on the importance of keeping a marriage and doing whatever is possible to maintain and preserve it.²²⁵ Nevertheless, the Qur'an does recognize that not all marriages are sustainable, and divorce is offered as "an option of last resort to protect individuals from experiencing any harm or from finding themselves in a situation where they may commit sins against the other out of their own misery."²²⁶ Either the husband or the wife can initiate the process of divorce.²²⁷

Although divorce is a theoretical option, there are several deep-seated cultural views in Muslim communities, which make many women believe that once they are married, they must stay and that divorce is not a viable option.²²⁸ It is believed that the Messenger of Allah (God) said: "Of all the lawful things, divorce is the most detestable thing in the sight of Allah."²²⁹ In "many cultures that are predominantly Muslim, divorce is surrounded by so much stigma that women may not even know it exists as an option."²³⁰

Divorced women often face harsh criticism from their family and community who hold them responsible for the success or

²²⁴ See Dbai, *supra* note 40.

²²⁵ ABUGIDEIRI, *Domestic Violence*, *supra* note 25, at 2; FORTUNE ET AL., *supra* note 5.

²²⁶ FORTUNE ET AL., *supra* note 5, at 11.

²²⁷ See *id.*

²²⁸ See ABUGIDEIRI, *Immigrant Muslim*, *supra* note 26, at 1; FORTUNE ET AL., *supra* note 5, at 11.

²²⁹ Aneesah Nadir, *Preparing Muslims for Marriage*, SOUNDVISION.COM, <http://www.soundvision.com/info/marriage/prepare.asp> (last visited Apr. 10, 2014).

²³⁰ FORTUNE ET AL., *supra* note 5, at 11; SUAD JOSEPH & AFSANA NAĞMĀBĀDĪ, *ENCYCLOPEDIA WOMEN & ISLAMIC CULTURES: FAMILY, BODY, SEXUALITY AND HEALTH* 247–48 (vol. 3 2003).

failure of the marriage.²³¹ Forceful social pressure is exerted on women to preserve their marriage and family at any price.²³² In most cases, the criticism is not spared even upon the dissolution of a violent and abusive marriage.²³³ Divorced women carry devastating shame for themselves and their entire family.²³⁴ The failure or success of a woman's marriage is considered to directly reflect on her family of origin as well.²³⁵ As a result, the victim's family of origin is very likely to object to the divorce due to the dire stigma associated with it and may go as far as disowning her.²³⁶ These women are often ostracized if they live without a man, and they face the threat of poverty.²³⁷ "Thus, battered women are hesitant to initiate divorce procedures and feel an obligation to 'attach themselves' to a man because they fear the reactions of society" and utter lack of support.²³⁸

Muslim society views the roles of wife and mother as the most important roles assigned to women.²³⁹ "According to this belief, a woman cannot be 'whole, real, and successful' unless she is married."²⁴⁰ Women are expected to be obedient and submissive to their husband, accept full responsibility for satisfying their children's needs, renounce their personal ambitions for the sake of their husband and children, maintain

²³¹ CHANGE FROM WITHIN, *supra* note 7, at 7; FORTUNE ET AL., *supra* note 5, at 12.

²³² See Haj-Yahia, *Characteristics*, *supra* note 187, at 4.

²³³ See Dbai, *supra* note 40; Zahra, *supra* note 42.

²³⁴ See Dbai, *supra* note 40; ABUGIDEIRI, *Domestic Violence*, *supra* note 25, at 2; ABUGIDEIRI, *Immigrant Muslim*, *supra* note 26, at 1.

²³⁵ See Haj-Yahia, *Wife Abuse*, *supra* note 181, at 239.

²³⁶ See Dbai, *supra* note 40.

²³⁷ See Dbai, *supra* note 40; Zahra, *supra* note 42; Haj-Yahia, *Characteristics*, *supra* note 187, at 4.

²³⁸ Haj-Yahia, *Characteristics*, *supra* note 187, at 4.

²³⁹ See *id.*; see also Dbai, *supra* note 40.

²⁴⁰ Haj-Yahia, *Characteristics*, *supra* note 187, at 4; BADAL (Trabelsi Productions 2005); Dbai, *supra* note 40; Haj-Yahia, *Characteristics*, *supra* note 187, at 4; JOSEPH & NAGMĀBĀDĪ, *supra* note 231, at 246.

the family's reputation, strengthen the family solidarity and loyalty, and be entirely faithful to her husband on all levels.²⁴¹

There is a strong stigma against women who fail to live up to these expectations, especially against unmarried women who live alone with their children. "Such women are perceived as failing to live up to traditional expectations of them as a wife, mother and woman."²⁴² A woman who opposes this normative system and refuses to accept the demanded personal sacrifice is "perceived by many members of society, and particularly by her husband, as rebellious, defiant, selfish and condescending."²⁴³ "Because they are dependent on conservative and traditional beliefs as the basis for establishing a 'respectable' status in society, it is difficult for these women to resist violence against them," and they feel forced to continue tolerating the husband's violence and have difficulty in terminating their marriage.²⁴⁴

Another rooted belief is that two parents are necessary for the optimal development of children.²⁴⁵ It is thought that children need their father, regardless of the quality of parenting he provides,²⁴⁶ and even in cases where the father is violent.²⁴⁷ There is little awareness in these communities of the "damage incurred by children who witness abuse" in the home.²⁴⁸ This belief, and the powerful social pressures that surround, it often

²⁴¹ BARAKAT, *supra* note 197, at 102-05; Haj-Yahia, *Wife Abuse*, *supra* note 181, at 239.

²⁴² Haj-Yahia, *Characteristics*, *supra* note 187, at 4; Haj-Yahia, *Wife Abuse*, *supra* note 181, at 239.

²⁴³ Haj-Yahia, *Characteristics*, *supra* note 187, at 4.

²⁴⁴ *Id.*; see FORTUNE ET AL., *supra* note 5, at 12 (citing that marriage provides a social status that many people are unwilling to lose, preferring instead to remain in an unhealthy relationship); Haj-Yahia, *Wife Abuse*, *supra* note 181, at 239.

²⁴⁵ ABUGIDEIRI, *Immigrant Muslim*, *supra* note 25, at 1; FORTUNE ET AL., *supra* note 5, at 12; Haj-Yahia, *Characteristics*, *supra* note 187, at 4.

²⁴⁶ See FORTUNE ET AL., *supra* note 5, at 12.

²⁴⁷ Haj-Yahia, *Characteristics*, *supra* note 187, at 4.

²⁴⁸ ABUGIDEIRI, *Immigrant Muslim*, *supra* note 25, at 1; FORTUNE ET AL., *supra* note 5, at 12; Haj-Yahia, *Characteristics*, *supra* note 187, at 4.

“causes women to feel that they have no choice but to continue living with their husband”²⁴⁹ and “keeps abused women in their relationships.”²⁵⁰

In Muslim tradition, marriage is sometimes viewed as a business transaction or a social contract that forms an alliance between two families.²⁵¹ For other parents, marrying their daughters is seen as a religious duty to ensure that they are taken care of and provided for in the future.²⁵² By conservative standards, love and mutual attraction has very little to do with the choice of a spouse. The family elders will arrange a marriage, and, consequently, the couple will most likely never see each other until their wedding day.

Once a woman is married, she will move to live with her husband’s family who will take over the responsibility for all her needs. Moreover, the husband is expected to pay a Dower to the wife’s family.²⁵³ These are strong financial incentives for families, especially those of low socio-economic means, to marry their daughters at a very young age, in order to shed financial responsibility and benefit from the Dower.²⁵⁴ As a result, the marriage of minor girls is a common occurrence in Muslim societies, which heightens the power imbalance in the relationship.²⁵⁵ Although it is not prescribed in the Qur’an, in some Muslim communities, the bride’s family will also be expected to provide a dowry that the wife will bring with her to the marriage.²⁵⁶

²⁴⁹ Haj-Yahia, *Characteristics*, *supra* note 187, at 4.

²⁵⁰ ABUGIDEIRI, *Immigrant Muslim*, *supra* note 25, at 1; FORTUNE ET AL., *supra* note 5, at 12; Haj-Yahia, *Characteristics*, *supra* note 187, at 4.

²⁵¹ Dbai, *supra* note 40; JOSEPH & NAĞMĀBĀDĪ, *supra* note 231, at 247.

²⁵² See Zahra, *supra* note 42.

²⁵³ See JOSEPH & NAĞMĀBĀDĪ, *supra* note 231, at 247.

²⁵⁴ See Dbai, *supra* note 40.

²⁵⁵ NUJOOD ALI & DELPHINE MINOUI, *I AM NUJOOD, AGE 10 AND DIVORCED* (Linda Coverdale trans., Three Rivers Press 2010); JOSEPH & NAĞMĀBĀDĪ, *supra* note 231, at 247.

²⁵⁶ See JOSEPH & NAĞMĀBĀDĪ, *supra* note 231, at 247.

If a woman suffering from domestic violence reports the abuse to her original family, her father may require her to go back to her husband and refuse to accept her back, due to the substantial financial responsibility associated with reclaiming liability for her needs. Even if the father agrees to allow his daughter to return home, he may refuse to accept her children, as the burden of providing them with financial support could be too much for him to bear.²⁵⁷ In some cases, if a victim decides to report the abuse to authorities, and the husband is removed from the home, the victim will continue to reside in her in-laws' house due to the traditional cohabitation arrangement with the husband's family. This is likely to be an extremely hostile situation that may result in further emotional and physical abuse by the husband's family,²⁵⁸ who are frequently also integrally involved in the initial victimization and abuse due to the Muslim family dynamic.²⁵⁹

A particularly problematic practice is a *Badal* marriage. This is an arrangement where a brother and sister of one family marry the sister and brother of another family.²⁶⁰ The two marriages are interdependent; thus, the dissolution of one relationship will force the dissolution of the other.²⁶¹ The objective of this arrangement is usually either to facilitate the marriage of a "less marriageable" offspring or to reduce the costs of the marriage process.²⁶² Under these circumstances, a victimized woman will be very reluctant to leave her abusive husband, for such action will inevitably have far reaching consequences, sabotaging her brother's marriage and creating a serious fracture between the two families.²⁶³

²⁵⁷ See Dbai, *supra* note 40.

²⁵⁸ See *id.*; Haj-Yahia, *Wife Abuse*, *supra* note 181, at 245; see also Yosipov, *supra* note 94; Zahra, *supra* note 42.

²⁵⁹ See Yosipov, *supra* note 94; Haj-Yahia, *Wife Abuse*, *supra* note 181, at 250.

²⁶⁰ BADAL, *supra* note 241; Dbai, *supra* note 40.

²⁶¹ BADAL, *supra* note 241.

²⁶² Dbai, *supra* note 40.

²⁶³ *Id.*

Another challenging practice is the common acceptance of intra-familial marriages, where a girl will be married to an older relative, like her uncle or cousin. For an abused woman in an intra-familial marriage reporting the abuse will mean going against her own family and bringing devastating shame on her family. Since Muslim culture provides greater respect for the elders (as well as to male members of the community), the abused victim will likely fear that she will not be believed or should feel blameworthy for the failure of the marriage.²⁶⁴

The concept of honor and shame are deeply engrained in the fabric of Muslim communities.²⁶⁵ Consequently, they have a comprehensive effect on the community dynamic. A family's honor and reputation are considered invaluable and must be preserved at any cost. Family members are held accountable for each other's behavior and are expected to forego their personal aspirations, needs, and desires in exchange for maintaining the family's honor.²⁶⁶ It is said that the burden is most pronounced on mothers, whose happiness is equated with that of their children and family and who are expected to sacrifice themselves to preserve the family's unity.²⁶⁷ To this end, there is an Arabic saying that "it is better to keep things within and hurt from the inside, than speaking out and being publicly shamed."²⁶⁸

Domestic abuse is associated with great shame. A woman publicly disclosing abuse, seeking help outside of the nuclear family, or reporting her abusive husband to authorities is considered to be shaming and tarnishing the family's reputation.²⁶⁹ When a victim complains of violence by her husband, her mother may be accused for failing to educate her

²⁶⁴ BADAL, *supra* note 241.

²⁶⁵ Haj-Yahia, *Wife Abuse*, *supra* note 181, at 239

²⁶⁶ *Id.*

²⁶⁷ *Id.*

²⁶⁸ Dbai, *supra* note 40.

²⁶⁹ See Dbai, *supra* note 40; ABUGIDEIRI, *Immigrant Muslim*, *supra* note 26, at 1; Haj-Yahia, *Wife Abuse*, *supra* note 181, at 239-40; Memon, *supra* note 11.

properly.²⁷⁰ Harsh and hostile treatment and accusations are expected from the husband's family of origin, who may pressure him to divorce her or pressure the community to ostracize her.²⁷¹ The shame and stigma will attach also to the victim's children, grandchildren, and younger siblings and can affect their marriageability, as they will also be perceived to be "difficult" and "non-obedient" like the victim.²⁷² As explained above, this will gravely affect the ability of the unmarried descendants to function in society and can negatively influence the family's finances.

Under these circumstances, some victims may not be able to gain any support or protection from their family of origin.²⁷³ Even when the family of origin agrees to provide a daughter who is a domestic abuse victim with temporary shelter and protection, the family will often emphasize that this support is for limited duration.²⁷⁴ Furthermore, protection is conditional, and, in exchange, the victim is expected to remain loyal to her family and husband and refrain from doing anything that will harm the family's name and reputation.²⁷⁵ Hence, there is a clear expectation by her family that the victim will return to her husband and avoid reporting the abuse to any external entities. These pressures are likely to exacerbate the victim's fear, anxiety, and the strong sense that she is trapped in the abusive relationship.²⁷⁶

Victims indicate that practitioners who handle their case, such as prosecutors and advocates, often fail to understand the

²⁷⁰ Haj-Yahia, *Wife Abuse*, *supra* note 181, at 240.

²⁷¹ *See id.*

²⁷² Dbai, *supra* note 40; Zahra, *supra* note 42.

²⁷³ Yosipov, *supra* note 94.

²⁷⁴ Haj-Yahia, *Wife Abuse*, *supra* note 181, at 240.

²⁷⁵ *See id.*

²⁷⁶ *See generally* Mary Ann Dutton, EMPOWERING AND HEALING THE BATTERED WOMAN: A MODEL OF ASSESSMENT AND INTERVENTION (1992); Haj-Yahia, *Wife Abuse*, *supra* note 181, at 240; Daniel G. Saunders, *Posttraumatic Stress Symptom Profiles of Battered Women: A Comparison of Survivors in Two Settings*, 9 VIOLENCE & VICTIMS 31, 41 (1994).

great importance of shame and honor in their culture and the vast effect it has on them and their families.²⁷⁷ As a result, they have difficulty relating to and trusting these practitioners.²⁷⁸ Additionally, there is a risk that practitioners who lack awareness and sensitivity to these monumental cultural concepts provide the victim with advice that does not fit her unique needs, potentially causing her harm or even her death.²⁷⁹

A Muslim victim of domestic abuse may also be extremely fearful of honor killing by her own family.²⁸⁰ Based on conservative traditions, the killing of the victim will enable her family to reprimand the shame she has brought on them by reporting the abuse or leaving her husband to restore the family's honor and repair the alliance with the husband's family.²⁸¹ Thus, at times, the victim will require protection not only from her abuser and his family, but also from members of her own family.²⁸² Even when the fear is unsubstantiated, practitioners in Muslim communities observe that it has a significant effect on a victim's willingness to report and even acknowledge the abuse.²⁸³

Of those Muslim victims who reach a breaking point and seek help, many turn to Imams but often find them unhelpful. "Imams often tell these women to be patient and pray for the abuse to end. Some Imams make the abused Muslim women feel guilty, telling them they have brought the abuse upon themselves and instructing them to go home and please their husbands."²⁸⁴ "The imams' reactions stem from ignorance, cowardice, or friendship or blood relationship with the abusive husbands. Relatively few imams have had the wisdom and

²⁷⁷ See ABUGIDEIRI, *Immigrant Muslim*, *supra* note 26, at 1.

²⁷⁸ See *id.*

²⁷⁹ See Haj-Yahia, *Wife Abuse*, *supra* note 181, at 237.

²⁸⁰ See Yosipov, *supra* note 94.

²⁸¹ See Dbai, *supra* note 40.

²⁸² See Yosipov, *supra* note 94.

²⁸³ See Dbai, *supra* note 40.

²⁸⁴ CHANGE FROM WITHIN, *supra* note 7, at 2; Memon, *supra* note 11.

courage to tackle the problem head-on. As a result of this, many abused women don't bother turning to imams for help."²⁸⁵ Practitioners and service providers testify that it is often very difficult to collaborate with Imams, as they are uncooperative for fear of losing power and authority.²⁸⁶

VI. CHRISTIAN VICTIMS

Christianity is the religious group most associated with western culture due to its dominance in North America and Europe. Most Christian victims of domestic violence will not wear traditional attire or any other obvious and externally identifiable symbol.²⁸⁷ As a result, it may be less intuitive to associate them with faith related challenges. Nevertheless, while for some victims "churches are vital sources of support, both materially and emotionally," other victims perceive churches as a significant barrier.²⁸⁸ Dr. Nason-Clark, an expert on the relationship between domestic abuse and Christianity, has stated that

By and large a holy hush pervades religious organizations, cathedrals and small churches alike. Women abuse is a sensitive topic. It makes us feel uncomfortable. We rather not believe it can, and does, happen in our own congregations, and moreover we do not know how to respond with spiritual comfort and sensitivity. As a result, we

²⁸⁵ Memon, *supra* note 11, at 4.

²⁸⁶ Dbai, *supra* note 40.

²⁸⁷ This is most obvious in comparison to observant Jewish and Muslim women who normally dress according to their religious modesty laws and have their hair and faces covered. These are visible signs which helps identify them as members of their religious sects. Customary Christian symbols in comparison, like a cross pendant, are less visible and easier to miss. Thus, it may be more difficult to identify Christian victims as members of a religious sect.

²⁸⁸ Pyles, *supra* note 3, at 285.

sweep the issue under the proverbial church carpet.²⁸⁹

The famous Christian marriage vows “for better or for worse . . . ‘til death do us part” pose a monumental challenge for Christian victims of domestic abuse.²⁹⁰ “The covenant of Christian marriage is a life-long, sacred commitment made between two persons and witnessed by other persons and by God.”²⁹¹ It is a “sign of God’s grace in the world.”²⁹² Unlike Islam and Judaism where divorce is a possible option, albeit highly stigmatized, some Christian denominations strictly forbid marital dissolutions and label it as a sin.²⁹³ It is said that the “Bible and the church have shut the door on divorce as a godly or acceptable option.”²⁹⁴

For some Christians, a strong doctrinal position against divorce may inhibit them from exercising this means of dealing with domestic violence. For others, a position against divorce is a personally held belief often supported by family and church. In either case, there is a common assumption that any marriage is better than no marriage at all and, therefore, should be maintained at any cost.²⁹⁵

Some Christian victims of domestic violence even believe that breaking their marriage vows is a greater sin than the abuse they receive.²⁹⁶ Abusers use this rhetoric to coerce their victim to remain in the abusive relationship, deterring them from disclosing the abuse. Catholic victims are considered to be the

²⁸⁹ Nason-Clark, *Holy Hush*, *supra* note 1.

²⁹⁰ FORTUNE ET AL., *supra* note 5, at 11.

²⁹¹ *Id.* at 12.

²⁹² WEATHERHOLT, *supra* note 1, at 46.

²⁹³ *Id.* at 25.

²⁹⁴ *Id.* at 45.

²⁹⁵ FORTUNE ET AL., *supra* note 5, at 11–12; *see also* WEATHERHOLT, *supra* note 1, at 19 (providing that there is a perception that “[m]arriage vows are sacred, and marriage should be preserved at all cost.”).

²⁹⁶ WEATHERHOLT, *supra* note 1, at 25.

most affected by the “marriage barrier” due to the forceful anti-divorce doctrine of the Catholic faith.²⁹⁷

Christian women who are “facing the crumbling of their marriage vows in the face of domestic violence also face the guilt and grief associated with the sense of failure.”²⁹⁸ They feel that “it is up to them to make the marriage work, to prove to the family, the church, and to God that they can keep their marriage vows.”²⁹⁹ Service providers who work with victims of domestic violence of Christian faith report that:

[W]omen who seek counseling and shelter feel that they have failed God and are sinful for wanting to break their marriage vows. They may feel that they were not able to do their duty as wives and have not been able to ‘carry the cross’ that God has given them.³⁰⁰

Strong feelings of guilt, self-blame, and shame collectively add and intensify the distress created by the abuse itself.³⁰¹ Due to the sacred status of marriage and the family, “[v]ictims in Christian communities are likely to be ashamed to admit when domestic violence is occurring, fearing to admit to their church friends and minister that their marriage is less than ideal.”³⁰² Therefore, they are generally reluctant to report the abuse or to seek help from community-based services and church-based resources.

As part of the rhetoric that marriages should be salvaged at all cost,³⁰³ a victim may believe that the redemption of or the change of her abusive husband is an element of her wifely

²⁹⁷ Pyles, *supra* note 3, at 286.

²⁹⁸ WEATHERHOLT, *supra* note 1, at 44.

²⁹⁹ *Id.* at 12.

³⁰⁰ *Id.* at 25.

³⁰¹ *Id.* at 45.

³⁰² *Id.* at 20.

³⁰³ WEATHERHOLT, *supra* note 1, at 70.

duties.³⁰⁴ The victim's religious views, moreover, could bring her to the belief that "as long as she attends church with her husband, there is a chance that he will change and love her in the same way she sees other Christian husbands loving their wives."³⁰⁵ This obligation will compel victims to endure the violence and compromise their safety.

As a result of the great value placed on the sacrament of marriage and holiness of the family, the church is hesitant to act in cases of domestic violence in Christian families and reluctant to provide the victims with the spiritual support and practical assistance they need.³⁰⁶ Some argue that as long as "marriage and family relationships maintain an external facade of normalcy, there is a refusal by church and community to look any closer for fear of seeing abuse or violence in the home."³⁰⁷ The unequivocal support of marriage may lead to assumptions "that most problems will cure themselves and that most incidences of abuse are isolated."³⁰⁸ "Often there is an attempt to pretend that the marriage vows alone will somehow protect both the abuser and the abused."³⁰⁹ For Christian victims, an unbearably absurd situation is created where the promise of "faithfulness 'til death do us part' is commonly taken to mean, stay in the marriage no matter what, even though death of one or more family members may be a real possibility when there is abuse."³¹⁰

Clergy and church institutions have an extremely influential role in shaping the community's attitude towards domestic violence and the willingness and ability of abuse victims to turn to their church for support. Studies show that religious institutions are currently unprepared to deal with the complexities of a social problem like domestic violence, and that

³⁰⁴ *Id.* at 67.

³⁰⁵ *Id.* at 26.

³⁰⁶ *Id.* at 17.

³⁰⁷ FORTUNE ET AL., *supra* note 5, at 11–12.

³⁰⁸ WEATHERHOLT, *supra* note 1, at 17.

³⁰⁹ *Id.* at 19.

³¹⁰ FORTUNE ET AL., *supra* note 5, at 11.

intensive education and training of clergy and sectarian social service agencies will be necessary in order to improve the situation.³¹¹

If church ministers lack knowledge of the violent cycles or the characteristics of abusers or even the dynamic of an abusive relationship, they can cause significant harm to a victim of abuse who approaches them for counseling or advice. The church's adamant support of marriage can also interfere with the willingness and ability of clergy to offer similar support for those seeking a place safe from abuse.³¹²

Victims of domestic violence, for instance, have reported that their ministers recommended that they remain in abusive relationships despite the dangers of severe physical and emotional harm,³¹³ and further urged them to try harder and seek to change the heart of the abuser by their humility.³¹⁴ A study of 158 Christian religious leaders reveals that many believed "marriage must be saved at all costs"—even when domestic violence occurs—and that a realistic solution was "forgiving and forgetting the abuse."³¹⁵ Consequently, Christians exposed to abuse unsurprisingly hesitate before turning to their church, fearing condemnation or the mere possibility that a minister will advise them to return home and try harder to make the marriage work.³¹⁶

There is a common perception that a minister should not take sides between two parishioners facing a conflict, as the minister is called to serve all indiscriminately. In cases of abuse in the home, such approach may lead to a failure to intervene in

³¹¹ See Pyles, *supra* note 3, at 288.

³¹² See WEATHERHOLT, *supra* note 1, at 73.

³¹³ Marie Fortune, *Religious Issues and Violence Against Women*, in SOURCEBOOK ON VIOLENCE AGAINST WOMEN 371, 375, 380 (Claire M. Renzetti et al. eds., 2001) [hereinafter Fortune, *Religious Issues*].

³¹⁴ WEATHERHOLT, *supra* note 1, at 73.

³¹⁵ Colleen Shannon-Lewy & Valerie T. Dull, *The Response of Christian Clergy to Domestic Violence: Help or Hindrance?*, 10 AGGRESSION & VIOLENT BEHAV. 647, 649 (2005) (citing AL MILES, DOMESTIC VIOLENCE: WHAT EVERY PASTOR NEEDS TO KNOW 149–50 (2000)).

³¹⁶ WEATHERHOLT, *supra* note 1, at xi.

support of the victim; thus, the minister is taking the side of the abuser and validating his behavior.³¹⁷ It will also leave victims feeling abandoned, dejected, helpless, and potentially discouraged from disclosing more of the abuse for fear of similar responses.

Another shared misconception is that the church and its clergy should not invade the privacy of the family sphere, and thus that they should not get involved in intra-familial matters like domestic violence.³¹⁸ Viewing situations of domestic violence as a private family matter between a husband and a wife, clergy will often avoid intervening. Their failure to act in effect will deny the victim the assistance and support she desperately needs. Once someone, such as her minister whom the victim has deeply trusted, fails her, she will likely become reluctant to disclose the abuse or to seek help ever again, and she will likely develop mistrust in authorities. Moreover, the church, as well as religious leaders and members of the clergy, may knowingly, or even unknowingly, present concepts of sacrifice, forgiveness, and traditional gender roles in a manner that will create vulnerability among Christian victims of domestic abuse.³¹⁹

Scholars found that “theological teaching and historical practices that for thousands of years have condoned both men abusing their wives and the larger abuse of women in the western ‘Christian’ society.”³²⁰ Some believe that “the root of spouse abuse lie[s] deeply imbedded in the religious belief that women are to be subject to men.”³²¹ This form of “literalistic Biblicism persists today among many churches and among a

³¹⁷ *Id.* at 20.

³¹⁸ *Id.* at 18.

³¹⁹ *Id.* at 16.

³²⁰ *Id.* at 23–25 (see detailed examples for scripture teachings of female inferiority and obligation of women to submit to men).

³²¹ WEATHERHOLT, *supra* note 1, at 23 (citing Susan Brooks Thistlethwaite, Address at the Minnesota Governor’s Conference on the Church and Battered Women (1981)).

cultural understanding of Christianity that permeates American society.”³²²

As part of this traditional approach, the duty of women to submit to and obey their male counterparts, based on an interpretation of Paul’s letters to the Ephesians, Corinthians, and Colossians, is relatively prevalent.³²³ Passages from Ephesians, such as “[w]ives be subject to your husbands as you are to the Lord,” are interpreted to demand total submission from women to their husbands.³²⁴ Upon marriage, women often receive directives from clergy based on scriptures. The directives “state that wives must submit to their husbands.”³²⁵ It is interpreted to “elevate the husband/father as the absolute head of the household whom wife and children must obey without question.”³²⁶ Unfortunately, this idea has also been misinterpreted to mean that wives and children must submit to abuse from husbands and fathers as well. Those who abuse their families rationalize their misdeeds through such interpretations, as do counselors, clergy, and the victims of the abuse themselves.³²⁷ The prominent verse from Ephesians, which clearly indicates that husbands and wives are to be mutually subject to one another, is often overlooked.³²⁸

In some Christian communities, women are told that they are inferior in status to their husbands and God, and that they deserve lives of pain. They are misled to believe that the Bible dictates this gender inferiority.³²⁹ Some Christian teachings maintain that woman’s inferiority and subservience are divine

³²² WEATHERHOLT, *supra* note 1, at 25.

³²³ FORTUNE ET AL., *supra* note 5, at 8.

³²⁴ WEATHERHOLT, *supra* note 1, at 12; Fortune, *Religious Issues*, *supra* note 314, at 375–77.

³²⁵ FORTUNE ET AL., *supra* note 5, at 8.

³²⁶ FORTUNE ET AL., *supra* note 5, at 8.

³²⁷ *See id.*

³²⁸ *See id.*

³²⁹ WEATHERHOLT, *supra* note 1, at 25.

dictates.³³⁰ Women are taught that they are “blessed’ when they are ‘meek’ and interpret meekness as acceptance of her inferior status.”³³¹ Researchers on domestic violence have found that one of the significant factors contributing to a woman staying in an abusive relationship is a traditional religious belief that the men are to be obeyed.³³²

In a survey, in which nearly 6,000 pastors were asked how they would counsel a woman if one approached them seeking help for domestic violence, the results demonstrated that: 26% would counsel them to continue to “submit” to her husband no matter what; 25% would tell the wives that the abuse was their own individual fault, such as for failure to submit in the first place; and 50% would say that women should be willing to “tolerate some level of violence” because it is better than divorce.³³³ Another study has shown that a considerable number of Christian religious leaders felt that a victim’s lack of submissive behavior is in part responsible for the violence against her.³³⁴

Communication of this gender perception to the congregation can provide legitimacy to spousal abuse, shifting the blame to the victim. Delivering a message that promotes submission of a wife to her husband is also likely to discourage reporting of domestic violence, for fear that reporting will be interpreted as an act against the husband and a breach of the religious obligation to submit. It creates “a double bind for women in Christian tradition, implying that when they are abused they have ‘asked for it’ and therefore do not deserve the

³³⁰ Linda L. Ammons, *What’s God Got to Do with It? Church and State Collaboration in the Subordination of Women and Domestic Violence*, 51 RUTGERS L. REV. 1207, 1209 (1999).

³³¹ WEATHERHOLT, *supra* note 1, at 26.

³³² Ammons, *supra* note 331; Amy Miles, *Feminist Theories of Interpretation: The Bible and the Law*, 2 GEO. MASON L. REV. 305, 316 (1995).

³³³ Chuck Colson, *Domestic Violence Within the Church: The Ugly Truth*, CHRISTIANHEADLINES.COM (Oct. 20, 2009), <http://www.christianheadlines.com/news/domestic-violence-within-the-church-the-ugly-truth-11602500.html>.

³³⁴ Alsdurf & Alsdurf, *supra* note 40, at 167.

mercy, understanding, or protection of the church, and that the church will not restrain or rebuke their abuser.”³³⁵

The Christian notion of forgiveness is another complex issue for Christian victims of domestic abuse.³³⁶ Christian teachings require followers to forgive those who sinned against them and to emulate the behavior of Jesus who forgave those who crucified him. Not offering forgiveness to an offender and releasing them to God’s judgment is considered sinful. In many cases, ministers of domestic abuse victims have counseled such victims to forgive their abusive husbands, as Christ forgave those who crucified him.³³⁷ They may stress that the “husband is a broken soul in need of patience and forbearance.”³³⁸ Abusers also use this concept and reinforce the cycle of violence by demanding their victim to practice the Christian virtues of forgiveness and forbearance.³³⁹ Many victims believe that they are doing “what Jesus would do” if they forgive the abuser and stay in the relationship.³⁴⁰

Theological experts agree that this is a superficial and inaccurate perception of the Christian notion of forgiveness, albeit a very common one.³⁴¹ According to Episcopal Priest Anne Weatherholt:

Forgiveness is a process, not just a one-time action. True forgiveness typically comes later, after the victim has broken free of the coercive behavior and can think and choose what course is best. Forgiveness does not release the abuser of responsibility. It is a healing process for the victim

³³⁵ WEATHERHOLT, *supra* note 1, at 26.

³³⁶ Nason-Clark, *When Terror Strikes*, *supra* note 14, at 304.

³³⁷ WEATHERHOLT, *supra* note 1, at 25.

³³⁸ *See id.*

³³⁹ *See id.* at 12.

³⁴⁰ *See id.*

³⁴¹ WEATHERHOLT, *supra* note 1, at 13; Nason-Clark, *When Terror Strikes*, *supra* note 14, at 304–05.

after a sense of safety and self-worth has been regained.³⁴²

As Reverend Marie Fortune, an expert on Christianity and domestic violence, stated, “Premature forgiveness actually damages the possibility of healing and growth for both perpetrator and victim. Religious pressure on the victim to quickly ‘forgive and forget’ prevents the abuser from being fully accountable for his actions and can be life threatening for the victim.”³⁴³ She warns that forgiveness “cannot be timetabled by someone other than the victim and should never be regarded as a guarantee for safety or protection. Religious language must not pretend that everything is now okay and life for the family should return to normal, as if the abuse never happened.”³⁴⁴

Some practitioners working with Christian victims have observed that even when the victim comes forward to report domestic abuse, victims are often reluctant to sign affidavits and take ownership of the prosecution process.³⁴⁵ Such actions are viewed as defying the clergy’s instruction to forgive.³⁴⁶ Therefore, a Christian victim may plead with the prosecution agents to take ownership of the process and proceed without explicit consent or action on the victim’s part, which is often impossible by law.³⁴⁷

The Christian conception of suffering also poses a substantial challenge for victims of domestic abuse. Christian tradition teaches that suffering happens because there is evil and sinfulness in the world.³⁴⁸ Women identify with the image of Jesus the sacrificial lamb.³⁴⁹ Some consider the suffering of

³⁴² WEATHERHOLT, *supra* note 1, at 13.

³⁴³ Nason-Clark, *When Terror Strikes*, *supra* note 14, at 304–05.

³⁴⁴ *See id.*

³⁴⁵ *See* Lucibello, *supra* note 47; Vahling, *supra* note 61.

³⁴⁶ *See* Lucibello, *supra* note 47; Vahling, *supra* note 61.

³⁴⁷ *See* Lucibello, *supra* note 47; Vahling, *supra* note 61.

³⁴⁸ FORTUNE ET AL., *supra* note 5, at 6.

³⁴⁹ Nason-Clark, *When Terror Strikes*, *supra* note 14, at 304.

Christ to be something that Christians should emulate,³⁵⁰ while others see suffering as God's will to teach them a lesson, repent their sins, and build character.³⁵¹

For victims of domestic violence, there is a tendency to interpret the abuse as suffering she ought to endure in the way that Christ did.³⁵² Some believe that it is God's will that they continue to suffer and that their suffering may, in some way, eventually change the behavior of the abuser.³⁵³ A survey of Christian victims of domestic abuse have found that over two-thirds of the women interviewed "felt it was their Christian responsibility to endure their husband's violence."³⁵⁴ Service providers working with Catholic victims of abuse also observed that it is often instilled in the women that if they pray, are more patient, and live through the hardship, they will be "better Catholics," will "go straight to Heaven," and will "have a seat at the right hand of the Father."³⁵⁵ They are taught that if they put up with the abuse, they will become saints.³⁵⁶

When the victim truly believes that her suffering and abuse is part of God's plan and that it is her religious duty to endure, she is unlikely to take any active steps to stop the abuse. Thus, her safety is likely to be highly compromised. This is a message that may also be reinforced, knowingly or unknowingly, by clergy and religious leaders, who lack proper training and understanding of the cycle of violence, and the imminent risk this message entails. "The faith that is supposed to offer hope and freedom to those in captivity is empty to those who are told that suffering is redemptive"³⁵⁷

³⁵⁰ FORTUNE, VIOLENCE, *supra* note 70.

³⁵¹ FORTUNE ET AL., *supra* note 5, at 5; WEATHERHOLT, *supra* note 1, at xi.

³⁵² FORTUNE, VIOLENCE, *supra* note 70.

³⁵³ WEATHERHOLT, *supra* note 1, at 25; *see also* LENORE E. WALKER, THE BATTERED WOMAN 23 (1979) (stating that some women in her study were told by religious advisers to help their batterers find spiritual guidance).

³⁵⁴ Alsdurf & Alsdurf, *supra* note 40, at 84.

³⁵⁵ Pyles, *supra* note 3, at 286.

³⁵⁶ *Id.*

³⁵⁷ WEATHERHOLT, *supra* note 1, at xi.

Considering how these factors affect Christian victims of domestic violence, it is not surprising that studies reveal that while some church-based networks and their faith can provide support and spiritual healing, “for many women, the church is not necessarily a safe or supportive place and is not considered to be an effective resource for addressing domestic violence. Church environments may be contributing to further isolation and may be sending covert messages to women that they should stay in abusive relationships.”³⁵⁸

VII. RECOMMENDATIONS & CONCLUSIONS

Following the detailed description and analysis of the unique challenges faced by domestic violence victims in religious communities, it is essential to deduce pragmatic practices that can be implemented in order to improve the manner in which legal professionals and criminal justice practitioners handle victims. The recommended measures range from policy level strategies to individual practices for professionals in the field. Implementation of the following measures could potentially enhance the quality of justice in this category of cases and improve the efficacy of the legal implementation of anti-domestic violence laws and policies.

Legal professionals in the field identify that routine and even mandatory procedures currently included in anti-domestic-violence acts and legislations in some jurisdictions could have long-term adverse effect on victims of domestic abuse in religious communities.³⁵⁹ One example is the mandatory arrest of the suspected abuser in early stages of the investigation. Such action is likely to disclose to the victim’s husband, and possibly to the entire community, the fact that the victim has reported the abuse to the authorities. This is even before a clear picture has been formed as to whether there is sufficient evidence to proceed further with the case. As mentioned above, the consequences to the victim under such circumstances can be devastating and may irreversibly affect her entire family,

³⁵⁸ Pyles, *supra* note 3, at 287.

³⁵⁹ See Lucibello, *supra* note 47.

especially her children.³⁶⁰ Moreover, these proceedings may negate the victim's strong desire to attempt to resolve the situation without leaving the relationship and breaking up her family in order to conform to the religious and social norms of her community.³⁶¹ Incorporating statutory alternatives and exceptions to such mandatory procedures, which will apply in extraordinary circumstances such as those of religiously observant victims of domestic violence, can significantly improve the ability of legal professionals to address the unique needs and challenges of these vulnerable victims.³⁶²

A vital step in raising awareness to the unique challenges faced by religiously devout victims of domestic violence and the professionals who serve these vulnerable victims is through education and training. To provide a comprehensive response to the aforementioned issues, education is needed on multiple levels. Education should be provided to the relevant communities, victims, legal professionals, criminal justice practitioners, religious leaders, and clergy. Education plans and periodical training sessions are a necessary factor for the professional development of legal professionals serving victims in religious communities, in addition to maintaining the quality of these services. Such training and education sessions should relate the more general concerns affecting domestic violence victims of all (or most) religious denominations, as well as faith-specific challenges and barriers affecting the particular communities that populate the relevant jurisdiction. Training curricula on skills and methods to address and cope with the expected challenges are also invaluable. Requirements for periodical professional training and education are elements that can be incorporated into anti-domestic-violence policies by lawmakers. Criminal justice agencies can also incorporate training programs for their agents that focus on specific issues affecting their jurisdiction.

Fostering close relationships between legal professionals and victim advocates or social workers can also serve as an effecting

³⁶⁰ See Widawski & Frydman, *supra* note 86, at 61.

³⁶¹ See Alsdurf & Alsdurf, *supra* note 40; Nason-Clark, *When Terror Strikes*, *supra* note 14, at 305.

³⁶² Lucibello, *supra* note 47.

form of informal education. Victim advocates most commonly benefit from training and experience in the field of social work, psychology, or human services. Due to their training and experience, victim advocates are more likely to be aware of cultural issues concerning religiously devout victims of domestic abuse than legal professionals.³⁶³ They may also have better tools to develop a constructive dialogue with the victim on the subject to assess the extent and weight of the issue.³⁶⁴ Therefore, close collaboration and fluent communication between legal professionals, police investigators, and victim advocates is a crucial and fundamental factor.³⁶⁵ Legal professionals, like prosecutors, should regularly consult with victim advocates on issues of concern throughout the process and leverage the advocate's experience to complement their legal knowledge with awareness and understanding of the faith-related issues involved in the case.

Formal and informal training curricula should be supported by practical guidelines for legal professionals, criminal justice practitioners, and service providers who may encounter religious victims of abuse in their line of work. The formulation of such guidelines and best practices by agencies and organizations should ensure that sufficient flexibility and leeway are allowed to enable personalized solutions for the needs of each individual victim, while providing a structured framework that will assist in the provision of effective and efficient solutions and prompt referrals to expert service providers in the relevant jurisdiction.³⁶⁶

Community outreach and public education are key elements that can be implemented in conjunction with training programs for practitioners in order to enhance the efficacy of anti-domestic-violence policies. Education campaigns can raise awareness to the risks and challenges victims may face.

³⁶³ Lucibello, *supra* note 47; Vahling, *supra* note 61; Widawski, *supra* note 42.

³⁶⁴ Lucibello, *supra* note 47; Vahling, *supra* note 61; Widawski, *supra* note 42.

³⁶⁵ Lucibello, *supra* note 47; Vahling, *supra* note 61; Widawski, *supra* note 42.

³⁶⁶ Lucibello, *supra* note 47.

Moreover, such campaigns should highlight the discrepancies between religious practices and norms and state laws. Hence, these campaigns would highlight acts and practices that may be common or acceptable by community standards, but are defined as criminal acts by state laws and carry legal consequences. Furthermore, these campaigns should address the severe indirect effect of spousal violence on children and the amplified risk for children in religiously observant homes to imitate the violent behavior absent therapy and treatment.

Some creative measures may be necessary to ensure the effectiveness of community outreach and education efforts. It is particularly essential to ensure that the information reaches the relevant population: religiously observant individuals at risk of domestic abuse. This is particularly important in light of the limited access that many women in these communities have to secular media and the public domain. Special attention should be given to women and youth groups in churches, synagogues, and mosques, religiously affiliated institutions, and businesses targeting women.³⁶⁷

Religious leaders and clergy are a group requiring special attention when formulating training and education strategies. Members of the clergy, for instance, frequently face situations of domestic abuse, and they are found to be among the most common first responders for victims in religious communities.³⁶⁸ Yet, their great potential to offer support, comfort, and assistance to the victim is often left unharnessed due to lack of training.³⁶⁹ This situation can be greatly improved by mandating training and education for certified clergy on the dynamic of domestic violence, the interrelation of domestic violence and religion, the crucial importance of prioritizing the

³⁶⁷ For example, in Jewish communities, information can be dispersed through wig stylists and the holy bathhouses (the Mikveh), which only women can access. *See id.* In churches, mosques, synagogues, women medical clinics, and female bathrooms can also be utilized effectively for this purpose. *See id.*

³⁶⁸ Beaman-Hall & Nason-Clark, *supra* note 72, at 185; Levitt & Ware, *supra* note 13, at 1170–71; Ramiel, *supra* note 23.

³⁶⁹ *See* FORTUNE, VIOLENCE, *supra* note 70; Alsdurf & Alsdurf, *supra* note 40; Dixon, *supra* note 68; Levitt & Ware, *supra* note 13, at 1170–71; Nason-Clark, *Religion and Violence*, *supra* note 58, at 523; Pyles, *supra* note 3, at 228; Wood & McHugh, *supra* note 73, at 189; Ramiel, *supra* note 23.

victim's safety, the indispensable value of collaboration and referrals to secular expert service providers, and the need for developing specialized community-based services.

Clerical educational programs, for instance, should raise awareness and develop a deep understanding of the dynamics of domestic violence and the need to "utilize this understanding for evaluating the situation."³⁷⁰ Moreover, they should reinforce the importance of using the expertise of the clergy "as a religious authority and spiritual leader to illuminate the positive value of religious traditions, while clarifying that they do not justify or condone domestic violence."³⁷¹ Lastly, it should highlight the clergies' need to refer to secular resources to address the victim's immediate needs beyond the clergies' area of expertise and "deal with the specifics of abuse, advocacy, intervention and treatment."³⁷² Similarly, when providing counseling for the abusers, clergy should be advised to "confront abusers with the reality that they need additional help in order to stop the abuse," as a strong word from the clergy may form an effective deterrent and a strong directive to initiate change of the abusive behavior.

³⁷³

For example, the King's County District Attorney's Office initiated a commendable effort to provide training and education for clergy. The office established a "Friday Brunch with Clergy" program, scheduled to gather periodically on Friday mornings, thereby bringing together all of the clergy from different religious denominations throughout the county. The program, moreover, included lectures, training sessions, and discussion groups held to address issues affecting the clergy's communities and congregation, with a particular focus on domestic violence issues and sexual abuse. It also introduced the various services and resources available in the county to aid victims and communities affected by domestic violence.³⁷⁴

³⁷⁰ FORTUNE ET AL., *supra* note 5, at 4.

³⁷¹ *Id.*

³⁷² *Id.*

³⁷³ *Id.* at 14.

³⁷⁴ See Lucibello, *supra* note 47; Widawski, *supra* note 42; Zahra, *supra* note 42.

Fostering alliances and collaborations between agencies and organizations is another strategy that can improve the ability to combat the phenomenon of domestic abuse in religious communities. Due to the great influence of clergy, religious institutions, and community leaders in religiously devout communities, collaboration between prosecutors, law enforcement, or other service providers and these entities has been found to be especially fruitful.³⁷⁵ Such collaborations, for instance, can help bridge gaps separating the legal and religious spheres and create a more amicable working environment between the state agencies and religious communities.³⁷⁶

Moreover, empirical cross-faith studies have found that, despite ideological differences, clergy and religious community leaders hold a general desire to protect victims of abuse.³⁷⁷ Fostering proactive relationships and collaborations can help develop mechanisms to leverage this general desire among clergy effectively and optimally utilize religious and secular resources available for the victim as effectively as possible. Expert scholars also argue that clergy can “most effectively help domestic violence victims and offenders by referring them to and cooperating with secular resources. When combined, both provide a balanced approach that deals with specific external, physical, and emotional needs while addressing the larger religious, ethical and philosophical issues.”³⁷⁸

Collaborative initiatives between clergy and community leaders may also focus on the development of open communication lines and efficient referral systems between secular and religious entities, victim support programs, and community awareness and education campaigns.³⁷⁹ These initiatives can take on countless shapes and forms. An effective line of communication and open dialogue between the secular and religious entities can mutually benefit each side by clarifying their concerns about victims’ safety, helping the

³⁷⁵ See Pyles, *supra* note 3, at 287.

³⁷⁶ See FORTUNE ET AL., *supra* note 5, at 3.

³⁷⁷ Levitt & Ware, *supra* note 13, at 1185.

³⁷⁸ FORTUNE ET AL., *supra* note 5, at 4.

³⁷⁹ See Pyles, *supra* note 3, at 285.

victims make informed, coherent decisions to best resolve crisis situations, properly addressing victims' theological and practical concerns, and assuring victims' utmost safety.³⁸⁰

By encouraging women groups within the congregation to volunteer with domestic violence shelters and victim support organizations, awareness can be cultivated about the available services for victims of abuse as well as the severity of the problem.³⁸¹ Legal practitioners and service providers working with victims of domestic violence can assist clergy by incorporating information regarding the warning signs and dynamic of domestic abuse into pre-marriage counseling sessions, clearly communicating the religious values which support a healthy marriage, and correcting any erroneous understandings that either partner may have.³⁸² Interpretations of sacred texts and scriptures that support victims of abuse and condemn abusive behavior in the family, can be developed into invaluable educational materials and informative resources. These resources can then be used to educate and serve legal professionals, service providers, and clergy when addressing the complex theological concerns and challenges faced by religiously devout domestic violence victims and abusers alike.³⁸³

Even more crucial are initiatives aimed to establish specialized community-based services that target the particular needs of domestic violence victims in the community. For example, shelters dedicated to observant Jewish or Muslim victims are more likely to have the capacity to accommodate a

³⁸⁰ See FORTUNE ET AL., *supra* note 5, at 3.

³⁸¹ See Nason-Clark, *Sacred Safe*, *supra* note 4, at 355.

³⁸² See FORTUNE ET AL., *supra* note 5, at 4 (Pre-marriage counseling is an opportunity for the religious leader to do two things: first, to inquire about any history of abuse in the partners' families; and, second, to teach about the religious values which support a healthy marriage and to correct any erroneous understandings that either partner may have. A couple needs to be able to share their family histories with each other and consider the impact on them. The pre-marriage meeting also provides an opportunity for the religious leader to be attuned to the dynamics of the couple's current relationship: if there is any concern about one partner attempting to control the other or the possibility of violence, the leader should meet separately with each partner to assess the situation).

³⁸³ See *id.* at 2.

victim's multiple children. These shelters also provide the victim and her children with the means to observe religious traditions, which can alleviate some of the difficulties involved in child custody and reintegration into the community. Furthermore, collaboration projects between service providers and clergy to assist the reintegration of abuse victim to the community, after establishing an effective safety plan, have been found to be of vital importance.³⁸⁴

One specific example for a grass-roots initiative was founded by Fainy Sukenik, a Haredi survivor of abuse. The B'Asher Telchi organization aims to build an interdisciplinary "network that would offer everything a religious woman needs when going through a divorce."³⁸⁵ This includes "assistance from lawyers, psychologists, family counselors, rabbinic advisors and lobbyists, social workers, as well as a growing, supportive community of other Orthodox divorcees and recently separated women."³⁸⁶ By establishing a specialized Orthodox-oriented support organization run by religious women, and supported by community figures, Sukenik aspires to alleviate some of social stigma and resistance against seeking help, services and therapy.³⁸⁷

The need for effective collaboration among legal practitioners, state agencies, and religious leaders requires special attention and concentrated efforts on both sides, as current studies have found that certain communities lack such relationships and communicative lines.³⁸⁸ Due to the complex nature of domestic violence within religious communities, collaboration among the various service providers, law enforcement agencies, and legal professionals working with victims of abuse, is also an essential component of the combat against this adverse phenomenon. The key to fruitful collaboration among these various entities is the development of a comprehensive and efficient referral system because such

³⁸⁴ See Ramiel, *supra* note 23.

³⁸⁵ Chizhik, *Fairy-Tale*, *supra* note 123.

³⁸⁶ *Id.*

³⁸⁷ *Id.*

³⁸⁸ See Pyles, *supra* note 3, at 287.

systems can be formally established and mandated as part of legislative efforts, official guidelines and best practices, and agency policies. Informal systems of cross-referral can also be found in some communities.³⁸⁹

Due to the diverse range of emotional and practical challenges facing religious victims of domestic abuse, access to service providers, organizations, and shelters with specialized experience and resources is vital. Cross referral systems should be designed to acknowledge the inherent complexity of the phenomenon of domestic violence. It is imperative to develop mutual recognition and respect to the role of each of the service providers, either religious or secular, and an understanding of the need to address the issue from a legal, social, emotional, and spiritual perspectives.³⁹⁰

Assuring access to a diverse range of specialized services and resources through effective cross-referral systems will likely accommodate the unique needs of the victim by assuring their safety and maintaining respect and sensitivity to cultural and religious boundaries. More than that, it can greatly affect the willingness and ability of the victim to participate and cooperate with the criminal justice process and her trust in the system. The unique circumstances of religiously observant victims of domestic violence described in this article demand the assistance of services not only during the criminal proceedings, but also in its aftermath, to facilitate reintegration and financial independence of the victim and her family.³⁹¹ Similar referral mechanisms should also be used to ensure the abuser receives the needed services and therapy to help manage the abusive behavior, particularly in situations where there is no willingness from the side of the victim to dissolve the relationship.

Agencies and legal professionals handling domestic violence victims or abusers should maintain an updated list of available organizations, service providers, and resources capable of providing specialized services to abuse victims of the religious denominations within their jurisdiction and its vicinity. When such services are not available, it may be necessary to foster

³⁸⁹ See CHANGE FROM WITHIN, *supra* note 7, at 9.

³⁹⁰ See *id.*

³⁹¹ See Widawski & Frydman, *supra* note 86, at 63.

collaborative relationships with adjacent jurisdictions or national service providers in order to accommodate the needs of these victims and to ensure their safety.

In jurisdictions using the “Family Justice Center Model,”³⁹² it can be beneficial to host faith-affiliated organizations and service providers, as well as specifically trained clergy, to whom interested victims can be referred. These religious entities, when properly trained, can also be an invaluable source of information for prosecutors and other legal professionals handling domestic violence cases against religious victims.

For example, the King’s County District Attorney Special Victims Unit founded a cross-disciplinary collaborative initiative called “Project Eden.”³⁹³ The program was designed to foster collaboration between the criminal justice system and secular service providers in order to target the domestic violence problem among Brooklyn’s Orthodox Jewish community. The program created a “one stop shop” where an abuse victim has access to an interdisciplinary and inter-organizational team, which can provide her with all the necessary services, ranging from legal support, shelter, and assistance with public benefits, to counseling and vocational training.³⁹⁴ It also operated as a confidential hotline staffed by trained members of the Orthodox community, with knowledge of the unique religious and cultural concerns of victims in the community, as well as the dynamic of domestic violence.³⁹⁵ Project Eden also established a specialized domestic violence shelter for Orthodox Jewish families to

³⁹² U.S. DEP’T JUST. OFF. ON VIOLENCE AGAINST WOMEN, THE PRESIDENT’S FAMILY JUSTICE CENTER INITIATIVE BEST PRACTICES (Feb. 2007), *available at* http://www.justice.gov/archive/ovw/docs/family_justice_center_overview_12_07.pdf. Family Justice Centers are “one stop shop,” co-located, multi-disciplinary service centers for victims of family violence and their children. *Id.* at 1. The centers are designed to reduce the number of places victims of domestic violence, sexual assault, and elder abuse must go to receive needed services. *Id.*

³⁹³ See Lucibello, *supra* note 47; see also Widawski, *supra* note 42; see also Widawski & Frydman, *supra* note 86, at 63.

³⁹⁴ Widawski & Frydman, *supra* note 86, at 64.

³⁹⁵ See *id.*; Widawski, *supra* note 42.

provide a safe place for victims where they can observe their strict religious rules and traditions with ease.³⁹⁶

The key to the project's success was the development of a seamless web to enable effective communication and collaboration among the various Jewish social service agencies in the jurisdiction and the District Attorney's Office.³⁹⁷ The District Attorney's Office leveraged the specialized knowledge, resources, and the long standing reputation of the Jewish social service agencies in the community to reach victims of domestic violence in the community to provide them with critical legal services and, in turn, to promote the safety of both the individual and the community.³⁹⁸

To complement the provision of specialized and targeted services, Project Eden also included a community outreach and educational component. Legal professionals from the District Attorney's Office collaborated with expert practitioners from the various Jewish social service agencies to develop a curriculum designed to train and educate Rabbis, community leaders, mental health professionals, family service providers, law offices, schools, other key community institutions, and individuals who come in regular contact with women in the community.³⁹⁹ Additionally, grassroots educational programs were also established to raise awareness of the issue of domestic violence, the legal rights of victims, and the available services among vulnerable members of the community, such as those in the most isolated segments of the community.⁴⁰⁰

Project Eden has achieved impressive success in improving the quality of justice in domestic violence cases in the Brooklyn

³⁹⁶ See Widawski, *supra* note 42; Widawski & Frydman, *supra* note 86, at 64.

³⁹⁷ See Lucibello, *supra* note 47; Widawski, *supra* note 42; Widawski & Frydman, *supra* note 86, at 64.

³⁹⁸ See Widawski & Frydman, *supra* note 86, at 64.

³⁹⁹ See *id.* After thorough research, the project's founders have identified the groups and individuals who come into close and regular contact with community members who are potentially affected by domestic abuse. *Id.* These include attendants in the rituals baths for women, bridal instructors, wig stylists, daycare workers, and rabbis' wives. *Id.*

⁴⁰⁰ See *id.*; Widawski, *supra* note 42.

Orthodox Jewish community, enhancing the quality of service provided to victims of abuse in the community, increasing reporting rates, and facilitating networking and collaboration capacities of service providers in the community. Due to its demonstrated success, the project expanded; more agencies and organizations joined its network, and it gained corporate funding and support in addition to federal funding. Moreover, the project's model was implemented in other target communities with special needs, and was adapted to address other emerging social problems such as child abuse and sexual abuse.⁴⁰¹

In addition to the aforementioned policy-level initiatives addressed to combat domestic violence in religious communities and the victims' unique needs, individual practices by legal professionals and criminal justice practitioners implementing anti-domestic-violence laws and policies also have a substantial effect on victims. The first task in the implementation process is to identify which victims are religiously observant and assess the necessity to accommodate their faith in the process. Optimally, the first person who interacts with the victim should undertake this identification process. Usually, this is the first responder on a domestic disturbance site (either police or EMS), social service agents, or other service providers who receive a report of domestic abuse. In an ideal situation, the first responder who identified the faith related needs of the victim will communicate this information to all the other professionals involved with the case in later stages of the process.

Unfortunately, due to the current design of the response process in most jurisdictions, effective communication of this important information is improbable. Thus, it may be necessary for the identification phase to be repeated throughout the criminal justice process by police investigators, prosecutors, case-workers, and victim advocates. While some victims will be forthcoming about their religious affiliation or may have obvious identifiers, such as traditional attire or religious artifacts, others will be more indistinct.

Unusually modest clothing or accessories that may indicate religious affiliation, such as head-covers, veils, and long skirts,

⁴⁰¹ See Lucibello, *supra* note 47; Widawski, *supra* note 42; Widawski & Frydman, *supra* note 86, at 64.

are one possible indicator. Additionally, more subtle religious symbolism, such as pendants, broaches, and bracelets, is another indicator practitioners should be mindful of. When interviewing the victim, it is essential to pay careful attention to the victim's manner of speech and rhetoric and any theological themes or phrases used by the victim. The victim's geographical area of residence could also be indicative of religious affiliation, as there is a tendency for faith communities to inhabit specific geographical areas. In case of uncertainty regarding the victim's religious identity, it is advisable for responders to gently prompt the victim and encourage raising any theological and faith related concerns they may have.

The education and training of legal professionals on the intricate issues affecting domestic violence in religious settings are vital components to elective implementation of anti-domestic-violence law and policies. Education initiatives should be carried-out in *ad-hoc* as well as periodical structures. Once the religious affiliation of the victim is identified, it is essential for the legal professionals working on the case to educate themselves regarding the general and faith-specific issues that may be relevant to the victim. Reviewing the relevant sections of this article can be the first step in this process. However, it is important to remember that faith communities differ from one another, and there is substantial subdivision and variations within any religious denomination. Reviewing online sources, recent research findings, and literature on the topic can also be helpful, but time consuming.

Reaching out to religiously-affiliated organizations or case workers could be an effective method to obtain the valuable information necessary to address the special needs of victims in a specific faith community because such organizations or individuals regularly serve the relevant community in the jurisdiction. However, when choosing this path, it is vital for such individual to guard the victim's anonymity and to ensure that no identifying details are disclosed. Inter-agency collaborations and exchanges are another useful source of knowledge and information. In other jurisdictions where a larger community of relevant religious denomination is present,⁴⁰² prosecution and investigative agencies are likely to

⁴⁰² Examples include the Kings County District Attorney (Brooklyn, NY) for

have accumulated knowledge and experience that can be beneficial and insightful. Lastly, if the victim is cooperative, discussing the matter with the victim herself in a constructive and non-judgmental manner could provide a valuable account of the faith-related challenges she may be facing.

Awareness of the relevant theological issues and concerns by evaluators is not only necessary when handling and providing the services of a religiously devout victim of abuse, but also when assessing the victim's credibility and character. Interpretation of the victim's behavior, gestures, and language without careful awareness to these critical issues is likely to lead to misinterpretations and errors in judgment by the evaluator. This issue is also highly relevant when preparing the victim to provide court testimony.

Furthermore, during risk assessment procedures, practitioners should be mindful of the dynamics of a special community and the practices, which affect the threat posed to the victim during risk assessment procedures. As mentioned in the previous sections, in many religious communities the risk to the victim after reporting the abuse is often not exclusively from the side of the abuser and his family, but may also be directed from her own family, religious leaders, and the community at large. It is vital for practitioners to account for this extended risk when managing the case and devising safety plans for the victim.

Experts believe that in secular settings, when legal and criminal justice professionals encounter a victim of domestic abuse who raises religious questions and concerns, it is imperative to respond with the outmost sensitivity, tolerance, and concern to the issue.⁴⁰³ Experts advise that once the victim raises religious concerns, it is important to pay careful attention to the issues and concerns raised while affirming and validating the concerns as appropriate and valuable.⁴⁰⁴ During the

Haredi Jewish community, Salt Lake District Attorney (Salt Lake City, Utah) for the Mormon Community, Lancaster District Attorney (Lancaster, PA) for the Amish community, the Bronx District Attorney (Bronx, NY) for the Hispanic Catholic community, or Peoria County State's Attorney (Peoria, Ill) for the Muslim community.

⁴⁰³ FORTUNE, ET AL., *supra* note 5, at 3–4.

⁴⁰⁴ *Id.*

conversation, attempts should be made to carefully assess the importance and dominance of the faith-related issues to the victim.⁴⁰⁵ It is important to “emphasize the ways in which the [victim’s] religious tradition can be a resource to her and can in no way be used to justify or allow abuse or violence to continue in the family.”⁴⁰⁶ If the agent encountering the issue feels uncomfortable with these religious concerns or is unqualified to pursue them, it is advisable to refer the victim to a pastor/priest/rabbi/imam or who is trained to provide assistance in situations of domestic abuse, or to a specialized service provider with expertise in the victim’s religion of choice.⁴⁰⁷

In the case of male professionals, it is imperative to inquire with the victim whether she would prefer to be handled by a female colleague and whether a male presence bothers the victim in any way. Male professionals should be particularly sensitive to subtle signs of discomfort or intimidation and react accordingly by handing the case over to a female colleague to complete the inquiry. This is particularly vital when collecting physical evidence, such as documentation of bruising and injuries, and when discussing intimate inter-marital issues.

It is important to be continuously mindful to the fact that in the case of religious victims, even the routine actions by legal professionals and criminal justice practitioners like questioning of neighbors and family members or the arrest of the suspect may have a severe long term effect on the life of the victim, including her ability to return and be accepted in her community. Thus, the professionals handling the case should meticulously consider these factors and openly discuss them with the victim to identify the appropriate course of action with the least adverse effect, which matches the objectives and desires of the victim. Other practical concerns include the ability to accommodate the victim and her multiple children in a shelter, the possibility of the victim to maintain her religious practices when removed from her community, and the effect of

⁴⁰⁵ *Id.*

⁴⁰⁶ *Id.*

⁴⁰⁷ *Id.*

the criminal procedure and the victim's safety plan on other future legal issue such as child custody or divorce proceedings.

Overall, the challenges faced by domestic violence victims in religious communities are complex and severe. In most cases the victim is confronted with an impossible dilemma, whether to protect her safety and the safety of her children or to observe the beliefs and ideologies she views as sacred and uncompromising. To ensure her immediate safety, she may take actions that could compromise her future, causing a ripple effect on everyone she loves and cherishes.

As modern globalization causes religious communities of various denominations to emerge and spread across the United States and the western world, legal practitioners and lawmakers should strive and commit to address the unique needs of this growing group of vulnerable victims. Practitioners, for instance, could alleviate some of the challenges these potential victims face in their path towards safety. As demonstrated earlier, this can be achieved at both the policy and individual level. On both levels, a pivotal pillar in the success of these efforts is the integration of legal knowledge with comprehensive social and cultural awareness, aimed at effectively fulfilling and realizing the intended objective of the law. While some actions recommended in this section necessitate some budgetary resources and prioritization, most other actions merely require developing sensitivity and awareness to this intricate issue and can be implemented without substantial fiscal investments.

It is important to realize the broader value of this interdisciplinary approach, combining legal expertise with cultural sensitivity, in the implementation of other legislative acts targeting intricate social problems affecting our increasingly diverse modern society. Absent such integral interdisciplinary thinking, our legal expertise risks becoming ineffectual, incapable of adapting to the changing reality we live in, and futile in providing effective protection to every member of our society.