

DOMESTIC VIOLENCE & ABUSE, DIVORCE AND IMBALANCES OF POWER

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For years after the marital relationship ends, persons who have been heavily (psychologically, physically and or financially, etc.) abused by their spouses may not be able to successfully negotiate with their abusers – or to even speak clearly on behalf of themselves with attorneys and others involved in the process -- regarding any aspect of a dissolution (such as custody, division of assets and so on). These persons may not even be able to effectively report on the abuse they have experienced. This is coupled with the reality that many persons being abused are not entirely able to realize that what they are experiencing is abuse.

Nor can persons who have been abused for years leave the persons abusing them and then readily present a thorough case against their abusers. Spotting such complex and frequently subtle obstacles to communicating on behalf of oneself, and spotting related *imbalances in the structure of a dissolving marriage*, is naturally difficult. This necessary seeing of the whole picture, the full interpersonal and individual dynamic, is more in the realm of the psychological and social sciences than in the legal and judicial (or personal). This key factor – imbalances of power and information -- during divorce processes including custody decisions warrants full attention and research by, and full communication among, all systems of thought and institutions involved. It also warrants our establishing a sound citizen-reviewed and citizen-monitored system of theoretical and philosophical checks and balances, as it is far too easy to allow a single theoretical or philosophical perspective to guide decisions and miss seeing deeply running influential biases....

The book, *To Have and To Hurt: Seeing, Changing or Escaping Patterns of Abuse in Relationships*, refers to a particular form of abuse in the realm of the abuse of financial control, fiduciary abuse. While this form of abuse, financial abuse by the partner who has primary fiduciary responsibility to the other, is severely compounded in relationships where there is other abuse and violence, there are additional, in this case external, oft even institutionalized, compoundings of the abuse. While volumes can be written regarding inadvertent (through no conscious fault of its own) institutional collusion with abusers, this matter requires but a few words here. This is the (inadvertent and likely somewhat institutionalized) compounding of the mixture of financial, emotional, and oft physical intimate partner abuse by the legal system, especially the judicial system which may not have what it takes (again, through no fault of its own) to see what has been hidden even from the abused partner for so many years—hidden via the abuse of fiduciary responsibility.

At the time of the separation and or divorce, both partners are typically required to disclose the nature and value of their assets. However, when only one knows the full and exact nature and value, and that one also controls access to this full information, and also controls the way this full information is presented -- if ever fully presented at all, the other is at a significant disadvantage. And when there are to be meetings, or settlement negotiations, or other agreements such as custody arrangements, negotiated during a divorce process, there can be a distinct absence of judicial and procedural sensitivity to the imbalances coming in from a relationship with a history of patterns of abuse and violence-related dominance. For the most part, these imbalances cannot be fully detected or fully corrected by attorneys or courts of law.

Resources:

<http://angelabrowne-miller.com/angerlifemanagement.html>

Browne-Miller, Angela (Author). *To Have and To Hurt*. Prager-Greenwood, 2007.

Browne-Miller, Angela. (Editor). Chapter 6, *International Collection on Addictions, Volume 4: From Concept to Compulsion*. Praeger, 2009.