

The “Red Shoes” Metaphor: Nothing Common about Domestic Assault

Based on a fairy tale, The Red Shoes is a 1940’s movie about a woman being bullied by a controlling man, who wishes to dictate how she will live her life. She is caught between two men actually; one who insists that she must give up the other if she wants his love, and the other who insists that she must do as he says if she wishes to fulfill her career aspirations. The image pictured here is one I created myself when I came across these posters in an alley way in a small town in France.

Red shoes are also a symbol of solidarity against domestic violence. That is why I have used this image to introduce the problems of defending against domestic violence. Domestic assault is not treated the same way as “common” assault. If you have been charged with domestic assault, you are facing a politically charged situation. Even the allegation comes with stigma. And the criminal justice system displays a bias against men charged with domestic abuse that cannot be discounted when formulating a strategy to defend against such charges.

The political reality is that men faced with such charges must be very careful how they react. Being charged is like being asked: “when did you stop beating your wife?” The question, or the charge itself, implies so much more than does a charge of “common” assault. A good defence lawyer knows this, and will advise you accordingly.

There are really two issues when you are being charged with domestic violence. The first is the allegation that you committed an assault, and the second is an implicit accusation that you are a controlling ruler, who believes that a “man rules the roost” and women should “know their place.”

Crown Attorneys and Judges can very easily fall into the trap of assuming such attitudes exist, and once that becomes part of their belief system about you, they are far more likely to treat you in a biased manner. The system has all sorts of rules for not allowing that to be the case, but courts, unlike the written law, are reality based. They are much more like roman arenas than we would like to think. So getting a lawyer that knows how the entire justice system works, is crucial, to the early positioning that needs to take place in order to get you the best possible outcome at the end of the day.

If you want to understand what you’re up against, watch this video:
https://embed.ted.com/talks/leslie_morgan_steiner_why_domestic_violence_victims_don_t_leave

Now, understand, that I do not condone domestic violence in any way. My point is to make my clients aware of the story of domestic violence that society accepts. It accepts it because it has been played out many times, in real life situations. Indeed, you may find yourself quietly realizing that in some ways you do fit the pattern. If that’s so, I know how to help you get help, how to give you the tools to develop the insights necessary to begin to make lasting change. But that doesn’t mean that you have to fall down on your knees and let the criminal justice system steamroll over you. Remember, my job is to get you the best possible outcome, based on your goals and needs. I will listen to you and find out where you want to take the process. Despite the confusion of the system, I will help to clear away the fog, so that you can find the unique path that represents your best possible outcome.

Regardless, the implication is that anyone accused of any sort of domestic violence faces an uphill battle to overcome the assumptions that have become common place in our society and in our courts. Vilification is no good for anyone: not for the accused, not for the victim, and not for society. The social political context of domestic violence charges must be part of the equation, so that outcomes enhance your ability to recover, and your ability to make a positive contribution going forward.

The battle to level the field, so that your rights as an accused person can be properly protected, begins with accepting the political minefield you have been set down in.

The way out begins with communicating an approach that respects the system, and acknowledges the realities of domestic abuse. If you get too defensive too soon, you have already begun to confirm the implicit biases that the system holds against you.

When you begin to work with me, I will talk to you about educating yourself, about fighting instincts to get angry, and about how we can begin to win the battle before we enter the courtroom. I have worked with hundreds of men accused and found guilty of domestic violence. I have heard their stories, and I know that the stereotype of the domestic abuser is not everyone's story.

I will help you to avoid the mistakes that will make you look guilty, the mistakes that could set you up for the brutal experience of having the system get its teeth into you. The criminal justice system can be a very blunt and powerful instrument. I will work with you to make sure that you don't get caught in its grip, or to help you get out of its grip if you feel like you are already trapped.