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# Protection Orders for Battered Women in Israel

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Academic Editor: Jill C. Engle

Received: 24 May 2016; Accepted: 6 August 2016; Published: 12 August 2016

**Abstract:** The aim of the present study is to describe and re-consider the findings obtained from analysis of 260 protection orders that were granted in cases of violence by men against their partners. The Prevention of Domestic Violence Law was enacted in Israel in 1991. The data collection for the study took place 10 years later, after the 1996 amendment was enacted. In this article I revisit the data, the only empirical data on protection orders in Israel, and examine both the process of obtaining protection orders and several attendant issues that are relevant to the procedure, such as the remedies the law offers and the use (or lack of it) judges make of them. The study compares the first ex parte hearings and the second hearings, and the discussion and summary sections provide an insight into the problems emerging from the description of the situation in Israel in light of the current knowledge existing in the world today.

**Keywords:** protection orders; legal intervention; domestic violence

## 1. Introduction

Over the past three decades, intimate violence against women has been extensively researched, but the majority of studies have not focused on the role and response of the legal system in the context of its rulings and considerations. This applies to existing research on the subject throughout the world in general [1–3], and even more so to Israel due to the paucity of existing research on the subject [4].

The Prevention of Domestic Violence Law [5] defines domestic violence as use of violence against a family member, committing a sexual offense, or unlawfully detaining him/her; there is a reasonable basis to believe that the accused poses a substantial physical threat to his/her family; the accused has committed sustained mental abuse against a family member, or behaved in a manner that does not allow a family member to live his/her life in a reasonable and proper manner.

The present study addresses one kind of domestic violence—violence against women by their male partners. I chose to focus on this specific kind of relationship for two reasons: (1) According to Knesset reports, it is by far the most common type of domestic violence [6]; and (2) it is my personal view that intimate violence against women is a symptom of women’s overall status in society.

## 2. Protection Orders in Israel

An examination of the methods society employs by means of the legal system to contend with the issue of violence against women reveals three principal components: penalization, protection, and treatment. Each component is grounded in theory, has advantages and disadvantages, and a relevant legislative and adjudicative body [7]. In Israel, violence against women “came out of the closet” about a decade later than in other Western industrialized countries, when in 1986 the then attorney general appointed a committee (the Karp Commission) to study the subject and make its recommendations on the legal issues. Upon completion of the Commission’s work, the Prevention of Domestic Violence Law—1991 was enacted [8], based on the civil principle of protection orders.

The law stipulates that the courts are authorized to issue immediate protection orders to ensure the safety and wellbeing of any family member who is threatened or views him/herself as threatened

by the person named in the order. This procedure is unique in that it is relatively fast and can be conducted *ex parte* (the petitioner), and does not stipulate that a prior complaint be filed with the police. It can be effectuated by the threatened person as well as by another person, it is temporary, and for a limited time. The court may grant a protection order *ex parte*; where an *ex parte* order has been granted, a hearing in the presence of both parties shall be conducted as soon as possible and no later than seven days from the order being granted. The rationale underlying the law is to enable swift action until examination of the matter has been concluded and, if necessary, the court's verdict has been handed down. The courts are authorized to issue an order providing one, some, or all the remedies specified by the law [5].

Once a protection order is issued, it prevents the offender from coming near the victim for the time specified in the order (frequently known as a "restraining order"). Protection orders, whether short- or long-term, constitute a public record of violence, and in the event that the order is violated, the abuser is brought to trial. In many cases, a protection order provides legal protection for the victim when she does not want her abuser to be found guilty in a criminal proceeding and subsequently incarcerated. Nevertheless, a protection order does not preclude the possibility of criminal or further civil action should the victim wish to pursue them [5,8].

In the passing years since data collection for this study was completed, few amendments to the law took place, some which relate to the issues raised in this article: (1) At the end of 2000 the legislation changed and it became mandatory for judges to prohibit carrying firearms in every case that a protection order is being issued. This amendment was enacted since 2002, but the law allows the judge's discretion in many exceptions; (2) At the end of 2014 the law was again amended to allow up to 2 years renewal of the protection order (before that renewal was only possible up to a maximum of half a year).

In the last few years (2013–2015), about 9000 petitions for protection orders were filed in Israel by women against their male partners. Approximately 10% were denied and the rest were either granted or closed [6].

### *Pros and Cons*

Who are the battered women who petition for a protection order? A study comparing battered women who petitioned for a protection order with battered women who did not, found that the former are typically women who work outside the home or pregnant women, and the majority are married and over the age of 24. In other words, women who are somewhat more "established" than those who do not petition for a protection order, and are often younger and unemployed [9].

Have protection orders been found to be an effective tool for women's safety? Various studies show that the effectiveness of a protection order depends on how comprehensive and specific it is, and on the degree of its enforcement [10]. A study conducted by Wolf et al. [11] examined how battered women view the effectiveness of protection orders over time. In most cases, the women felt that the protection order protected them from recurring violence and constituted a significant factor in their ability to regain their self-respect and power. On the other hand, it was found that protection orders were ineffective in cases where the abuser had a history of violent offences. The researchers concluded that in such cases criminal charges were also necessary in order to stop the violent men. They also recommend that the criminal record of these men be taken into consideration when deciding on the remedies and restrictions included in the protection order served against them.

The majority of studies show that certain details influence the attitude of judges toward battered women who petition for a protection order: the intensity and frequency of the violence against the petitioner, the man's criminal record, and the woman's willingness to file a complaint with the police and cooperate in a criminal suit [3].

Existing research throughout the world describes the attitude of the courts toward battered women as mixed: some studies report an unsympathetic attitude toward battered women (e.g., [12,13], whereas others report a sympathetic attitude toward them (e.g., [14,15]). In Israel, too, where research

on the subject is particularly sparse, it appears that the attitude of judges is not uniform and frequently leans toward criticism and minimization of the difficulties faced by battered women [16]. This raises the question of what are the advantages of a protection order, or, in other words, whether it is beneficial for battered women to appeal to the courts and petition for a protection order [17].

In discussions regarding the advantages of protection orders, it is customary to only address the issue of recidivism. However, we cannot be limited solely to statistics that show whether the order was violated and whether problems and recurring violence continue after the order has been served. We must also pay attention and ask whether protection orders constitute a change—for better or worse—in the lives of the victims and their families [7,18]. A comprehensive study conducted in the United States on the advantages and disadvantages of protection orders [19] examined the quality of life of battered women who were granted protection orders. Quality of life was examined by means of three questions that addressed the woman's general wellbeing, her feelings about herself, and her sense of security. More than 90% of the participants in the study reported that they felt better about themselves, and 80% reported that they felt safer since receiving the order, although more than 10% reported a variety of problems (such as harassing telephone calls to the home and workplace, stalking, and recurring violence). It is important to note that the positive effect of protection orders was greater when the man named in the order had no previous criminal record and in cases where the woman used the restraining period to prepare a "safety plan" for herself. Similar findings were reported in other studies (e.g., [18,20]) that found the process of attaining protection orders "empowering and therapeutic".

### 3. Protection, Treatment, and Penalization

The theoretical approach underlying implementation of the law to protect victims is the practical-protective approach, which views protecting the victims as the primary purpose of the legal system, and consequently places emphasis on the proceedings that lead to the desired outcome of providing an immediate and effective solution for their safety [7,8]. According to this approach, protection is the central aim of intervention in cases of domestic violence; hence, protecting the potential victim is of greater importance than treating her or her abuser, or penalizing him. According to this approach, the legal response focuses on the courts serving protection orders (prohibiting entry to the home, harassment, carrying firearms, etc.), and advocates simplifying and accelerating the procedures for obtaining protection orders, as well as their enforcement by the police. The law provides family members who are victims of violence with temporary but immediate and accessible aid by serving protection orders that include four cumulative remedies: removal from the home and prohibiting the abuser from coming a specified distance from it, prohibiting harassment of any family member, prohibiting any change to existing property, and prohibiting the abuser from carrying firearms [5,8].

However, underlying the treatment-rehabilitation approach to the law [21], which advocates court-mandated treatment, is acknowledgement that most victims choose to remain with their offending partner [22], he is the father of their children, and consequently they want to achieve change in his behavior, for which treatment is the most appropriate method [17,18,23]. Moreover, one of the personality traits of battering men is their propensity to detract from their responsibility and reduce the physical and mental results of the violence to the minimum [24–27]. Consequently, while most do not seek treatment of their own accord, they do cooperate with it, particularly when they are compelled to accept it [18,27].

The success of treatment and rehabilitation programs for abusive men largely depends on the definition of therapeutic success. Various studies have underscored the effectiveness of court-mandated treatment for battering men [25,28,29]. The initial version of the Prevention of Domestic Violence Law (1991) disregarded this issue and only set forth a general order (2b), according to which a protection order can include supplementary orders for specified remedies, such as mandatory treatment for the abuser, if the court deems them necessary for the victim's safety. However, in the second amendment to the law (1996), Paragraph 2a stresses that the court can instruct the person named in the protection order to undergo treatment from a body specified by the court, after receiving a report from

a court-appointed welfare officer confirming that the person named in the order is eligible for treatment and the existence of a suitable treatment framework [5]. This amendment constitutes an expression of the treatment-rehabilitation approach, and serves as another stepping stone toward addressing the issue of violence against women. In Israel there are 67 domestic violence treatment centers which provide batterers' intervention programs (as well as other group and individual treatments). They belong to the local authorities and to the Ministry of Welfare and are spread all over the country. In most of the programs treatment is in the form of group therapy, it is generally led by specially trained social workers and lasts a usually around 16 weeks (few months), and participation is mostly free of charge. The groups are quite small (8–10 participants). This kind of intervention is often accompanied by some individual sessions, and if it is court mandated it is monitored by a probation officer. The focus of the meetings is mostly a cognitive-behavioral change, and the meetings focus on understanding and naming emotions, anger control techniques, learning to express needs and feelings and empathy. The group also provides emotional support and a safe place for sharing anxieties and frustrations [6,28,30,31].

Various studies [17,32,33] show a disparity between the remedies petitioned for by the victims and those that judges are inclined to include in a protection order. The remedies most commonly petitioned for by battered women are a restraining order, temporary custody of minor children, and court-mandated treatment against domestic violence for the violent man [3]. The two most common remedies, which the courts grant in almost all cases of ex-parte petitions, are restraining orders and prohibition against carrying firearms. While both remedies provide immediate safety for the petitioner, they do not address her safety in the long term. In other words, judges are evidently disinclined to grant remedies that have long-term implications (such as custody of minor children or child support), since these are summary procedures that begin with an ex parte hearing. The courts also tend to include a prohibition on using common property in the orders. More than anything, the courts tend to disregard the petitioner's request for the violent man to undergo treatment against violence [5,12].

#### **4. Method**

In 2002, we were granted permission by the then Chief Administrator of the Courts to study the hearings regarding petitions filed by battered women for protection orders, which are conducted in camera. We gathered the protection orders served by courts in the north of Israel ( $N = 260$ ) in 2001, conducted a content analysis, and then fed the data into an SPSS program in order to obtain quantitative information on some of the studied issues.

##### *4.1. Sample*

The protection orders were gathered from the archives of the Haifa District Court, the Nazareth Illit District Court, and the Kiryat Shmona Magistrates Court, which are the three biggest courts in the north of Israel. For the purpose of the present study, we only gathered protection orders that were petitioned for in 2001, whose hearings had been concluded and whose files were inactive by 2002, and the grounds for the petition were a man's violence against his spouse (as opposed to petitions filed by parents against a violent son, etc.); a total of 260 case files. In 213 of the cases, a second petition was filed, the first ex parte and the second in the presence of both parties, in 27 cases the hearings continued into a third petition, and in nine cases into a fourth.

In 47 cases the hearings were concluded after the first petition. The main reasons for this were: in 35 cases the first petition was denied, in eight cases neither the petitioner nor the respondent appeared at the second hearing, and in four cases no reasons were provided in the case file.

We studied and recorded only the orders themselves, without any of the additional documents. The names were erased from the orders and each file was given a number.

## 4.2. Analysis Tools

Analysis of the case files was split into two stages. First, a preliminary analysis of all the files was conducted, which included feeding various details regarding the cases into an SPSS program, and content analysis that focused primarily on the judges' arguments for granting (or denying) a protection order and attendant remedies. The findings were then encoded and quantified in order to obtain a lateral picture of the findings. The preliminary analysis referred separately to the first and second orders, and examined the following issues: the grounds for the petition for a protection order, the status of the abuser (husband, partner, divorcé, separated spouse, father of the petitioner's children, etc.), who attended the hearing (i.e., the issue of legal representation—was the woman or the man represented by an attorney), the content of the petition (i.e., what remedies were sought by the petitioner), was there or had there been any previous complaint filed with the police by the petitioner against the abuser, the judge's ruling (was a protection order served or not, and if it was, what remedies were granted), and finally, what were the judge's arguments for granting or denying the petition for a protection order.

## 5. Findings

### 5.1. Findings Pertaining to the Ex Parte Petition

Analysis of the orders shows that the most common grounds for the first petition were: moderate physical violence in 50 cases (approximately 19%), threat of murder in 31 cases (approximately 13%), and severe physical violence in 28 cases (approximately 12%). Furthermore, in 27 cases (approximately 11%) the petitioner petitioned for the order following violent episodes involving drug abuse. On the face of it, "only" 55% of the petitions stem from actual physical violence and threats to the petitioner's life and physical wellbeing. Nevertheless, it is evident that even in petitions that did not report physical violence, there was still psychological and mental violence (such as turning the children against their mother, verbal abuse, threats, etc.). These figures should be taken into account given that the existing legal definitions of violence, which focus on physical violence, ignore women's experiences of violence as a wide range of tactics designed to exert power and control [7,34].

The status of the accused man: in 104 cases (40%) the respondent was the petitioner's husband and the father of her children, in 88 cases (33.8%) the respondent was the petitioner's husband, in 31 cases (12%) the respondent was the petitioner's divorced husband, and in 14 cases (6%) the respondent and the petitioner were separated or in the process of divorce proceedings. Two important facts emerge from this finding: first, the vast majority of complaints and petitions were filed by married women who were in an established relationship with the violent man, and second, only a very small number of petitioners were in the process of separation and divorce. Popular opinion holds that women readily seek protection orders for collateral purposes, such as gaining a better position and financial advantages in divorce proceedings. The empirical evidence, in the present study as well as in others conducted throughout the world, suggests the opposite, that women only seek protection orders after enduring violence over a considerable time from a partner with whom, in most cases, they continue living [7,34].

Most of the women, 173 cases (approximately 68%), attended the first court hearing on their own. In 65 cases (25%) the women were accompanied by a friend or relative and only five women were accompanied by an attorney.

In most of the cases studied (248 cases, 95%) reference is made to whether or not a complaint had been filed with the police. In 139 cases (56%) a prior complaint about violence had been filed with the police. In 109 cases (44%) no complaint had ever been filed with the police.

Most of the women (159 cases, 63%) petitioned for the court's protection in general. Eighty-eight women (34%) petitioned for their husband to be removed from the home and their proximity, and only four women (1.5%) petitioned for an order to prevent the man from making any use of their common property. A number of things can be learned from this: first, most women who petition the courts



seek protection and are either unaware or not advised to ask for specific remedies. Second, contrary to frequently heard allegations that women petition for protection orders as part of property battles during separation or divorce, it is evident that specific petitions to the courts with regard to property are few and far between. Moreover, they are considerably fewer than the percentage of women who are in the process of separation or divorce at the time of filing the petition (6%).

With regard to the judges' rulings, it is evident that in most cases (79%) the first order was granted. However, in 35 cases (14%) the protection order was not granted, and in a further 18 cases (7%) the order was not granted *ex parte* and the judge issued a summons to a hearing in the presence of both parties. In other words, in a total of 53 cases (21%) the petitions for the first order were not granted. The judge's argument, as shown in the case files, indicating why the order was not granted is: "I was not convinced that the woman's life was in danger and that a protection order was called for." When the protection order was granted, the most common remedies were: prohibiting the defendant from entering the home (in 164 cases, approximately 57%), prohibiting the defendant from contacting and harassing the victim and her children (in 171 cases, 66%; in some cases additional family members were specified), and restraining the defendant from removing items from the home or using common property (in 26 cases, 10%). The defendant was prohibited from carrying firearms in only 30 cases (approximately 12%), a puzzling finding in view of the fact that in Israel a great many men carry firearms, either because they work for the security services (army, police, security companies, etc.), or because they are members of the army reserves. This finding is even more puzzling in view of the clear predisposition to grant remedies in the first order—remedies that reflect the necessity for timely initial protection, "disengagement", rather than a long-term interventional approach.

The purpose of the initial study was to analyze the judges' arguments in an attempt to understand what guides them in their rulings. Regrettably, we found the judges' written arguments to be extremely laconic: when the order was not granted, it was usually supported by the argument that "I was not convinced that the woman's life was in danger and that a protection order was called for", and when it was granted, the argument in most cases (135, approximately 75%) was "I was convinced of the necessity to grant a protection order", or "a protection order is urgently required." However, no mention is made of the arguments for granting the remedies specified in the order.

It would seem that the judges handle the petitions of battered women in a manner described by Ptacek [15] as "bureaucratic". That is, the judges remain passive, detached and emotionally flat, and tend to focus more on the documents than on the woman. They conduct the proceedings in a businesslike and impersonal manner, ask few questions, do not explain matters, and frequently dispose of applications after very brief hearings. This is equally true with regard to first *ex parte* applications and the second applications, as Hunter ([34], p. 5) writes, "The bureaucratization of domestic violence proceedings is an indication . . . of the time pressure on magistrates, but it does tend to reinforce the institutional inattention to the actual issues surrounding domestic violence and women's safety."

## 5.2. Findings Pertaining to the Second Application

It is important to bear in mind that unlike the first hearing, the second hearing is not held at the victim's initiative, but is the result of a court summons to consider extending or rescinding the order in the presence of both parties. Moreover, this hearing is held a week after the first order was granted, and the man and/or the woman may have undergone one kind of process or another.

Table 1 shows a slight decrease in descriptions of the violence compared to the first petition for the order, which might be explained by the deterrent and restraining effects of the first order. Nevertheless, the percentage of petitions for extending the order that are directly linked to physical violence (severe, moderate, and threats of murder) is still high and constitutes approximately 38% of the grounds for these petitions. Another prevalent element in petitions to extend the order is the "other reasons" item, which constitutes 36% of the grounds for the petitions and includes various reasons, usually associated with stalking, harassing people from the woman's workplace and so on, reasons that pose a threat to the woman even when they do not constitute immediate physical assault.

**Table 1.** Grounds for Petition—Comparison between First and Second Petitions.

	Petition for the First Order (N = 260)		Petition to Extend the Order (N = 213)	
Moderate physical violence	50	(21%)	32	(17%)
Threat of murder	31	(13%)	20	(19%)
Severe physical violence	28	(12%)	22	(12%)
Violence involving drug abuse	27	(12%)	14	(7%)
Other	57	(24%)	69	(36%)

Despite the second order entailing a hearing in the presence of both parties, in many cases (40, 19%), only the woman attended the second hearing. When both parties attended (in 69% of the cases), an attorney was also involved in the process in some of the cases: in 21% of the cases both parties attended, each represented by an attorney, in 15% of the cases, only the woman was represented by an attorney, and in 7% of the cases only the man was represented by an attorney. This variance may stem from the fact that various women's organizations (especially NA'AMAT and WIZO) provide women with inexpensive legal advice and representation, a service that is not available to men.

Most of the women who attended the second hearing petitioned for an extension of the order (154 cases, 76%). Most petitioned for the existing order to be extended and did not petition for additional or other remedies despite the fact that the extended order covers a far longer period (three and sometimes even six months), which enables treatment intervention and requires making child visitation arrangements etc. Approximately 20% of the women (43 cases) who attended the second hearing petitioned for the order to be rescinded. In all of the cases where the woman requested that the order be rescinded, the judge rescinded it. In a few cases (10, 5%) the judge did not extend the order despite the woman's petition to extend it. Here, too, the judges' written arguments were usually laconic, and the most common argument for not extending the order was 'agreement by both parties', whereas for not extending the order despite the woman's petition it was 'I was not convinced of the necessity of extending the order'.

Additional findings emerging from the orders are connected with the options included in the law for court-mandated treatment for the man, and court-ordered bail to guarantee non-violence: Table 2 shows a very slight increase in implementing the option of court-mandated treatment for the abusive man. This fact is significant since whereas the first order is extremely short-term and its sole purpose is to provide immediate protection for the victim, the second is for a longer term and its defined purpose is to provide protection and allow time for both parties to make preliminary arrangements toward resolving the situation. Hence, treatment constitutes a significant tool in terms of the man's ability to treat his violence and the woman's ability to examine whether their relationship can be rehabilitated if the treatment is successful. In the event that the woman wants a divorce, the treatment can help the violent man and even provide emotional support to prevent a violent and dangerous separation.

**Table 2.** Court-mandated Treatment and Bail.

	Application for the First Order (N = 260)		Application to Extend the Order (N = 213)	
Court-mandated treatment	69	(27%)	60	(29%)
Court-ordered bail	41	(16%)	60	(29%)

A similar picture emerges with regard to bail. On the one hand, there is an increase in court-ordered bail from the first order to the second as a deterrent, whereas on the other there is no mention of bail forfeiture. This is coupled with the fact that no mention is made in any of the orders we examined of the sanctions imposed on order violations.

## 6. Discussion

In this section of the paper, I wish to address a number of issues that emerged in my examination of the findings:

### 6.1. *The Relationship between the Petitioner and the Man Accused of Violence*

The first issue pertains to the relationship between the petitioner and the man accused of violence. It is frequently claimed that protection orders constitute convenient and legal recourse for women who are in the midst of a separation or divorce battle in order to remove the man from their home and attain a more convenient opening position in the battle over common property. The findings of the present study show two things in this regard. First, that very few couples (6% of the cases examined) were in the process of separation or divorce at the time the petition for an order was filed. A similar finding is described in various studies on protection orders [1,14,35]. These studies, too, found that the majority of women who petition for protection orders do so against a spouse with whom they are still cohabiting or from whom they divorced or separated some time prior to filing the petition, rather than women who are in the process of separation or divorce. This finding is not surprising in light of the studies showing that the nature of the relationship between the parties is one of the key predictors of recidivism and violation of protection orders. For men who are in a long and stable relationship with their spouse (i.e., married and not in the process of separation), the order constitutes a greater deterrent than for men who are not [30,36].

Second, only a small percentage of the women (1.5%) petitioned the judge for the remedy directly pertaining to common property, and the vast majority sought protection (in general) or restraining from the home, protection for themselves and their children, and against harassment. This finding is similar to those of studies conducted in the United States [3,12] which also found that the most common petitions filed by abused women pertain to remedies that provide them and their children with immediate protection, and very infrequently to remedies pertaining to property. In other words, the main use women make of protection orders is to protect themselves and their children, and not for bettering their financial or divorce positions.

### 6.2. *Judges' Stance*

The second issue pertains to the stance of the judges as it is manifested in their judgments. In Israel, as in other Western countries [3,33,37], in the vast majority of petitions (79%) the judges grant the order at the first ex parte hearing. Although the percentage of granted petitions in Israel is lower than that described in some studies from other Western countries, it is still considerably higher than the number of cases in which the petitioner described physical violence. In other words, judges grant the first order even when the woman's own description of the situation does not include physical violence. In most cases the judges also asked about filing a complaint with the police (evidently as part of their attempt to assess the degree of danger in the relationship and the genuineness of the complaint). However, although a complaint had been filed with the police prior to the petition being filed for the order in "only" 56% of the cases, this did not prevent the judges from granting the protection order. It is worthy of note that men who were arrested by the police prior to being served with the order were more likely to avoid violating it than men who had never been arrested [36].

It would seem that judges are quick to issue protection orders due to the lack of clear and accepted risk assessment tools with a high reliability of prediction [38,39] and as a consequence of their heavy caseload, which prevents them from conducting a comprehensive and detailed examination of the cases brought before them. In any event, reliance on the testimony of the woman petitioning for the order with regard to risk assessment is one of the more accepted tools in the literature regarding risk assessment [40,41], and counters the difficulties encountered by many judges in making a ruling based solely on an ex parte hearing.



A prior complaint (by the woman) to the police is still considered by most judges as a clear and a relevant risk assessment tool for almost automatically granting a protection order [40]. However, our data revealed that 44% of the women who petitioned did not file a prior complaint with the police. What makes this tool problematic, despite the common use judges make of it, is the fact that in many cases the abused woman's petition for a protection order is the first time she has ever approached any formal institution in general [9,27,32,42], and the apprehension many women feel about contacting the police for fear of retaliation in particular [1,12,43]. This might also explain the large number of women who did not file a complaint with the police.

In this regard, it is important to note that no significant inconsistency was found in the attitude and rulings of judges in the first petition and the petition to extend the order in the presence of both parties, a finding that coincides with those of Yearwood [3] and other studies throughout the world [32,36,38].

### 6.3. *The Scant Utilization of Prohibiting Carrying Firearms*

The third and surprising issue pertains to the scant utilization of remedies that prohibit the violent man from carrying firearms. On the one hand, Israeli society is flooded with firearms that endanger the safety of women who suffer violence at the hands of their spouse. On the other, in Israel—unlike the United States, for example—firearms frequently constitute “tools of the trade”, and prohibiting them means that the man cannot remain in his job (namely, in the security services, police officers and security guards, as well as the army reserves). The findings of our data showed that the judges included the remedy pertaining to prohibiting the man from carrying firearms in only 12% of the cases. For the purpose of comparison, the study conducted by Yearwood [3] in North Carolina found that in 92% (!) of cases the order included a restraint on carrying and having access to firearms. It is important to note that most of the women who petitioned for a protection order did not ask for this remedy. The reasons for this might be twofold: (a) they were not aware of their right to do so, and (b) they did not want their partners to lose their job.

However, at the end of 2000 the legislation changed and it became mandatory for judges to automatically prohibit carrying firearms in every case of a protection order being issued. This came into effect after our data collection had almost concluded, so I feel this issue requires further study and continued monitoring due to its unique sensitivity to Israel. However, since 2002 (after enactment of the additional legislation) 20 women have been murdered by their partners who worked in security and carried firearms for their job [6].

### 6.4. *Court-Mandated Treatment*

The fourth and final issue I wish to address is that of court-mandated treatment. The findings of this study, similar to those of numerous others [3,14,27], show that the courts are in no hurry to order defendants to undergo treatment against violence. This may stem from the fact that many judges perceive court-mandated treatment as ineffective, expensive, or inappropriate to court orders [8,12,16]. They may also be unaware of the high accessibility to treatment centers for domestic violence in Israel (more than 67 centers are scattered throughout the country, units and professionals within the social services bureaus that specialize in treating violence). Furthermore, it is possible that the judges are not sufficiently aware of the fact that most studies have found the combination of treatment and exerting authority to be more effective in preventing recidivism in men who are violent toward their spouse than one-dimensional intervention methods (such as arrest alone) [27], although a few studies did not find this combination to be effective in preventing recurring violence [42].

## 7. Summary

A central and obvious limitation of the present study lies in its sole reliance on information entered in writing in the protection orders, without cross-referencing the data with additional sources of information. The orders, as noted at the beginning of the paper, are laconic and do not provide

extensive details of the circumstances, and most do not even provide supporting arguments for the judges' rulings. Our request to receive permission to interview judges on these matters was not granted. Analysis of the data, therefore, is solely descriptive and does not explain the process that led the judges to their rulings.

Another limitation, which exists in numerous studies on domestic violence, lies in the absence of monitoring the effects of the order over time on the balance of power within the family after it has expired: did it bring about a new marital relationship? Did the order indeed fulfill its purpose and provide the woman with a safe period to enable her to consider her actions? Further research is required to study the effects of protection orders on the relationship of couples in general, and on battered women's decisions in particular, as well as on recidivism of violence, in order to discover whether protection orders indeed play a significant and effective role in addressing the problem, or simply constitute a temporary remedy—important and deserving as it may be—for the profound and complex problem of men's violence against their spouses.

It is important to remember that protection orders help many women to reduce the level of violence in their homes [10,18,43]. However, quite a few women continue to suffer even after the order has been granted, and certainly once it has expired. Indeed, in 2014 the Prevention of Domestic Violence Law was again amended (15), granting judges, due to special and severe circumstances, the authority to extend the order for up to two years from the initial order.

The present study shows that even progressive legislation and a sympathetic judicial system cannot provide appropriate solutions for each and every case when knowledge in the sphere is incomplete, and when existing knowledge is not always unequivocal, clear or even accessible to all concerned parties. At the same time, numerous studies [2,7,20] show that the legal and judicial system has considerable influence on the balance of power within the family: when a woman has the strength to bring the violence “out into the open” and involve the social enforcement authorities (the police and the judicial system), she is reinforced and empowered, and the violent man is weakened and loses some of his power. This fact constitutes a significant deterrent that should not be disregarded or underestimated despite the various problems described above.

Revisiting the data through the lenses and accumulated knowledge of the passing years exposes the lack of updated empirical knowledge regarding the issues concerning protection orders in Israel. Looking again at the data with the current understanding (as well as with the gaps in information and knowledge) raises many more questions that should be asked and issues that should be addressed, and I hope it indeed raises more questions and discussion than the answers it provides. In light of the reforms the Israel Police and the judicial system are periodically undergoing, as well as the public's greater awareness of intimate violence and its devastating results, it is important to revisit the law and its implementation every decade. This might improve the legal systems and processes associated with protecting abused women, as well as the attendant policies and treatment programs.

**Conflicts of Interest:** The author declares no conflict of interest.

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