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“But I Thought Love Was Supposed to Endure All Things”:

Domestic Violence, Discernment, and the Indissolubility of Marriage

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According to research done by the Centers for Disease Control and Prevention, and published by the US Department of Justice, approximately 1.5 million women are raped and/or physically assaulted by an intimate partner in the United States every year, and one in four women experiences rape and/or physical assault by an intimate partner at some point during her life.¹ Until I started teaching at St. Kate’s ten years ago, I had never thought much about the violence that so many women face in their lives. The first time a student came to me to talk about being raped, I was shocked and overwhelmed; the first time I got an email from a student saying that she couldn’t come to class the next day because her ex-boyfriend, who had promised to kill her, had just gotten out of prison and her family was insisting that she come home until they could figure out how to deal with this, I was stunned. I am no longer surprised: I have conversations like this with my students every semester. But I was still new at St. Kate’s when the following incident took place, and I return to this memory often as I try to sort through the theological issues involved in thinking about women confronting violence.

So—this was late in the semester, nearly the last class. It was a weekend class, which means adult returning students, women in their 20s and 30s and 40s, trying to finish a degree that

¹ Patricia Thaden and Nancy Thoennes, *Extent, Nature, and Consequences of Intimate Partner Violence: Findings from the National Violence Against Women Survey* (Washington, DC: US Department of Justice, 2000), iii.

had gotten lost along the way, or trying to find a new way forward in their lives. We were reading Howard Thurman's *Jesus and the Disinherited*, and the topic for this particular class session was his chapter on the moral necessity of telling the truth, no matter what it costs you. Thurman acknowledges that deception has always been a useful tool for those whose backs are against the wall—it enables people to fight back against their oppressors in small ways when the situation is such that fighting back openly is not possible. But he goes on to say that while yes, it seems to work; and yes, it can feel really good . . . ultimately, it's the wrong choice to make. And it's the wrong choice because *choosing* to lie will ultimately lead to *becoming* a lie; telling lies, even in the service of standing up against evil, is ultimately self-destructive. He's very clear: telling the truth may well get you killed. But do it anyway, he says: it's the only way to preserve your integrity, to maintain your own sense of dignity.²

I usually open this discussion by taking the contrary position, saying that this sounds quite noble and all, but surely there are times when it *is* right to lie, when lying is good and right and necessary. Thurman's gone too far, hasn't he? And invariably someone agrees, and usually brings up the Nazis at the door with a Jewish family hiding upstairs, and the conversation goes from there. But on this particular day, when I challenged my students to come up with a situation in which lying was the right thing to do, no one said anything. I waited for a bit, and then someone finally spoke up: "You should lie if you know he'll hit you if you tell the truth." And as I was struggling to find something—anything—to say in response, I heard another voice from the back of the room: "Tell the truth. He's going to hit you anyway."

² Howard Thurman, *Jesus and the Disinherited* (Boston: Beacon Press, 1996; originally published by Abingdon, 1949), esp. chapter 3. **Note to self: add quotations/explanation for extended footnote**

What followed was perhaps the most incredible hour of class I have ever been privileged to experience. Twenty women spoke about what it was like to face violence—from their husbands, or from other family members, or in their neighborhood, or in the country they fled before coming to the U.S. Everyone had something to say, even the women who hadn't said a word all semester. They spoke passionately about the struggles they faced trying to make loving choices, to protect their children, to protect themselves, and to find ways to teach their children about love instead of hate and anger. The courage and honesty on display were astonishing. Some admitted to not knowing what to do about a particular situation; others offered their own stories in response—gently, generously, not with the demand that her classmate do the same but simply with the hope that her classmate might find a new idea, a new perspective, or at the very least a sense of not being alone.

These women were clearly doing everything in their power to find the right way forward in complex and difficult situations. How do you live with dignity in the face of violence? Do you really forgive your abuser seventy times seven times, or is that just suicide? When you forgive, are you modelling Christ to your children, or teaching them that violence is a normal and acceptable part of family life? How does one discern how to respond to violence in a way that is loving, forgiving—and preserves one's own dignity and self-worth? Thurman's ideas about truth and deception surfaced repeatedly—as did his words about fear, about hatred, and about love. Not everyone agreed with his prescriptions—but it was also clear that engaging with him, and responding to his challenges, enabled the students to articulate their choices and decisions in ways they hadn't quite thought through before. His book was a clear help to their discernment process—and their support of one another was also a clear help.

With that in mind, what I'd like to talk about this afternoon is a particular scenario that cries out for proper discernment: that of a married Catholic woman trying to figure out what to do in the face of domestic violence, of being emotionally or physically abused by her husband. Such a person often ends up not just in physical danger but also in spiritual crisis because of the conflict between the realities of an abusive marriage and the requirements of current Catholic teaching.

First: Catholic teaching on the indissolubility of marriage means that many people assume that there's nothing to discern here. You're married; you're married forever; if this is part of your marriage, so be it. Perhaps it's God's will; perhaps this is your cross to bear. As one woman explained her situation:

Doing God's will means being kind to my neighbors no matter what it takes, following the Ten Commandments to the best of my ability and then some. And loving my husband, loving other people, basically the love thing. No matter what. That's what God basically wants. My husband has stolen from me. My husband has beaten me, and I still love my husband unconditionally.³

Such an attitude is perhaps unusual today, but it is not, in some ways, particularly surprising. Many women see it as a religious duty to stay married no matter what; many priests have told abused women to return to their abusers.⁴ However, in recent years there has been a significant change: it is now widely accepted that no one has an obligation to remain in a violent

³ Crystal (pseudonym), qtd in Reimer-Barry, 130.

⁴ Ricardo Ramirez, Bishop of Las Cruces, "Speaking the Unspeakable: A Pastoral Letter on Domestic Violence" (2001) dioceseoflascruces.org From Part III: The Church Seeks Forgiveness: "Our pastoral experience tells us that not only in the past, but even today, spouses—most often women—are exhorted over and over to forgive and forget spousal abuse. At times clergy tell those abused to resume marital life and thus be further victimized."

marriage. In their 2002 pastoral letter, “When I Cry for Help,” the US Catholic Bishops state clearly:

violence against women, inside or outside the home, is *never* justified. Violence in any form—physical, sexual, psychological, or verbal—is sinful; often, it is a crime as well . . . Finally, we emphasize that no person is expected to stay in an abusive marriage. Some abused women believe that church teaching on the permanence of marriage requires them to stay in an abusive relationship. They may hesitate to seek a separation or divorce. They may fear that they cannot re-marry in the Church. Violence and abuse, not divorce, break up a marriage.⁵

This is an enormous step forward—a dramatic pastoral change. Significantly, “When I Call for Help” even includes specific suggestions for pastors on how to make the parish not just a safe place where abused women can come for help, but a place where domestic violence is publicly named and condemned as sinful.⁶ The bishops suggest using liturgies to “draw attention

⁵ USCCB, “When I Call for Help: A Pastoral Response to Domestic Violence Against Women” (2002)

⁶ “When I Call for Help,” section on What You Can Do To Help:

For Pastors and Pastoral Staff:

Make your parish a safe place where abused women and abusive men can come for help. Here are some specific suggestions:

- Include information about domestic violence and local resources in parish bulletins and newsletters and on websites.
- Place copies of this brochure and/or other information, including local telephone numbers for assistance about domestic violence, in the women's restroom(s).
- Keep an updated list of resources for abused women. This can be a project for the parish pastoral council, social justice committee, or women's group.
- Find a staff person or volunteer who is willing to receive in-depth training on domestic violence; ask this person to serve as a resource and to help educate others about abuse.
- Provide training on domestic violence to all church ministers, including priests, deacons and lay ministers. When possible, provide opportunities for them to hear directly from victims of violence.
- Join in the national observance of October as "Domestic Violence Awareness Month." Dedicate at least one weekend that month to inform parishioners about domestic abuse. During that month, make available educational and training programs in order to sensitize men and women, girls and boys to the personal and social effects of violence in the family. Help them to see how psychological abuse may escalate over time. Teach them how to communicate without violence.

Use liturgies to draw attention to violence and abuse. Here are some specific suggestions:

to violence and abuse,” pointing out that “just a mention of domestic violence [in a homily] lets abused women know that someone cares.” Even more significant in terms of discernment, the bishops recommend “describe[ing] what abuse is [in homilies] so that women begin to recognize and name what is happening to them.”

“When I Call for Help” describes the role of priests, deacons, and lay ministers as “first responders” whose goals are as follows: 1) Safety for the victim and children; 2) accountability for the abuser; and 3) restoration of the relationship (if possible), or mourning over the loss of the relationship. In order to achieve those goals, the church ministers are to “Listen to and believe the victim’s story; Help her to assess the danger to herself and her children; and refer her to counseling and other specialized services.” There are two important things to note here: first is the fact that the victim of domestic violence is seen as a moral agent who needs support in the difficult choices that lie ahead—the church ministers are not there to “save” victims, or provide simple answers, but to offer concrete help *as she discerns how she wants to respond to her particular situation*. The pointed reminder that battered women run a higher risk of being killed when they leave their abuser is not just made but highlighted in the text, followed by this

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- In homilies, include a reference to domestic violence when appropriate. Just a mention of domestic violence lets abused women know that someone cares. Describe what abuse is so that women begin to recognize and name what is happening to them. Watch the video *When You Preach, Remember Me*.
 - In parish reconciliation services, identify violence against women as a sin.
 - Include intercessions for victims of abuse, people who abuse people, and those who work with them.
 - If you suspect abuse, ask direct questions. Ask the woman if she is being hit or hurt at home. Carefully evaluate her response. Some women do not realize they are being abused, or they lie to protect their spouses. Be careful not to say anything that will bolster her belief that it is her fault and that she must change her behavior.
 - Have an action plan in place to follow if an abused woman calls on you for help. This includes knowing how and where to refer her for help. This will be easier if you have already established contact with local shelters and domestic violence agencies.
 - Include a discussion of domestic violence in marriage preparation sessions. If violence has already begun in the relationship, it will only escalate after marriage.

In baptismal preparation programs, be alert that the arrival of a child and its attendant stress may increase the risk of domestic violence.

important statement: “*Ultimately, abused women must make their own decisions about staying or leaving.*” This emphasis on the woman’s agency and discernment is hugely important.⁷

The second thing to notice about the list of goals for the church’s “first responders” is that the third goal acknowledges that the relationship may well be not just damaged but ended entirely. Restoration of the relationship is recommended *if possible*—and if that is not possible, then the church’s goal is accompanying the woman in mourning the loss of the relationship. This recognition that not all relationships can be repaired is helpful especially to those women who have assumed that their faith means that they cannot leave, or that leaving would make them the guilty party who destroyed the marriage. The bishops recognize that this misunderstanding must be confronted head-on, and thus they say quite clearly, “The person being assaulted needs to know that acting to end the abuse does not violate the marriage promises . . . violence and abuse, not divorce, break up a marriage.”⁸

“When I Call for Help” is a tremendous resource, and is a powerful text that clearly respects the complexity of domestic violence situations and the need for the woman in the middle of such a situation to discern her own path forward in a way that makes sense for her. However, the power of this important text is seriously undermined by another pastoral letter: “Marriage: Love and Life in the Divine Plan,” issued in 2009, sets out an understanding of

⁷ The emphasis on respecting the abused woman’s agency is repeated in the article “Addressing Domestic Violence in the Sacrament of Reconciliation,” which is posted on the USCCB’s domestic violence webpage (under their “Difficulties Married Couples Face” category in the section on Marriage). The author, Father Stephen Dohner, Ph.D., warns confessors that “Domestic violence is not an issue of anger. It is about the use of force or fear to control and intimidate another person in a relationship. Those who have been abused have lived with someone who has used different means to control their life. It is important for the confessor to be sensitive to this issue of control; the confessor must resist the temptation to tell the victim what she must do or to insist that she act in a way she may not choose or before she is ready. This may be interpreted as another form of control.”

⁸ When I Call for Help.

marriage that emphasizes “complete and total”⁹ self-gift and “a willingness to sacrifice oneself”¹⁰—to the point where it is not at all surprising that some, even many battered spouses could well come to the conclusion that it is not just acceptable but required for them to endure violence as part of truly living out the other-focused, sacrificial love proper to the marriage relationship. Surely this is not the bishops’ intent—but it is a not-unforeseeable result of the relentless language of sacrifice, laying down one’s life, and “complete self-giving.”¹¹ The document states explicitly:

Marriage is a call to give oneself to one’s spouse as fully as Christ gave himself to the Church . . . Christ’s love for the Church is a love of complete self-giving. This love is most completely expressed by his death on the Cross.”¹²

This is what spouses are called to, according to the bishops: to give oneself to one’s spouse as fully as Christ gave himself to the Church—*who was willing to accept death* as part of that “complete self-giving.” For a woman who is enduring violence in her marriage, it is not unreasonable to read that statement—even if it is not what the bishops intend, and surely it is not what they intend—as a call to accept abuse for the sake of her marriage, believing that she is following the model of Christ’s forgiveness and Christ’s willingness to accept unjust suffering; she should be willing to give of herself *even unto death, because Christ did, and it is Christ’s love that she should imitate in her love for her spouse*. This deliberate linking of marital love to

⁹ Marriage: Love and Life in the Divine Plan, 8.

¹⁰ Marriage: Love and Life in the Divine Plan, 48.

¹¹ Emily Reimer-Barry points out that “a word count reveals the emphasis on this theme. The word ‘self-giving’ appears twenty-one times in the pastoral letter, while ‘self-gift’ appears twelve times. ‘Gift of self’ and ‘sacrifice’ appear eight and five times, respectively.” See footnote 22 in Reimer-Barry, “Suffering or Flourishing? Marriage and the Imitation of Christ,” in Rosemary P. Carbine and Kathleen J. Dolphin, eds., *Women, Wisdom, and Witness: Engaging Contexts in Conversation* (Collegeville, MN: Liturgical Press, 2007), 128.

¹² “Marriage: Love and Life in the Divine Plan,” 31, 32.

Christ's death on the cross is hugely problematic in a context where violence against women is not uncommon, and where *an average of three women every day are murdered* by a current or former intimate partner.¹³ Yet the image of the cross "as a symbol for marital love . . . is used repeatedly and without qualification throughout the pastoral letter. The document's emphasis on self-renunciation in marriage recommends an uncritical acceptance of suffering."¹⁴ Moreover, while the document does in fact refer back to "When I Call for Help" and says that "no one in a marriage is obliged to maintain common living with an abusing spouse," even that statement is hedged with the reminder that "Fidelity until death is what couples aspire to and what they promise to each other . . . Jesus himself teaches that divorce does not accord with the binding nature of marriage as intended by the Creator."¹⁵

Theologian Emily Reimer-Barry critiques the bishops' emphasis on self-sacrifice while also acknowledging that family life does of course require such sacrifice:

As a wife and mother, [she says,] I know that marriage and parenting require constant self-giving and that often this self-giving proves difficult and sometimes painful. Nevertheless, I find the bishops' document on marriage to be problematic because it does not articulate the possibility of healthy self-concern in marriage. Thus I argue that imitating Christ as a married person requires a delicate balance of love for God, self, and neighbor, a life-affirming balance based on the

¹³ "Domestic and Sexual Violence Fact Sheet," National Network to End Domestic Violence, citing the Department of Justice, Bureau of Justice and Statistics, "Intimate Partner Violence in the United States, 1993-2004" (December 2006).

¹⁴ Reimer-Barry, 128-29. Also: the ratio of abuse victims female/male is about 85%-15% (from the US Department of Justice, cited in "Domestic Violence Statistics," American Bar Association, americanbar.org).

¹⁵ Marriage: Love and Life in the Divine Plan, 24.

norm of mutual flourishing in family life rather than an unqualified demand to accept suffering.¹⁶

Reimer-Barry goes on to argue that “some Christian women have been formed to think of discipleship predominantly as a life of self-neglect;” they have internalized a “biblical understanding of sacrifice and attentiveness to one’s neighbor,” but have failed to see themselves as “precious to God and worthy of love.”¹⁷ She also points out that the bishops’ description of married love as “participation in the self-giving love pouring out of the pierced heart of Christ on the Cross’ . . . impl[ies] that marital love is primarily characterized by renunciation of self and acceptance of suffering . . . [while neglecting any understanding of] marriage as an egalitarian partnership between two persons who are called not only to give of themselves but also to take care of themselves.”¹⁸ Reimer-Barry’s article goes on to present a careful description of authentic self-love as an important aspect of both Christian discipleship and of married love; she also argues that “Christians should not sacrifice [themselves] to the point of despair, desperation, or loss of identity as a person loved by God with inherent dignity.”¹⁹ The article is a wonderful resource for understanding how one might balance multiple overlapping and sometimes conflicting loves—and for discerning how one might best respond to situations that call for sacrifice.

And yet, even if women in situations of domestic violence were using the tools provided by “When I Call for Help” and the insights provided by Reimer-Barry in order to discern what to do in their marriages, problems still remain. Should a woman in such a situation choose divorce,

¹⁶ Reimer-Barry, 129.

¹⁷ Reimer-Barry, 131, 130.

¹⁸ Reimer-Barry, 131.

¹⁹ Reimer-Barry, 144.

the idea of indissolubility once again surfaces to block any further move forward. Without an annulment (and it is far from certain that one could be granted, because violence and abuse are not canonical grounds for declaring a marriage invalid), a woman is still bound to her abuser by the indissoluble bond of marriage. As the Catechism of the Catholic Church states:

There are some situations in which living together becomes practically impossible for a variety of reasons. In such cases the Church permits the physical separation of the couple and their living apart. The spouses do not cease to be husband and wife before God and so are not free to contract a new union. In this difficult situation, the best solution would be, if possible, reconciliation. The Christian community is called to help these persons live out their situation in a Christian manner and in fidelity to their marriage bond which remains indissoluble.²⁰

Insisting on indissolubility in the case of domestic violence is simply cruel—and not just in that it seems heartless to require that someone who has only known damaging and distorted love can never even hope to experience a love that is healthy and life-giving. Rather, it is cruel in that we now understand the profound psychological damage that can be done by domestic violence. In many cases, domestic violence is experienced as “prolonged, repeated trauma . . . [which] creates a special type of relationship, one of coercive control.”²¹ As psychiatrist and trauma specialist Judith Herman explains:

The methods of establishing control over another person are based upon the systematic, repetitive infliction of psychological trauma. They are the organized techniques of disempowerment and disconnection. Methods of psychological

²⁰ Catechism of the Catholic Church 1649.

²¹ Judith Herman, *Trauma and Recovery* (New York: Basic Books, 1992), 74.

control are designed to instill terror and helplessness and to destroy the victim's sense of self in relation to others. Although violence is a universal method of terror, the perpetrator may use violence infrequently, as a last resort. It is not necessary to use violence often to keep the victim in a constant state of fear. The threat of death or serious harm is much more frequent than the actual resort to violence. Threats against others are often as effective as direct threats against the women. Battered women, for example, frequently report that their abuser has threatened to kill their children, their parents, or any friends who harbor them, should they attempt to escape.²²

Recovering from the trauma of a relationship of coercive control is a long, difficult process. For the Church to insist, as a woman attempts to negotiate this process and reconstitute her life, that she is *bound by God forever to her abuser in a relationship of faithfulness to him* is, simply, horrifying. It is an insistence that the abuser still gets to control her life—and as such it is a participation in his abuse. It is utterly and completely wrong.

One might argue, however, that surely such a relationship was never a valid marriage in the first place; surely an annulment is possible. Perhaps, perhaps not. The presence of violence in a marriage is not enough to make a marriage invalid; rather, there has to be some defect present from the very beginning. What if the violence didn't begin until after the wedding? Must one then somehow "prove" that the perpetrator was psychologically incapable of entering into a marriage, that his later violence should be seen as evidence of pre-existing psychopathology?²³

²² Herman, 77.

²³ See Charles Guarino, "Canonical and Theological Perspective on Divorce and Remarriage," in *Perspectives on Marriage: A Reader*, eds. Kieran Scott and Michael Warren (NY: Oxford University Press, 1993). Guarino explains: "In the past, the Church recognized that psychoses—the disintegrative mental illnesses such as schizophrenia, and the pathological condition of manic

Those who have studied trauma victims and their abusers note that “little is known about the mind of the perpetrator . . . His most consistent feature, in both the testimony of victims and the observations of psychologists, is his apparent normality. Ordinary concepts of psychopathology fail to define or comprehend him.”²⁴ How, then, does one prove that a pathology exists—or that it began before the wedding—when it is impossible to define such a pathology in the first place?

I’d like to suggest here that looking to the annulment process is the wrong path to take, and not just because proving a psychological impediment to a marriage destroyed by abuse may well be impossible. Looking toward annulment for an answer to the problem of an abusive marriage means, in the end, that a woman is *relying on other people* to make a legal judgment

depression—could so impair mental and emotional stability that one’s consent to marriage lacked the necessary discernment or capacity. More recently, with the contributions made by the behavioral sciences, the Church acknowledges that other dysfunctions of personality may render a particular marriage covenant impossible . . . Another group of emotional disturbances carries the label ‘personality disorders.’ Although these do not include acute episodes or bizarre features of psychoses or the disabling anxiety or symptoms of neuroses, they are, nevertheless, marked by deeply ingrained maladaptive patterns of behavior, usually recognizable by adolescence or earlier, which continue throughout most of adult life. While such persons may function well enough in certain areas, they are often psychologically unable to meet one essential criterion of marriage, the close and intimate personal relationship of mutual support and affection.

“In general, when a diagnosis is given of a personality disorder, recent jurisprudence in the Church shows these disorders can affect the validity of marriage in one or all of three ways: 1) By depriving a person of the due discretion necessary for true marital consent; 2) By depriving a person of the internal freedom required to give that consent; 3) By rendering a person incapable of fulfilling the essential obligations of marriage.

“Most annulments granted today in the United States are based upon what is called a ‘psychological incapacity for marriage,’ which is often attributable to the presence of these personality disorders in one or both of the spouses at the time of the marriage. The precise clinical labels of these disorders are not important in the annulment process. What is important is the realization that such psychopathology can make a particular marriage a morally impossible venture” (369-370).

²⁴ Herman, 75.

about what happened to her, and how she ought to move forward in her life.²⁵ Given the complex reality of trauma, and the importance of the *recovery of one's compromised autonomy* in the recovery from trauma, I suggest that what we need to do, instead of making this an issue of law, is recognize that it is instead an issue of discernment.

Which leads me back to my classroom, and the discussion that took place around Howard Thurman's challenge to the Christian reader that discipleship requires always telling the truth. My students saw that as a legitimate demand—and yet one that might or might not apply in their own lives. Their own free decision, not a demand or a law imposed from without, was central to their understanding of themselves as women of integrity. Moreover, they were willing to explore the possibility that their first response to the demand for truth might well be wrong; they listened to their classmates—they engaged in the hard work of discernment. In the case of domestic violence, the Church has recognized that it is important to support a woman's work of discernment around the issue of how to protect herself—whether or not to leave (temporarily or permanently), whether or not to decide to divorce her abuser. “When I Call for Help” structures the Church's role in such a case as a resource, a support—but not as decision-maker. If this is

²⁵ Not to mention the fact that the law and the traditions upon which the law is based are “only marginally helpful,” according to Margaret Farley. She writes: “the traditional sources we might draw upon are lodged in the history of institutions whose relationships to marriage and family have often been ambivalent . . . while the church and secular governments have valued marriage and family, they have also been hostile to them; while they have supported marriage and family, they have also been their competitors—suspicious of sexual relations, jealous of the time and energy familial life takes, wishing to harness married love and family stability for purposes beyond and sometimes even against the good of the family itself.” Moreover, those same traditional sources developed in situations where women's subordination was taken for granted. “Is it possible, for example, that we will be able to understand the relationship between wives and husbands if we depend in any way on traditions that failed for centuries to understand the reality of women?” See Margaret A. Farley, “Divorce and Remarriage: A Moral Perspective,” in William P. Roberts, ed., *Divorce and Remarriage: Religious and Psychological Perspectives* (Kansas City, MO: Sheed and Ward, 1990), 108.

true for discerning the first step in dealing with domestic violence (i.e., ending the violence), it should be equally true in the next step, that is, in a woman's work to recover from that violence. Insisting on the legal process of annulment, or a legal definition of indissolubility or consent or sacrament *is not useful here*, and is instead actively harmful. Women need resources to help them discern how to move forward in a life that has been forever shaped by violence; the Church could choose to find ways to be a support and resource here as well as at the earlier stage.

Women—my students—face violence all the time. They recognize how difficult it is to respond in a way that honors God, honors themselves, honors their commitments to others. We need to give them the tools to help them navigate the desperately difficult, complex, individual process of recovering from a marriage damaged or destroyed by domestic violence. And then we need to step back and trust them to do it.