DOMESTIC VIOLENCE – EMERGING CHALLENGES

Dr Lesley Laing
Director, Australian Domestic and Family Violence Clearinghouse

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Introduction and Overview

The Australian movement against domestic violence is now more than 25 years old. Clearly, a great deal has been achieved. For example, despite ongoing debate about the terminology which is used, women who are subjected to violence and abuse within their intimate relationships, can now name these experiences. Most definitions of domestic violence now recognise that coercive control is at the heart of domestic violence, and that physical violence is but one tactic employed to achieve this control:

*Domestic violence is the patterned and repeated use of coercive and controlling behavior to limit, direct, and shape a partner’s thoughts, feelings and actions. An array of power and control tactics is used along a continuum in concert with one another.* (Almeida & Durkin 1999, p. 313)

There is now much greater community awareness about domestic violence and many services and legal reforms have been instigated in response to the recognition that this is a serious social problem. The prevalence of domestic violence, revealed in almost 30 years of research, illustrates that domestic violence is not the product of a few disturbed individuals, but a pervasive social problem.

However, in a new century, we confront new challenges in further developing our responses to domestic violence. Ironically, some of these challenges arise from our efforts to date in attempting to respond to the needs of women and children experiencing violence and abuse – we might term these some of the ‘unintended consequences’ of our previous interventions. Others of these challenges arise from the nature of domestic violence itself. These two concepts – unintended consequences, and the nature of domestic violence – will form the framework for this paper.

Challenges Arising From the Nature of Domestic Violence

Domestic violence is at the same time, a personal problem and a social issue, as Lempert states:

*Because violence against women is so deeply embedded in the institutional fabric of society, wife abuse is both a social problem and a personal issue, as it is perpetrated by men against women in their social locations as wives and/or intimate partners. As a social problem, it can be viewed as a point of convergence of broader patterns of economic, social, and political discrimination against women.* (Lempert 1996, p. 269)

The feminist movement, which brought the problem of domestic violence to the fore, recognised this very clearly, and, while providing shelter for individual women and children escaping violence, also took political action to raise what was seen as the underlying social cause of domestic violence – gender inequity. In working with individual women, refuge workers linked the women’s individual experiences with the experience of other women – effectively addressing the isolation and self-blame that women experience when they do not locate their experiences within the wider context of gender relations.
Yet, this understanding of domestic violence, as both a social and a personal problem, raises dilemmas and debates about at which level to focus our interventions. Adelaide therapist Alan Jenkins (1990) provides a useful framework for thinking about these levels, by categorising interventions as being at three ‘levels of context’:

- The individual
- The familial
- The social/cultural

These can be conceptualised as circles - the individual, located inside the familial which is located inside the socio-cultural (which includes institutional responses). They are inextricably connected in complex and myriad ways. For example, commonly held ideas at the societal level, such as the idea that women bear the primary responsibility for the well being of families, will often play an important role in choices and responses of individual women dealing with violence and abuse from their partners, and also in the responses to that woman by family members, friends, work colleagues and by service providers.

As with all complex social issues, I believe that the most effective intervention will address all levels of context. Or, if one particular level of context is targeted, attention will be paid to the possible reverberations across the other levels of context – this is where some of the ‘inadvertent consequences’ can arise. It also seems to me that some of the strongest debates in this field often centre around the level at which our interventions are best targeted.

For example, these debates are often heard most loudly about interventions which aim to change individual perpetrators of domestic violence. If gender socialisation is at the heart of this social problem, what is the place of work with individual men? Does working with individual men suggest that the problem in fact lies solely with one identified group of ‘deviant’ individuals and obscure the role of social structures and attitudes which perpetuate violence against women (Ashcroft 2000)? Can group programs for perpetrators of domestic violence achieve gender re-socialisation?

Interventions with perpetrators of domestic violence are increasingly popular, in spite of the lack of conclusive evidence that they are effective (Gondolf 2001). Are our efforts better directed towards change at the societal, rather than at the level of individual perpetrators? An example of an intervention with men that specifically addresses the level of the social context is the NSW ‘Violence Against Women – it’s Against all the Rules’ community education campaign. This targets non-violent young men via their interest in sport, and invites them to be agents of social change in challenging other men who choose to use violence. A similar approach which has received much media attention is that developed in Northern Queensland, where Indigenous men who are abusing alcohol or who are violent towards their partners are barred from participating in football, giving a strong community message about non-tolerance of violence. Approaches such as these which give the strong message that violence is not acceptable, represent creative ways of undermining the socio-cultural support for violence against women. It interesting that, despite broad agreement that the dynamics of domestic violence are based in gender relations, intersecting with other inequalities such as those based on ethnicity and class, less attention has been paid to interventions at the socio-cultural, than at the individual, level. I think that we will all learn a great deal from the Indigenous family violence programs now being developed and trialled, because these are aiming to address the socio-cultural level of context.
In a similar vein, trauma therapist Mary Harvey argues that there has been too great an emphasis on clinical intervention with trauma survivors and that, in addition to studying factors which contribute to individual resilience and recovery, greater effort is needed to understand, and build what she terms ‘community resiliency.’ As she states: ‘…community interventions far removed from the domain of clinical work can foster resiliency’ (Harvey 1996, p. 4). Examples include social action such as ‘Reclaim the Night’ marches. That is, a community that clearly does not tolerate violence provides a context which both holds men accountable and does not inappropriately blame women who are victimised, and so is a resource both for preventing violence and for creating a context for healing.

Almeida and Durkin (1999) write about an approach to intervention with men who use violence which works simultaneously at the individual and socio-cultural levels. They describe what they term a ‘cultural context model’ which was developed with couples from low income minority groups. In addition to the strength of their work in addressing socio-cultural, familial and individual contexts, their work also stands out because it attempts to actualise the oft stated goal of developing ‘culturally appropriate services’. While quite a lot of work addressing this gap with respect to Indigenous Australians is under way, it is interesting that the recent review of literature on perpetrators of domestic violence undertaken by the Clearinghouse identified only one program specifically designed for one of the many multicultural groups which make up the Australian community.

Almeida and Durkin (1999) argue that most services for abused women and perpetrators have failed to address the intersectionalities of gender, race, class, culture and sexual orientation. They expand the concept of accountability beyond the criminal justice system (which neglects ‘the realities of racially or culturally different batterers and their victims’) to include the concept of “cultural integrity” (1999, p. 316). Links are formed with relevant communities, and men and women from the particular cultural group – “cultural consultants” - form part of the intervention system (1999, p. 319). Separate socio-educational “culture circles” for women and men are the context for consciousness raising about ‘sexism and other forms of privilege and oppression’. This sociocultural education process precedes any conjoint couple work. Further, change in batterers is seen as part of a life long process which can only be sustained by intervention at the societal level. This model addresses the contexts of migration history, colonisation and racism and so provides an example of an approach which addresses ‘multiple oppressions while addressing personal responsibility’. (Almeida & Bograd cited in Bograd 1999, p. 284)

Another example of the tension between developing interventions at the individual and community levels is played out in debates about the use of the criminal justice system. Within the criminal justice system, the introduction of what are variously termed ‘mandatory’, ‘no drop’ or ‘evidence based’ prosecutions in domestic violence cases is a current focus of debate. Such policies have been particularly developed in the United States, where the Violence Against Women Act has encouraged and funded criminal justice activity in response to domestic violence. Where such policies are adopted, prosecution of a domestic violence perpetrator may proceed against the express wishes of the woman who has been victimised. Such ‘mandatory’ approaches have some benefits. These include demonstrating to men who abuse their partners that their behaviour has consequences and ensuring that police and prosecutors take domestic violence seriously. However, those who oppose such policies, such as Mills (1999) argue that any benefits are outweighed by the costs, which involve subjecting women to tactics that mirror the coercive tactics employed by their abusive partners. Mills also argues that there is some empirical evidence that ‘mandatory’
interventions such as these may increase violence towards some abused women, particularly women of colour. She argues that feminist political practice should not ‘mimic patriarchy through either the use of threat tactics or the inattention to individual desire’ (1999, p. 568).

**Some Examples of the Impact of ‘Inadvertent Consequences’ of Our Interventions**

**The Stereotyping of Women Who Have Experienced Domestic Violence**

In order to place the plight of abused women on the public agenda, a picture of the abused woman was promoted, which Davies et al. (1998) describe as the abused woman as “pure victim” For example, in attempting to reduce victim blame, many explanations were presented by ‘experts’ to help the community answer the question so frequently asked: ‘Why doesn’t she just leave?’ Public education about domestic violence has resulted in the development of a stereotypical view of victims of domestic violence - as passive, trapped and helpless.

This ‘picture’, Davies et al. contend, may have been accurate for many of the women who presented to refuges in the initial years of their establishment. However, as more services have developed in response to advocacy efforts, increasing numbers of women have been identified as ‘victims’ of domestic violence either through their own help seeking, or through policies such as mandatory arrest and prosecution of perpetrators which bring more women into contact with the criminal justice system, or through heightened awareness of domestic violence in systems such as child protection. As a consequence of these changes, service providers are now confronted with a much more diverse group of women:

> In short, the “real” battered women who came to public attention were more complicated and increasingly diverged from the image that had fuelled public support. (Davies, Lyon & Monti-Catania 1998, p. 17)

This presents problems for women who do not ‘fit’ the stereotypical picture of the ‘domestic violence victim’. Donna Chung (2001, p. 4) provides an example of how this can affect women’s access to services, in the case of women who ‘despite the odds may remain in the home and get their male partner to leave but who cannot access the service to have the locks changed, as they have not behaved like victims and fled.’ It also provides a problem for many of our services that were developed to meet the needs of a particular ‘type’ of domestic violence victim. What response might a woman receive, if, for example, in applying for a protection order, she presents herself to the court as angry and outspoken rather than as terrified?

A considerable body of literature now exists which explores the agency and help seeking of women in abusive relationships. It has found that, no matter the extent of the abuse they endure, women are actively engaged in what Mary Anne Dutton calls ‘resisting, escaping, avoiding, or stopping the violence against them and their children’. (Dutton 1996, p. 107). For example, in their longitudinal study of the ways in which women coped with violence, Campbell et al (1998, p. 759) conclude that ‘… women's responses to abusive relationships were never static or one-dimensional….They were engaged in an ongoing process of considering options, making choices, and dealing with daily-life issues.’
Thus a women’s response to services offered will reflect the complexity of her situation –
including the particular strategies she is pursuing and testing, the helpfulness or otherwise of
responses received and the type of threat with which she lives (Davies, Lyon & Monti-Catania 1998). The challenge for service providers is to recognise and respect a women’s particular efforts to deal with the complex situation she faces, in which the violence may be
but one of many life issues she is managing. This brings us back to the earliest feminist
foundations of working with and empowering women. Attending to the varied contexts of
women’s lives – class, ethnic group, sexuality etc – is essential in providing what Davies et al.
(1998) call ‘woman-defined advocacy’ rather than ‘service defined advocacy’. Offering
services respectfully, and not becoming punitive towards the woman for her choices – even if
they seem incomprehensible to us - is the challenge as Stark and Flitcraft (1996) see it.
Otherwise, they assert, the woman is put in the same bind by ‘helpers’ as by her abusive
partner – evidence of autonomy is punished.

An example of the challenges this raises can be seen within the health system. In recognition
that many abused women turn to generalist services for assistance, some health services have
begun routinely screening women for domestic violence. One of the factors which has been
found to deter health workers from continuing to do this is the fact that so few women
disclose violence when asked. The problem for service providers is that they do not know,
where in the process of attempting to deal with violence, that particular women is located.
She may be a person trying to reconcile the first incidence of violence with the image of the
partner she has held until now, and may not identify herself as a ‘victim of violence’, or she
may be a women who is moving towards seeking help for the first time outside of her family
and friends. The way in which the health worker treats her in their interaction may not bring
immediate disclosure, but will be incorporated into her help seeking plans. A rude or a
judgemental response may suggest to her that this is not a service that will assist her, and/or
that she is to blame for the violence (as the perpetrator maintains) and is unworthy of help.
On the other hand, validation from a health care provider, even in the absence of direct
disclosure by the woman, can have far reaching, positive effects (Gerbert et al. 1999).

Therefore, how we integrate our growing knowledge about the strategies which women are
employing to deal with the abuse into our service responses is a key challenge to be met.
Empowerment in practice is a challenging endeavour and some very interesting literature
which attempts to tackle the nitty gritty involved is emerging. For example, Eisikovits,
Buchbinder and Mor (1998) question the notion, which they assert is prevalent among many
service providers, that the decision to leave is the ‘turning point’ for all women. These
authors studied a group of women which they describe as ‘almost invisible’ in the literature:
women who were abused and stayed with their partners but took active steps to stop the
violence.

Children, Young People and Domestic Violence

I am going to discuss this issue as an example of the over-emphasis on the familial level of
intervention, relative to interventions at the wider institutional level. There is now
widespread community acceptance that children who live with domestic violence can be
deply affected by this experience. In shaping interventions, there has been considerable
emphasis on the ‘cycle of violence’, sometimes discussed as ‘intergenerational transmission’
of abuse. While living with violence as a child is one risk factor for later perpetuating
violence, it is very far from inevitable that one leads to the other, though this is a very
‘commonsense’ view of the issue. Interventions based on the ‘cycle of violence’, include, for
example, media campaigns which emphasise the need to ‘break’ this cycle and groups for boys who have lived with domestic violence and who are exhibiting aggressive behaviours. Though the notion of breaking the cycle of violence is very appealing in bringing people on board to recognise that this is an important social issue, such approaches may inadvertently close off options, particularly for young men, and may inhibit those who care for them from assisting them in developing a non-violent future (Boyd 2000).

It has been suggested that a comprehensive response to addressing the impact of living with domestic violence on children and young people needs to pay equal attention to intervention at the broader, socio-cultural level of context, in addition to the current emphasis on the familial level:

A multi-system community response to children witnessing violence starts with an understanding of the roots of violence in our cultures and the complex social structures which mirror and reproduce it...maintains a perspective that situates the child within his or her family and larger social networks…a multi-systems response must attempt to change society’s attitude towards violence, and help victims/survivors within a multitude of relevant social settings (Peled, Jaffe & Edleson 1995 pp. 285-286)

Without this wider perspective, which includes ‘institutional’ change, young people and their mothers may be subjected to further abuse in their efforts to escape violence. For example, if women seeking to escape violence risk poverty, homelessness and a damaged educational future for their children, the abuse they have suffered in the home is exacerbated.

Some recent Australian research highlights the Family Law system as one component of the socio-cultural/institutional context which can play a crucial role in providing children and young people with safety from violence. Post-separation violence is a frightening reality for many women and children. Approximately thirty per cent of Australian women killed by male partners are killed after separation (Easteal 1993; Carcach & James 1998). The behaviours used by domestic violence perpetrators to control their partners frequently involve threats against, or manipulations involving the children. However, in attempting to escape violence, women and their children may be re-victimised by the legal system.

A systemic response that supports women in their effort to achieve safety for themselves and their children requires recognition within Family Law that the post separation needs of children and young people who have lived with domestic violence are very different to the needs of other children and young people when the parental relationship ends and violence is not an issue. The unique needs of children and young people affected by violence - for example, safety planning as the central focus of decision making about contact - are the opposite of the needs of other young people when parents separate, where promotion of the children’s relationship with the contact parent is central. Sudermann and Jaffe (1999) highlight a range of issues that demonstrate that the safety of women and their children after separation requires a very different focus by the legal system. For example, they point out that assessing the lethality of the relationship is more important than asking parents to ‘put the past behind them’.

This makes monitoring the impact of changes introduced in Australia under the Family Law Reform Act 1995, a matter of key concern to those concerned about the impact of domestic violence on children and young people. Among the changes is explicit reference to the need to protect children from violence. At the same time, the Reform Act also emphasises parents’
ongoing ‘parental responsibility’ for children and contains an objects clause which includes a list of children’s rights, including the right of contact with both parents. These two aspects of the reform are in conflict in situations where there has been domestic violence in the relationship, and/or the children have been subjected directly to child abuse. The results of a comprehensive study of the impact of these changes carried out by the University of Sydney Law School and the Family Court are now available (Rhoades, Graycar & Harrison 1999; Rhoades 2000).

This study explored the impact of the tension inherent in reforms which on the one hand give children a ‘right to contact’, and on the other attempt to protect them from violence. Rhoades (2000) notes that earlier case law had established that ‘the effect of the access parent’s violence on the child’s carer was relevant to determining whether access was in the child’s interests’. Despite a ruling by the Full Court that the right to contact principle had not created any presumption in favour of contact, practitioners reported that judges were reluctant to limit contact at interim hearings. The study compared pre- and post-Reform Act interim unreported judgements. The comparison revealed a ‘dramatic reduction’ in the proportion of orders suspending contact at interim hearings since the reforms commenced. While orders for ‘no access’ were made in 21% of pre-reform interim judgements, only 4% of interim post-reforms cases had an order for ‘no contact’. Whereas, in pre-Reform Act interim cases, a cautious approach was taken to access, as the allegations of violence had not been tested, in post-reform interim cases, the response was to try to maintain contact between that father and child for the same reason – i.e. that the allegations have not been tested. However, at final hearings, the study found there were similar outcomes for pre- and post- Reform hearings (21% no access pre-reform; 23% no contact post-reform). This pattern is occurring in a context in which the majority of interim court applications ‘involve allegations of potential harm to the child, usually because of domestic violence’ (Rhoades, Graycar & Harrison 1999, p. 10), and in which there are long delays between interim and final hearings. The evaluators interpret their findings about interim contact orders to indicate that these interim orders are being made in situations ‘where contact is not in the child’s best interests, and when it may well be unsafe for the child and resident parent.’ (Rhoades, Graycar & Harrison 1999, p 65)

Another study by the abuse free contact group (Rendell, Rathaus & Lynch 2000) gathered information on the way in which legal and welfare systems respond to women and children affected by violence and abuse after separation. Notwithstanding the violence which they had experienced, most of the women interviewed initially wanted their children to have contact with their fathers and thought that this would be positive for their children. ‘It was only after realisation that the children were unsafe that the women wanted to change the arrangements.’ (p. 41) The women described ways in which contact arrangements after separation were used by their abusers to harass them. They understood the abuse of the children on contact or threats to harm them, as part of a pattern of control and abuse of themselves. This report concludes:

The research...confirms that many of the effects of living with domestic violence on both women and children are poorly understood by decision makers in the welfare and legal systems. A recurring theme has been the failure of these systems to prioritise the issue of domestic violence and to understand its importance in protecting children from on-going harm from their father after separation. Of particular concern, therefore, is the practice of not viewing domestic violence as a child protection issue’. (p. 110)
These recent Australian research studies highlight problems in intervention at the socio-cultural level in ameliorating the impact of post separation violence on children and young people. In recognition of the need to address these issues, two innovative projects have been initiated within the Family Court (Monaghan 2000). These provide individual case management and interagency co-ordination in cases where there are serious allegations of child abuse (Magellan Project, Melbourne) and/or domestic violence (Columbus Project, Perth). A key goal is to expedite the resolution of these complex situations. They are examples of service responses which are being developed in order to improve the institutional response to the needs of children and young people affected by violence and abuse.

Conclusion

These examples demonstrate some of the complexities involved in responding to domestic violence – complexities which grow as we learn more and try out new interventions and approaches. It is indeed a challenge to explore, with each intervention, at whatever level of context, the possible ramifications and reverberations which will ripple across the whole system. Understanding these links provides both challenges and opportunities to develop new and more effective interventions.
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