

EXAM NOTES

What should you revisit

- Modules one – six
- Particularly –
 - **Key causes and effects of DV**
 - Pair with **solutions..**
 - **Problems that victims of DV experience**
 - In context of property settlements and separation
 - **(Zoe slides) approach of fathers rights groups**
 - Impacts they have had on responses to DV
 - **Gendered nature of DV as a crime**
 - Keep handy **Edwards judgement and mill judgement** and how you could use the theoretical explanations we provided to look at both of those judgements
 - Reflective or not
 - Compare the two cases...

Modules

- **Module One – Introduction to D+FV and Critical Theories**
- **Module Two – Social and Political Context**
- **Module Three – Property Matters**
- **Module Four – Children’s Matters (Zoe’s)**
- **Module Five – QLD Legislation**
- **Module Six – Particular Legislation**
- **Revision Slides**

Module One – Introduction to D+FV and critical theoretical review

1. Naming and building a definition of D+FV;
2. How D+FV is accounted for and explained;
3. Theories used to explain the existence and prevalence of D+FV;
4. Critical examination of theories;
5. Demonstration of a critical theoretical review of a text; and
6. Group Discussion and **Assessment activity**.

Facts

- Research from the 2012 ABS Personal Safety Survey and Australian Institute of Criminology shows that **both men and women** in Australia **experience substantial levels of violence**.
- **Domestic and sexual violence is overwhelmingly committed by men against women.**

Women

- **1 in 5 Australian women** had experienced **sexual violence**.
- **1 in 6 Australian women** had experienced **physical or sexual violence from a current or former partner**.
- **1 in 4 Australian women** had experienced **emotional abuse by a current or former partner**.
- **1 in 3 Australian women** had experienced **physical violence**.

Men

- **1 in 22 Australian men** had experienced **sexual violence**.
- **1 in 19 Australian men** had experienced **physical or sexual violence from a current or former partner**.
- **1 in 7 Australian men** had experienced **emotional abuse by a current or former partner**.
- **1 in 2 Australian men** had experienced **physical violence**.

Dr Jill Freiberg Lecture

What is it..

Domestic Violence, Domestic Abuse, Intimate Partner Violence, Violence Against Women, Family Violence

- **January 29th 2009:** Westgate Bridge Murder
 - Father drove three children to meet mum at the school for young Darcy's first day of school
 - Father threw his daughter off the Westgate bridge
 - Family and domestic violence (punishing his wife)
- **February 12th 2014:** Rosie Batty – father killed son at cricket
- **July 27th 2016:** 20 year old boyfriend (Jordan) of older sister (19), lived with younger sister and her baby (15 years and 7 month old baby)

- Living independently so asked sister to share the costs by living with her
- Had asked boyfriend to leave as he was violent
- He didn't want to leave and sent a tirade of texts
- Message is in order to get what you want is to hurt them and the people that they love
 - Concept of natural order – e.g. love and care for others – seems to completely fall away when we talk about domestic violence
 - Theories attempt to explain why this occurs - why this violence, damage and control occurs
 - How do theories influence what lawyers do or the law does - as there is clearly a need to change

Building a definition

- **Definition:** The Australian Government has defined domestic violence as:
 - “acts of violence that occur between people who have, or have had, an intimate relationship”
 - Defined within Report: National Plan to Reduce Violence against Women and their Children 2010 – 2022

Domestic Violence includes:

- Physical
- Sexual
- Financial
 - Powerful tool to control – control, monitor and stop person from having free choice – they are constrained and don't have access to financial independence (also involve emotional and psychological)
- Emotional
- Psychological

Expanding the definition

- *The “central element of domestic violence is an **ongoing pattern** of behaviour aimed at **controlling** a partner through fear” - National Plan to Reduce Violence against Women and their Children 2010 – 2022*
- “The existence of **patterned coercive and controlling** behaviours substantially differentiated experiences with violence” Velonis Article (2016)
- “Isolation as well as often cyclical psychological and physical abuse means leaving home is not only difficult, but can be deadly. Almost half of all spousal homicides committed by men involved killing women who had left them, or were attempting to do so.” Bartels & Easteal (2012)

Theories provide ‘Accounts’

- How is DV accounted for (explained)?
 - Can not talk about DV without a theory – so in all cases or facts or articles look what theory is being used
 - Examples –

- **BWS:** Theory says she is so abused and so downtrodden that she becomes explicit in her own capture – she can not get become attached to the capturer
 - **Social learning theory** – e.g. didn't mean to hit her but I was bashed as a child – because I've experienced this I have been conditioned to act like this
- How is “blame” attributed” and/or distributed?
 - If a theory places blame on victims – need to look for another theory
- How is the action measured for the purposes of legal intervention or legal judgement?
 - Is this part of a pattern?
 - Are we constraining the police by having a theory that says every action is a single event? - You can not apply a theory on a single event.. Do we look at historical events?
- How are the retaliatory actions of subjects of DV to be judged?
 - Killing is still killing – 20years under defensive homicide ruling even though you've suffered years of physical, emotion abuse..
- What factors need to be considered?
 - Single event
 - Situational violence
 - Trajectory of violence
 - Coercive/controlling
 - Intimate terrorism
 - Part of ongoing pattern
 - Is long-term violence as a defence warranted – should it be used?
 - How to minimise the re-punishment of women who have already been victimised

Theories used to explain the existence and prevalence of DV -

- **Psychological Theories**
 - Individualist Approaches
 - Social-Psychological & Behavioural Theories
 - Cycle of Violence Theories
 - Familial/Systems Approaches
- **Sociological Theories**
 - Structuralist (world organised and social structures (such as political, family and legal) are oppressive and controlling and make us act in certain ways)
 - Feminist (patriarchal – learned and accept in the culture that power is distributed to men and women in ways which are unchangeable and power is in the hands of the males) (focus on rigid structures)
 - Post-Structuralist (proposes that recreate particular structures all the time – we can rework and recreate them) (what is happening now – need to be aware that we are colluding in our own control.. so have to act outside of the stereotypes) (need to identify the dominant discourses in our society)

Psychological theories (person is the problem)

- **Individualist Approaches**
 - The problem is located within individuals' choices, characteristics, interests, biology, genetics, pathologies
 - The person must be the site of change – treat the individuals
- **Social Psychological Approaches**
 - Social Learning - Behaviour is Learned through modelling and reinforcement - <http://www.abc.net.au/news/2016-04-20/dv-campaign-to-focus-on-influencers/7340120>
 - Theory is that we Learn from the environment and models
 - Idea of disrespect trivialises domestic violence
 - Dominant discourses – e.g. little boys mean to little girls because they like you..
 - Can change this (reproducing common sense understandings that are negative and counterproductive)
 - Perpetrates cycle of violence
 - Change the language – to be productive..
 - Cycle of Violence
 - Watch for the signs and not provoking
 - Its enabling it and placing blame on women
 - Familial/Systems Approaches

Problems with these theories

- Do not reflect the reality experienced by many women, generalise beyond any substantive evidence - focus on physical assault, do not capture the complexity or abusive reality of DV
- Invoke discourses of mutual responsibilities for DV
 - Partially or wholly exonerate the perpetrators
 - Partially or wholly implicates & blames the victims
 - Make victim responsible for monitoring and “disrupting” perpetrator’s behaviour and/or of affording opportunities for abuse (battered woman syndrome);
 - Victim attributed a measure of responsibility for perpetrator’s behaviour ,
 - Citing biology and/or pathologies provides avenues of defence for perpetrators.
- CYCLE OF VIOLENCE - Implicate and blame victims, sometimes make victims responsible for monitoring or disrupting (cycle of violence women is to monitor..), not addressing issues

Sociological Theories – social order and or the moral order is the problem

- **Structuralist Theories**
 - DA is a social problem resulting from real world social, political, cultural and ideological structures that individuals encounter and are subject to – e.g., violence is a reaction to oppressive social structures and conditions

- **Feminist Theoretical Approaches**
 - Patriarchal social structures provide for DA/DV/FV as methods whereby the “natural” order of male dominance, power and control over women can be maintained.
- **Poststructuralist Theories - Critical Theory & Discourse Theory**
 - Social subjects and their actions are allocated moral value discursively (textually) via language, images and actions that invoke and construct social Discourses. These social Discourses comprise “commonsense” understandings and beliefs that are privileged and dominant in a society. Social Discourses are the means whereby social order is maintained or changed.
 - Privileges a particular version of how life it and maintains it rather than minimalizing it to something that is wrong
 - Common sense discourse – life all about relationships – little girl is hit by boy because he likes you – social discourse is that boy can hit you if he wants and you accept this as affection

Critical Analysis of texts – What Discourses and Theories of DV & FV makes the “account” “understandable” and “reasonable”. (CASES)

- How is DV/FV accounted for (explained) in this text?
- What facts and factors are privileged (made dominant) in this text?
- Whose “voices” are privileged in this text?
- What institutions/social structures are invoked/privileged in this text?
- How does this affect:
 - How is “blame” attributed” and/or distributed?
 - How is the action measured for the purposes of legal intervention or legal judgement?
 - How retaliatory actions of subjects of DV are judged?

Module 2 – The Social and Political Context of Domestic & Family Violence

Module 2 - Social and political context of D+FV

1. Myth busting;
2. Statistics on violence;
3. Risk factors for violence;
4. Effects of domestic and family violence;

5. Social and political context of violence and violence prevent efforts;
6. Causes of domestic and family violence;
7. Primary prevention of domestic and family violence;
8. Group Discussion and Activity; and
9. Everyday Sexism Project TedX talk – Laura Bates.

Need to understand the underlying causes and effects of violence to combat it and need to understand what protective factors can be put in place to stop violence. It involves everyone in society.

Domestic violence is very different to reactionary violence and violence for defence.

Myth busters –

1. It's just a domestic

- Not just a domestic – it is systemic and sustained violence against women and their children
- Liberal society – core tenant is private – this Public/private divide – is what has led to 'its just a domestic'
 - Perception has kept it behind closed doors
 -
- Family and friends don't speak up
- Police and courts are reluctant to get involved when it's a family matter
- Bystanders and neighbours ignore it because it is just a domestic
- Domestic – effect more than the family
- Society beginning to recognise its not longer just a domestic.. rape laws, protection of victims, campaigns to tackle violence, laws changing to protect victims, changes to workplace legislation
- Structuralist Theory

2. But she must have known it was wrong?

- Not always people know violence is wrong – we are less likely to perceive violence committed against us by current parents
 - E.g. deserve it, doesn't see the wrong in it, shouldn't have done that properly deserved that.. (women fails to see the wrong in it)
 - Violence against women wasn't always illegal
- Prior to 1989 in QLD a man could legally rape wife – marriage was consent..
 - Acquiesce (just giving in) is not consent full free and voluntary consent
- Emotional and psychological – most common but cant see that physically
 - Doesn't leave a mark
 - Many women can not recognise it and don't want to admit to being the victim
 - Think it is justified because they did something one – so see it as part of day to day relationship because violence is normalised

3. Don't the statistics say that 1 in 3 men are victims too, women must be just as violent as men?

- Lost of homosexual relationships..
- 1 in three campaigns – mens rights group – problem is that they skew the statistics (PPS violence since 15 or past 12 months) they quote violence in the last 12 months, fail to acknowledge the huge statistical error, don't explain reasons for violence (often violence by women is in self defence or retaliation) – men do not subjectively fear their victims (women subjectively fear the partner) – means a lot of people can read into the new broad definition (was the purpose of violence coercive and control, is it ongoing, pattern..)
- Men can be victims

4. If he's abusing her, can't she just leave?

- Encompasses male ideas of economic power and stability – not that easy
- Statistically speaking far more likely to be attacked, seriously injured or killed when leaving partner – coercion or control is lost (final act of control is intimate partner homicide)
- Victims often flee with the clothes on their back – they have nothing
- Economic/financial control – hasn't been working – has kids– real threat of homelessness
 - 4000 homeless women in Brisbane..(46 beds available in Brisbane)
 - 40% of homelessness in Brisbane due to family violence
 - Can not take boys over 12 – can not access shelter
 - IPV largest driver for homelessness among women
- Short term accommodation (72 hours) – what do you do then..
 - Rural areas is even worse – lack of resources and availability
- Cant feed kids if they have fled with just what they can carry - if you can not support yourself how do you feed kids
- Pets – lots of threats and deaths and tortures of animals (RSPCA now have a foster system)
 - Can not take dogs to shelters – often stay to stop their family pet from being killed or tortured
- Often culture or religious reasons cant leave
- Crippling anxiety/depression or low levels of self esteem and confidence – don't think they can manage on their own
- In genuine fear of
- 70% still find it difficult to understand why they stay
- 51% believe they can just leave
- Question should be why cant he just stop the violence..

5. Women just lie about violence, especially sexual abuse of children, to gain favourable orders in parenting matters or domestic violence order applications.

- Fathers rights group love this

- Study found people were far more likely to falsely deny violence more than false allegations of violence
- Despite this community attitudes survey found 53% still think allegations are made up..

6. If she was really being abused, she would call the police.

- 26% never tell anyone about violence
- 7% had never told violence of former partner
- Don't want to exacerbate the situation, to scared,
- Fear revenge
- Unsympathetic services on the other end (police...)
- Child safety – would blame mother for not getting kids out (blamed victim for staying there)
- Fear they wont be believed
- Fear they wont be assisted – often can not be helped
- Fear that the violence is too minor to bother police with
- Ashamed or embarrassed that they are a victim
- Don't want to relive violence to a police officer
- Cultural barriers
- Inappropriate to discuss details with a third party (intimate details to be discussing with people you don't know)

7. If she was being abused, there'd be evidence of it - she'd be able to prove it, she would have fought back.

- Avoid facial to not leave marks, sexual harassment doesn't show often, fighting back is hard for women – so bruises not visual
- Sexual assault isn't shown -
 - Lot of people just give in and don't fight back an attacker
 - 10% believe not rape unless she resists (like signs of fight)
 - 90% believe rape while drunk or drugs – she bears some of the responsibility
 - 16% say no when they mean yes
 - 12% believes that if she goes to room alone its her fault..

8. It's an anger management issue.

- 64% believe its men not being able to control their anger
- Its choice not anger management – women are subservient and should be punished for discretions..

9. He got so mad when I was talking to that guy; it must mean he really cares about me and loves me.

- Thinks he can own you
- It's a sign of Possession – control

10. It's her fault she provoked me, she was talking to that bloke, it made me jealous.

- Women as property – not provocation issue gendered stereotypical issue
- Men who hold traditional Gendered norms and gendered stereotypes are more likely to express ownership over women and more rigid belief about women
- Punish women who don't conform

- Its not provocation –issue it is a control and gendered stereotype issue

11. It wasn't my fault, I didn't mean to, I was drunk [or on drugs].

- Drugs and alcohol do not cause violence – people choose to use violence
 - Statistically speaking – cases Increased violence and severity – but does not cause violence It is an excuse
- Choose to use violence
- 9% think violence is excusable if affect
- 11% if victim affected
- Plenty of abusers do not drink plenty of abuse without alcohol

12. He must have done it because he couldn't control his need for sex.

- Not about an uncontrollable need for sex – it's a power control thing – women are sexual objects
- Women's bodies are not something they are entitled too
- Men are not animals can control their need for sex

13. Boys will be boys.

- Sex biological
- Gender – social construct
- Society teaches people how to act and what is appropriate – we as parents and teachers need to break down these stereotypes
- Men are Opinionated outgoing – while women soft mild and meek but must ooze sex appeal