

The Politics of Fear – Time For Action and Domestic Violence in Australia

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Introduction

The past 12 months has seen a rapid escalation in the attention given to Domestic Violence (DV) between intimate partners and ex-partners. At present, both Commonwealth and some State governments in Australia (notably NSW) are developing “new” initiatives to re-invigorate the DV arena under the “Violence Against Women” flag. In what was already a multi-million dollar industry, in 2009 the Federal Government allocated an extra \$42 million to “Violence Against Women” campaigns – which focus largely on IPV.

The primary documents being used to inform the development of new legislation, policies and services are the “Time for Action” series of reports and papers (2009)¹. The main paper in this series is the Background Paper², which provides an analysis of IPV. The other documents in this series include a Plan for long-term action, and another for immediate government action.

There are other relevant documents – especially those that will be forthcoming from the Family Law Reviews being conducted where the issue of DV has been raised as a central consideration. However, these reports are not yet available, and the aforementioned documents are accurate representatives of the direction of most government-funded organisations and services that focus on DV (e.g South Australia’s “Don’t Cross the Line” campaign)³.

The Time For Action Background Paper – Critical Concerns

The Time For Action Background Paper focuses largely on DV and, to a lesser extent, sexual assault. Ostensibly its aim is to reduce rates of violence experienced by women and children.

¹ http://www.fahcsia.gov.au/sa/women/pubs/violence/np_time_for_action/national_plan/Pages/default.aspx

² http://www.fahcsia.gov.au/sa/women/pubs/violence/np_time_for_action/background/Documents/Background_Paper_to_Time_for_Action.PDF

³ <http://www.sacentral.sa.gov.au/link/ace4e098-57f9-443d-adfa-6179acd6e780>

The explanatory framework for violence proposed in the paper is a gender framework. It proposes that violence experienced by women is primarily perpetrated by male partners, and that underlying patriarchal attitudes of males are central to instances of violence.

“In the overwhelming majority of cases, domestic and family violence is perpetrated by males against their female partners.” TFA p.12

“Men’s attitudes about gender equality and controlling behaviours towards women are a major predictor of violence against women”. TFA p .28

Based on these premises, the primary strategy proposed by TFA is:

“ Changing behaviours through appropriate programs to stop men’s violence ”⁴.

The Recommendations contained in the Report, and publicly presented by Heather Nancarrow⁵, one of the authors, include:

- Increasing application of the criminal law for DV
- Decreasing criminalising/re-victimising of DV victims
- Increasing the use of ouster/exclusion orders
- Ensuring interaction of family law, domestic violence law and child protection law and operates to ensure safety and wellbeing for women and children

The Australian Federal Government has responded very favourably to this Report, and will (from 2009)

- Fund a \$42 million package for urgent priorities
- Take Time for Action to the Council of Australian Governments (COAG)
- Work with States/Territories to develop National Plan by 2010

The initial \$42 million (from a commitment of \$72 million over 4 years – in addition to current funding – is allocated to:

- \$12.5M: national phone and on-line crisis service
- \$9M -respectful relationships education for young people. The TFA notes its approval of the NSW program for year 9 and 10 students “Love Bites” – the program’s primary objectives are not to encourage respectful relationships between young men and women, but rather to “educate and increase awareness of domestic violence and sexual assault” (TFA, 109).
- \$17M –social marketing to change attitudes and behaviours, such as the White Ribbon Campaign.
- \$3M: research on perpetrator programs and harmonised laws.

Further commitments that have been made by the Federal Government – according to the Time For Action Plan, include:

- Developing multi-disciplinary training package for lawyers, judicial officers and others in family law system

⁴ “Time for Action: The National Council’s Plan for Australia to Reduce Violence against Women and their Children”, Heather Nancarrow, Deputy Chair, National Council to Reduce Violence against Women and their Children, AIC Occasional Seminar 7th May 2009

⁵ Ibid

- Establishing a “Violence Against Women Advisory Group”
- Working with States and Territories to establish a National Centre of Excellence for the Prevention of Violence against Women
- Considering the place of violence in the National Research Priorities

These are substantial developments in responding to DV. With the amounts of public funds being committed, and for individuals the life-changing consequences of being accused of DV even if the allegations are unfounded, it would seem important to make sure the developments are based on an extensive & systematic examination of the issue.

Strangely, this has not been done. The Time For Action Report notes it has conducted a “*Desktop analysis of key Australian and international research on sexual assault and domestic and family violence*”. That is, the authors have not attempted a systematic or thorough review of the research and literature, but have simply selected literature that they liked –that is, literature that supports for their pre-existing conclusion that DV is a gendered phenomenon. Yet the federal Government has committed \$42 million of public funds in 2009 based on what is openly acknowledged as a cursory analysis of the phenomenon.

The Time For Action Report has not attempted to engage with any of the thousands of international or local research studies and government reports that contradict their premise. And those sources that have been used extensively are far from satisfactory. The cursory nature of the analysis has resulted in some very serious conceptual and factual errors. Some of the central flaws are as follows.

1. The conceptual framework is based on ideology, not evidence.

This is the fundamental problem in the Report. The basic framework propagated by these papers that will direct legislation, policies and services for years to come is a gender paradigm. Yet gender as a central construct in any explanatory framework of DV has been demonstrated comprehensively as inadequate – it does not accord with the evidence from major international and local studies⁶.

There are three insurmountable problems for a gendered explanation of DV:

1. Extensive research in developed nations reveals that lower levels of relationship conflict (such as name-calling, shouting, criticising) is initiated almost equally by both men and women. Even in the far more serious instances of DV involving physical assaults and on-going trauma leading to police involvement, Australian crime records⁷ show that women are victims in about 70% of cases, and men are victims in about 30% of cases. It is probable that there are many more male victims of serious DV than is indicated by these figures, as the shame and social stigma that men experience in these situations is likely to result in significant under-reporting. Government reports

⁶ Headey, B., Scott, D., De Vaus, D., 1999, “Domestic Violence In Australia: Are Women And Men Equally Violent”? in *International Social Science Surveys Australia*, Vol 2, No 3

Archer, J., 2000, “Sex differences in aggression between heterosexual partners: A meta-analytic review” in *Psychological Bulletin*, 126, pp 651–680.

Whitaker, D.J, Haileyesus, T., Swahn, M., Saltzman, L., 2007, “Differences in Frequency of Violence and Reported Injury Between Relationship with Reciprocal and non-reciprocal Intimate Partner Violence”, in *American Journal of Public Health*, Vol. 97, No. 5, pp. 941-947

⁷ Peoples, J., 2005, “Trends and patterns in domestic violence assaults”, in *Contemporary Issues in Crime & Justice*, No 89, October, NSW Bureau of Crime Statistics and Research, Sydney

from every major English speaking country show males are a large minority of victims of DV.

Table: *Male victims of physical assault by intimate partners (%) in seven English speaking western democracies based on results of published government studies⁸.*

	Australia 2005 ¹	Canada 2004 ²	England & Wales 2005/6 ³	Ireland 2003 ⁴	New Zealand 2001 ⁵	Northern Ireland 2005 ⁶	USA 2004 ⁷
Lifetime							
- force	29.4	-	35.3	-	40.4 ⁸	35.3	
- severe force	-	-	38.8	30.8	-	41.7	
In past 5 years							
- force	-	45.5 ¹⁰	-	-	-	-	-
- severe force	-	-	-	40.8	-	-	-
In past 12 months							
- force	22.3	-	37.5	-	37.5 ⁹	-	25.6
- severe force	-	-	41.9	50.0	-	-	25.0

Sources

- (1) Personal Safety Survey, Australia 2005. Age 18 and over
- (2) Family Violence in Canada: A Statistical Profile, 2005. Age 15 and over
- (3) Homicides, Firearm Offences and Intimate Violence 2005/2006. Age 16 to 59
- (4) Domestic Abuse of Women and Men in Ireland: Report on the National Study of Domestic Abuse, July 2005. Age 18 and over
- (5) New Zealand National Survey of Crime Victims 2001. Age 15 and over
- (6) Experience of Domestic Violence: Findings from the 2005 Northern Ireland Crime Survey. Age 16 to 59
- (7) Intimate Partner Violence in the United States, 1993-2004. Age 12 and over

Notes

- (8) Heterosexual partners only of 'ever-partnered' women and men
- (9) Excludes ex-partners
- (10) Includes also threat to kill, and/or sexual assault

2. The second incontrovertible fact undermining a simplistic gender construct is that DV occurs in same sex relationships to at least the same extent it does in heterosexual relationships – and is particularly prevalent in lesbian relationships. A recent US

⁸ www.dewar4research.org/DOCS/DVPrevofMaleVictimsAug07.pdf

study⁹ recruited participants from public Gay Pride events. In their sample of 272 lesbian and bisexual women, 40% reported being physically violent toward a female partner, while 44% had been a victim of violence from a female partner.

3. Finally, a gender paradigm cannot account for the fact that most males have never committed any form of violence against a female. The ABS Personal Safety Survey 2005¹⁰ reports that the vast majority of women in Australia (94.2%) did not experience any form of violence or abuse in the 12 months preceding the study. If DV is a cultural phenomenon resulting from patriarchy one would expect these figures to be far higher. Clearly, most heterosexual relationships do not experience violence.

The Time For Action background paper does offer a brief acknowledgment of two of these points. It recognises that 30% of victims on DV are males, and that a third of women who are lesbian have been in violent relationships (p. 18). It appears that the recognition of this data has been forced on the authors, as they then totally ignore the implications of this data in developing an explanatory framework, instead focusing on gender.

2. Selective use of research.

Of the many studies conducted in Australia and internationally, those studies that conflict with the TFA ideology are ignored. Those that support the TFA ideology are used extensively – even where these studies are deeply flawed.

An example - IVAWS

TFA cites one study a number of times - IVAWS¹¹. Yet IVAWS is one of the most discredited of Australian research reports in DV. The problems with IVAWS include:

1. A biased sample - of the 17,000 women approached only 6,000 completed the survey. It is highly likely that those 11,000 who did not want to participate in the study had no interest in the issue, and those 6,000 who did participate had some personal motivation for participating.
2. Vastly inflated figures - a 59 year old woman who was yelled at by her parents 44 years ago is labelled as a victim of violence - by a male. The IVAWS simply assumes that if a woman was a victim of violence, the perpetrator must have been male.
3. Records such instances of DV as “feeling put down” (by anyone during the past 44 years).
4. Assuming that every instance where a woman experiences violence, that it is perpetrated by a male, contrary to our knowledge that at least some women are in same sex relationships.

⁹ Balsam, K.F., & Szymanski, D.M., 2005, “Relationship quality and domestic violence in women’s same-sex relationships: The role of minority stress” in *Psychology of Women Quarterly*, 29, 258–269

¹⁰ Australian Bureau of Statistics, *Personal Safety Survey Australia 2005*, Commonwealth of Australia

¹¹ J Mouzos & T Makkai, Women’s Experiences of Male Violence: Findings from the Australian component of the International Violence Against Women Survey (IVAWS) Australian Institute of Criminology, Research and Public Policy Series, no.56, Canberra, 2004

3. Children and Violence

A further indication of the credentials of the Time For Action as an exercise in persuasion rather than evidence is the consistent use of the phrase “violence against women and children” – implying that both are primarily the victims of male perpetrators.

The Time For Action report claims that in family & domestic violence that:

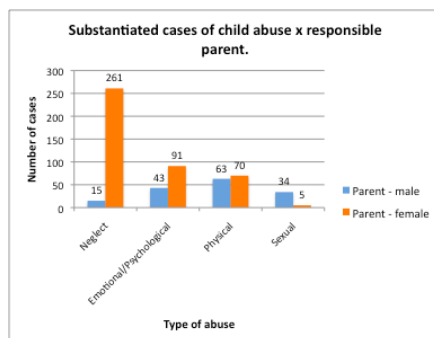
*The majority of cases are perpetrated by men against women **and their children** (p. 20 – emphasis added).*

Yet there is an absence of evidence to support this contention. Data in Australia concerning the gender of perpetrators of violence against children has been difficult to obtain since 1996, when Tomison¹² reported that females were responsible for the majority of cases of child abuse and neglect.

However, the Department of Child Protection in Western Australia recently released data - as a result of a FOI request - showing that women are far more likely to abuse children - **56.6% of perpetrators of substantiated child abuse were female.**

Within the family, the mother was the overwhelming perpetrator of abuse.

Figure: Substantiated cases of child abuse x parent responsible¹³.

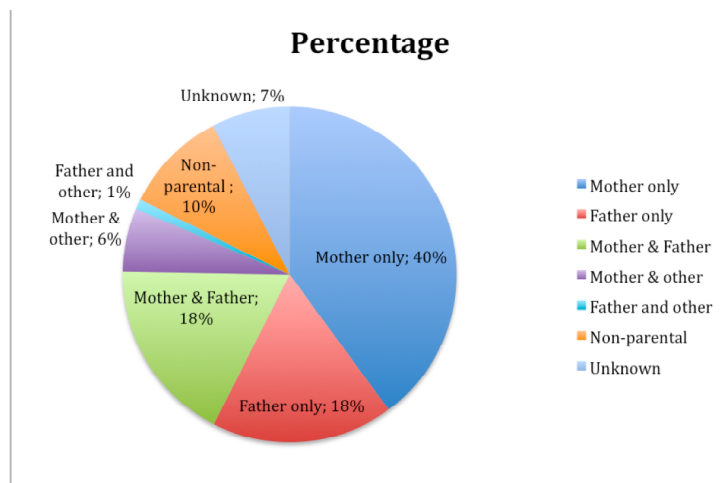


Internationally the same picture of violence against children emerges. The US Department of Health & Human Services report “Child Maltreatment 2006”, shows mothers acting alone were responsible for 38.8% of cases of abuse, and fathers for 18.3% of cases.

¹² Tomison, A., 1996, “Protecting Children: Updating The National Picture” in *Child Abuse and Neglect Australia 1994-1995, Child Welfare Series No 16*, Australian Institute of Health and Welfare (<http://www.aifs.gov.au/nch/pubs/newsletters/nl1996/nl1996.html#protecting>)

¹³ Department of Child Protection, WA - Relationship to Child of Persons Believed Responsible for Substantiated Maltreatment 2007_08

Figure: Perpetrators of child maltreatment, USA, 2006¹⁴



4. Exaggerating facts

The authors frequently rely on techniques of persuasion rather than logic and evidence. One prime example of persuasion is quoting figures of authority - even when that person is wrong. The most obvious example in the TFA is the quote from Prime Minister Kevin Rudd (p.17), where he claims: *“in 2008 half a million Australian women ... experienced violence from their partner”*.

Rudd, usually on top of detail, has been misled by somebody. The only almost plausible national study into DV in Australia (the ABS Personal Safety Survey, 2005¹⁵) shows the overall number of incidents of violence in the preceding year to be 443,800, not far off half a million. However, this includes all forms of violence (threats, actual, physical, sexual) – and from all perpetrators (other family members, friends & acquaintances, strangers, children, parents), not just partners as Rudd claims. In fact, over 80% of perpetrators were NOT partners. Even adding ex-partners still means less than 40% of perpetrators were currently or had been in an intimate relationship.

5. Emotive Appeals

A further example that Time For Action is intended as an instrument of propaganda is the use of emotive appeals. While community surveys of violence (such as ABS Personal Safety Survey 2005) show the vast majority of DV events do not result in any physical harm requiring medical attention, the Time For Action Report draws attention to the worst type of incidents, implying that this is typical of the nature of the violence that women experience.

¹⁴ Child Maltreatment, 2006, p.30 <http://www.acf.hhs.gov/programs/cb/pubs/cm06/cm06.pdf>

¹⁵ Australian Bureau of Statistics, *Personal Safety Survey Australia 2005*, Commonwealth of Australia

When I was 16 years old, my boyfriend bashed me almost to death. He beat me so badly I suffered a severe brain injury and was in a coma for four months. That evening when he bashed me he repeatedly stomped on and kicked my head. P. 28

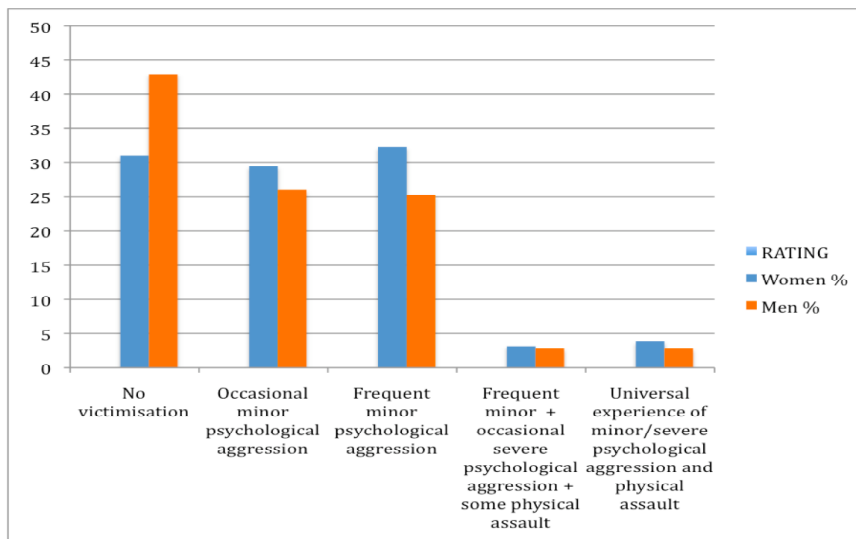
Of course instances such as this do occur. But they are uncommon, and do happen to males as well. Many will recall the notorious case of Katherine Knight in Maitland, who stabbed her husband 37 times – then cooked his body parts and fed these to their children.

One impeccable study overlooked by the “desktop analysis” of international literature by the Time For Action Report is the Christchurch Health & Development Study¹⁶ - an intensive longitudinal study of a birth cohort of New Zealand young adults studied at age 25 years. A total of 828 young people (437 women and 391 men) were interviewed about the domestic violence victimization and violence perpetration in their current or most recent partner relationship.

Key findings of the study were:

- (a) Domestic conflict was present in 70% of relationships, with this conflict ranging from minor psychological abuse to severe assault;
- (b) Men and women reported similar experiences of both victimization and perpetration of domestic violence.
- (c) Injury or living in fear was rare – a very small proportion of relationships where aggression occurred led to such outcomes.

Figure: Experience of violence (self-identified)¹⁷



¹⁶ Fergusson, D, Horwood, L & Ridder, E, 2005, “Partner Violence And Mental Health Outcomes In A New Zealand Birth Cohort” in *Journal Of Marriage And Family* Vol. 67, pp. 1103–1119

¹⁷ Fergusson, D, Horwood, L & Ridder, E, 2005, “Partner Violence And Mental Health Outcomes In A New Zealand Birth Cohort” in *Journal Of Marriage And Family* Vol. 67, pp. 1103–1119

Meaning of scores

(From CTS-2)

0 = no victimization in their relationship

1-2 = occasional exposure to minor psychological aggression. Only two individuals in this group reported physical assault (both minor), and only one of these reported a slight injury consequent of assault.

3-4 = frequent minor psychological aggression and occasionally severe psychological aggression. Only a small minority of this group reported exposure to physical assault and none reported any of the signs of severe domestic violence (injury or fearfulness).

5-6 = high frequency of minor psychological aggression, and the great majority (79.6%) had experienced severe psychological aggression, over 40% reported incidents of minor physical assault, and just over 10% reported at least one incident of severe physical assault. A small minority of this group (6.1%) reported injury as a result of violence.

7+ = nearly universal experience of minor/severe psychological aggression and minor physical assault, and frequent episodes of these types of violence. Over three quarters reported at least one severe physical assault. The majority (55%) reported injury as a result of domestic violence, and in over a quarter of cases, the respondent reported fearfulness or feeling intimidated as a consequence of partner violence.

6. Omissions

The Time For Action Plan for Action notes:

Domestic and family violence and sexual assault cannot be excused or justified under any circumstances. It is wrong, and all victims need compassionate and highly responsive support
P. 9.

Yet there is no mention in the plan of any forms of support for male victims. This is not due to ignorance of their existence – the Plan For Action acknowledges that almost 30% of victims of Domestic Violence are males.

The Time For Action Plan for Action notes:

Perpetrators of violence need access to remedial programs and support at the earliest possible opportunity, whether self-referred, court-mandated or referred in other ways. Long-term programs are often required to assist perpetrators in rehabilitation, and it is very important that perpetrators attend programs after release from correctional or other institutions. P. 19

But offers no programs for female perpetrators. Yet most of the 30% of male victims (noted above) were assaulted by female perpetrators.

A further striking omission is the absence of any engagement with the phenomenon of false allegations of DV. That false allegations are not uncommon – especially in Family Court cases – is well known. Allegations of DV or child abuse are the main means by which one partner can evade the requirement of ensuring children have meaningful contact with the other parent. No consideration as to how false allegations will be managed is suggested in Time For Action Report. In the Family Court, such allegations can sway decisions about access to children after separation. A move to strengthen the various laws relating to DV in Australia must take the risk of abuse of these laws into account. Natural justice requires that we do not allow a system that can destroy people's lives on the basis of unsupported allegations.

Conclusion

Internationally there is a growing recognition that a gendered conceptualisation of DV has passed its use-by date, and that such explanations do not account for the reality of DV

research findings. Interventions based on a gendered approach are ineffective. Miriam Ehrensaft notes¹⁸:

Conflicts need to be examined as occurring between intimate partners rather than between gender representatives. The strength of such an approach still permits a consideration of the role gender plays without tying it explicitly to the behavior of men versus women.

There are instances of more comprehensive approaches¹⁹ that promise better rates of success, but these are rare because of the on-going commitment to a gendered framework. Kathryn Bell and Amy Naugle²⁰ argue that interventions (prevention and perpetrator programs) need to take into account personal, interpersonal, situational, social and cultural factors. That is, we need to contextualise IPV – in much the same way as we contextualise causes of child abuse to better guide interventions.

The Time For Action Report is a mischievous and dangerous document. It misrepresents and distorts evidence. It adopts techniques of mass persuasion rather than rational argument. For women, the Time For Action Report plays into deep-seated fears. Although men are almost twice as likely as women to experience violence (10.8% vs 5.8 % in past 12 months – ABS Personal Safety Survey 2005 p.5), women are far more fearful of violence. This study reports that 13.4 % of women felt unsafe at home alone after dark, compared to 3.8 % of men. The Time For Action Report ironically also plays on deep-seated aspects of traditional male culture – the chivalry of almost all men toward women and their protective instincts for children – what Wayne Farrell²¹ refers to as the “Lifeboat Rule” of gender.

We need an evidence-based approach to managing the issue of DV. The Time For Action Report does not provide this, and if its approach is adopted by COAG, it will mean the institutionalising of discrimination, and will provide a potent weapon of government-abetted abuse for any disgruntled and vexatious woman. DV is too serious an issue to be subject to manipulation by those who wish to overplay the drama for their own ends. As the former Governor General of Australia, Bill Hayden, noted in his opening speech to the Second National Conference on Violence of 1993:

"to see violence in the home ... as a war against women is to distort reality. Men too are victims. Women too are perpetrators... Neither sex has a monopoly of vice or virtue" (Hawes, 1993).

¹⁸ Ehrensaft, M, 2008, “Intimate partner violence: Persistence of myths and implications for intervention” in *Children and Youth Services Review*, Vol. 30, pp. 276–286

¹⁹ Hennessy, A & Willie, C, 2006, “Ending Family Violence Program, Woorabinda” at CDFVR Indigenous Family Violence Prevention Forum, 2 May 2006, Mackay, Queensland, Australia

Lee, M, Uken, A & Sebold, J, 2004, “Accountability for Change: Solution-Focused Treatment With Domestic Violence Offenders” in *Families In Society*, Vol. 85, No. 4. Pp. 463-476

Lee, M, Uken, A & Sebold, J, 2007, “Role of Self-Determined Goals in Predicting Recidivism in Domestic Violence Offenders” in *Research on Social Work Practice*, Vol. 17 No. 1, pp. 30-41

²⁰ Bell, K. M., & Naugle, A. E., 2008, “Intimate partner violence theoretical considerations: Moving towards a contextual framework”, in *Clinical Psychology Review*

²¹ Farrell, W, 1993, *The Myth Of Male Power*, Random House, Australia