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**OUT OF THE PAN  
INTO THE FIRE  
PRECARIOUSNESS  
AMONG WOMEN AND  
CHILDREN ESCAPING  
DOMESTIC VIOLENCE**

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**NEVILLE ROBERTSON AND  
BRIDGETTE MASTERS-AWATERE**

**A**lmost by definition, women and children experiencing domestic violence lead precarious lives.<sup>1</sup> If they are living with the abuser, they may spend time and energy anticipating his violent outbursts, doing their best to placate him, and working out strategies to keep themselves safe. While separation is often held out to be the solution, it may make their lives even more precarious as they face poverty and homelessness. Frequently, they live with the reality that neither a protection order — ‘it’s only a piece of paper’ — nor the police can keep them safe. In the worst cases, they may need to go underground, moving to distant parts of the country or overseas in their attempts to keep themselves safe. Moreover, some of the very services that are meant to help them can further oppress and control them. In this chapter, we describe the nature of violence against women and children, outline some of the ways it makes their lives precarious, and discuss problems in our current methodologies of ‘helping’ that only serve to make their lives more precarious.

### **POWER AND CONTROL**

Hierarchical gender power relations are at the core of domestic violence and child abuse. While abusive men come from a wide range of cultural backgrounds, social classes, religions and occupations, they have one common feature: a strong belief in a ‘natural’ order in which men are in charge, make the big decisions and exercise power and

control over their partners and children. Although physical violence is the most obvious manifestation, the process can be better thought of as a pattern of coercive control, in which physical violence — actions such as slapping, punching, kicking and strangling — is just one tool among many to achieve dominance. Other tools include isolation, threats, intimidation, withholding resources (especially money) and emotional abuse. By such means, the abusive man enforces obedience and compliance with his rules.

Domestic violence is also about protecting male privilege. Befitting their assumed superior status, many men will feel entitled to certain privileges: domestic and sexual services, obedience, loyalty and freedom from having to be accountable for their behaviour. As Lundy Bancroft points out, not many men are closely attached to the use of violence: they would rather not hit their partners and children.<sup>2</sup> But many will feel justified in using violence to maintain their power and privilege when they come under attack. ‘She pushed me too far’, ‘I had to do something’, ‘I had to teach them a lesson’: these are common tropes heard in stopping-violence programmes up and down the country.

Men’s tactics of power and control make women’s lives — and the lives of their children — precarious. Typically, abusers closely monitor their partners to ensure compliance. These days, such monitoring is often done electronically (e.g. men who press redial on the phone or check text messages). Women are typically isolated from whānau and community: deprived of support and feedback, they can become entrapped within the world constructed by the abuser. If women are permitted to participate in activities outside the home, they are likely to be closely monitored by the abuser. Victims of domestic violence are typically denied financial autonomy as the abuser controls the money, putting her on an ‘allowance’. Women may be prevented from working outside the home or be forced into working (sometimes as prostitutes).

### **WOMEN’S RESISTANCE**

Of course, many women will resist these power and control tactics or find ways of ameliorating their impact. Unfortunately, such actions can rebound on them, making their lives even more precarious. A good

example of this is seen in women who fight back or defend themselves physically. Over the years, we have heard many accounts of women being told by their partner not to call the police or he will tell them she was the violent one. Regardless of who calls the police — him, her or the neighbours — too often the police arrive to find a calm, rational man and an angry, perhaps ‘hysterical’, woman. They fail to investigate below the surface and conclude that she is the crazy, aberrant one.<sup>3</sup>

Another example is the use of alcohol and drugs to self-medicate against the physical and psychic pain of the abuse. It is a common belief that alcohol causes violence but a more nuanced view is that, sometimes, the causation may be in the other direction. Women who we have spoken to over the years have candidly admitted to using alcohol or drugs to escape the dreary and painful reality of their lives. But this may further entrap them. This is evident in men who remind their partner of the drugs in the house and threaten that if she calls the police, he will tell them that the drugs are hers. Similarly, as women in our focus groups have told us, having a problem with drugs or alcohol is a huge barrier to reporting the violence: to do so would be to put themselves at risk of being seen as a poor mother and having their children removed from them.

A third example of how precariousness is exacerbated involves women’s attempts to parent in the context of domestic violence. Abusive men often have strict rules regarding children: he wants them quiet while he watches television, he wants them in bed by the time he gets home or he wants them dressed in certain ways. Infractions are likely to be punished with physical violence. Domestic violence places major constraints on mothers. These can be resisted: we know of one woman who handled her partner’s insistence that she use physical punishment by taking her children to the other end of the house but instead of hitting them, smacked her own hand so that their father would hear and believe that the children were being disciplined as he wished.<sup>4</sup> More commonly, though, women may be tempted to use light physical punishment themselves to get the children to behave, seeing it as preferable to a more severe beating from their father. Unfortunately, such use of physical punishment by the mother may be read by social workers, lawyers or judges as a sign that she is the abusive parent and

should not have unsupervised access to the children.

These are just three examples of how domestic violence and child abuse make the lives of victims precarious. And as evident in these examples, when their lives become entangled in certain institutions, institutions one might expect to be helpful, things can get even worse. Below, we further explore the precariousness of victims’ lives and some of the ways in which institutions become part of the problem, rather than part of the solution.

### **THE LIMITATIONS AND DANGERS OF ‘HELP’**

Homelessness and poverty are two of the more obvious ways in which domestic violence and child abuse make the lives of women and children precarious. As implied in the oft-asked question, ‘Why doesn’t she leave?’, leaving the abuser is often constructed as ‘the’ solution. But leave for what? Certainly, refuges provide accommodation — but not for gang-affiliated women, nor for women who wish to bring their adolescent sons with them. Moreover, a refuge is always only a temporary solution: sooner or later, women and children need to find new accommodation. This is not easy.

One barrier to leaving is poverty. Women fleeing domestic violence typically have little money. Usually they have been financially dependent on the abuser. Even women from relatively privileged backgrounds will typically have little money until there is a matrimonial property settlement, something that is likely to take years to achieve. Whatever the background, fleeing domestic violence does not come cheap. There is likely to be bond money to find. There is the expense of replacing clothes and household items left behind and the cost of moving things they can take. There may be new school uniforms to buy and the cost of getting services connected. There are also likely to be legal costs. Some women will qualify for legal aid but that is not a grant but a loan, and the threshold for eligibility rules out many women. Protracted legal proceedings, drawn out by litigious abusers — who essentially use the court system to further harm women — can be eye-wateringly expensive. Even well-off, middle-class women can become impoverished.

A woman who has been a victim of domestic violence can face

particular challenges in finding rental accommodation. This is especially so if the house she has left was rented in her name. Despite the constraints under which she has been living, she will likely be held responsible for unpaid rent and any damage to the house she has vacated: for many abusive men, smashing walls and doors is a favoured tactic of intimidation. These things, and a stigma against solo mothers, jeopardise battered women's ability to participate in the rental housing market.

### THE WELFARE SYSTEM

Many women fleeing domestic violence turn to Work and Income New Zealand (WINZ) for financial help. The Domestic Purposes Benefit, established in 1973, made leaving an abusive partner a more realistic option. But the successor of the Domestic Purposes Benefit, Sole Parent Support, has a number of problems. Despite its name, it is not about supporting parents to raise children. As WINZ says, Sole Parent Support 'helps single parents and caregivers of dependent children get ready for future work, [and] supports them to find part-time work'.<sup>5</sup>

Instead of being recognised for her important role as a parent, a woman fleeing domestic violence becomes a problematic non-worker. She is expected to be available for paid work when her youngest child reaches the age of three. That comes even earlier for women who have had a child while on the benefit: they are expected to be available for work as soon as that child is one year old. Such a differential can only be understood as a punishment for the pregnancy: as the state becoming part of the abusive apparatus. Problematic as this is of itself, it is doubly problematic when one considers that sexual violence and control over contraception are common tactics in the abuser's armoury.

More generally, reconstructing mothers as out-of-work workers has significant implications for their welfare and the welfare of their children, the more so when domestic violence is part of the picture. Domestic violence has well-documented impacts on women and children. In data we collected in 2004, over half the women we interviewed in women's refuges met the threshold for post-traumatic stress disorder. Other common mental health impacts include depression, anxiety and addiction. Equally common are a wide range

of physical health problems, such as gynaecological problems, chronic pain, cardiovascular disorders and respiratory problems.

Children who are exposed to domestic violence are frequently traumatised. Whether they have been direct victims or witnesses to the violence against their mother, the effects are much the same and include fearfulness, depression, anxiety, aggression and self-blame for the violence. Welfare policies that focus on getting women into paid employment serve neither mothers nor their children well. Both mothers and children need time to recover. Significantly, one of the key factors in helping children recover is a solid, close and warm relationship with the non-abusive parent. That the primary aim of Sole Parent Support is to get parents into work means the state is undermining the conditions that would help children recover from violence.

### THE FAMILY COURT

The Family Court is one of the most powerful institutions dealing with domestic violence. When it was established in 1981, it represented a major paradigm shift. Until that time, getting a divorce required going to an open court which would establish who was at fault. Under the Family Proceedings Act 1980, irreconcilable differences became the sole ground for dissolution of a marriage. The role of the Family Court was not to find blame but to provide a private venue in which couples were helped to reach agreements about ending the relationship, sorting out what was to become of any children and resolving disputes about matrimonial property. While this model is a great way to resolve differences between parties of equal power, it is ill-suited when there are significant power disparities, as is inevitably the case in the presence of domestic violence.

The Family Court's emphasis on negotiation and mediation has served battered women poorly. Court-ordered counselling or mediation has exposed women to further abuse. Face-to-face mediation and court hearings become venues for abusive men to further intimidate their partners. This can be subtle. By using what women often refer to as 'the look' — a certain narrowing of the eyes, a particular angle of the head — abusive men can clearly communicate, 'Watch what you

say. You remember what happened last time you wronged me.’ Such subtleties are easily missed by mediators or judges, but can terrify and further traumatise victims of domestic violence.

Because the Family Court prioritises cooperative problem-solving and the maintenance of family ties, women who are assertive in expressing their fears about their abuser having unsupervised access to their children can be viewed as uncooperative, even as vindictive bitches denying the father’s presumed right to his children. Some family-law practitioners report that the best strategy is for their women clients not to mention the violence at all and to be as accommodating as possible.

Determinations that involve swapping the children between parents can provide opportunities for abusive men to further abuse their ex-partners. Parenting orders can make battered women’s lives more precarious. For example, it is not uncommon for such orders to require women to remain in the area in which the family lived. This has a certain logic to it: the courts tend to want to minimise disruption to the children. Unfortunately, as part of their isolation tactics, some abusive men will have deliberately set up the nuclear family in a region far removed from the maternal family. Orders requiring the woman to stay put serve to cut her off from family support, support that may be vital as she recovers from trauma herself and supports her children’s recovery. In these ways, the Family Court is heavily implicated in the continued oppression of battered women and in making their lives precarious.

### **THE CHILD PROTECTION SYSTEM**

Perhaps the system that most oppresses women experiencing domestic violence is the child protection system. Here, the key agency has in recent years been Child, Youth and Family (CYF), but various non-government organisations can also be implicated.<sup>6</sup> Almost by definition, the children of battered women are themselves being abused, and they have frequently come to the attention of CYF. Too often, investigations are so tightly focused on harm to the children that the wider context is ignored. This can mean that the presence of domestic violence is overlooked. Instead, many of the common consequences of being a

victim of such violence — depression, lack of energy, limited emotional availability to children, chaotic households, messy homes — are read as evidence of women’s failings as parents. Alternatively, the domestic violence is detected, but rather than challenging the abuser, social workers sometimes hold the mother responsible for protecting the children. In some of the worst cases, women are given an ultimatum: ‘Leave the father or we will take the children into care.’

In a 2015 focus group of women who had escaped domestic violence, CYF was described in the following terms: ‘abusive’, ‘scary’, ‘power hungry’, ‘rude’, ‘stupid’ and ‘patronising’. The anger in the room was palpable as women described the hoops they were being forced to jump through by the agencies that were supposed to help them. It became apparent that being a mother entangled in the child protection system is a full-time job: you are expected to attend parenting programmes, get budgeting advice, go to counselling, take your children to play therapy and psychologists’ appointments, get a protection order, attend lawyers’ appointments, participate in family group conferences (often with your abuser), attend Family Court hearings and mediation sessions, be assessed by court-appointed psychologists, attend WINZ appointments and have regular meetings with the children’s social worker.

It is ironic that as a society, we tell women that they need to escape the power and control tactics of their abuser only then to subject them to the power and control tactics of so-called helping agencies.

### **CONCLUSION**

We have painted a depressing picture. Arguably it is an unbalanced one. It would be disingenuous of us not to acknowledge that along with the tales of tragedy, despair and misery we have heard over the years, there are also stories of survival, resistance, resilience, growth and triumph. Nevertheless, success stories notwithstanding, living with violence makes the lives of women and children precarious. Sometimes this is visceral: New Zealand is distinguished by having some of the highest rates of death resulting from family violence. But as we have shown, sub-lethal violence also serves to make the lives of victims precarious: it undermines their mental and physical wellbeing, it constrains their