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FACULTY OF HUMANITIES, ARTS AND SOCIAL SCIENCE

School of Social Sciences

Division of Social Work Studies



THE CASE OF THE MISSING PERPETRATOR

**A cross-national investigation of
child welfare policy, practice and discourse
in cases where men beat mothers**

by

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ABSTRACT

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THE CASE OF THE MISSING PERPETRATOR: A CROSS-NATIONAL
INVESTIGATION OF CHILD WELFARE POLICY, PRACTICE AND DISCOURSE
IN CASES WHERE MEN BEAT MOTHERS

by Susan J Strega

This thesis examines in detail the introduction, development and reification of the concepts of 'children witnessing' and mothers 'failing to protect' as powerful and currently dominant concepts in child welfare in the UK (with particular attention to Southampton) and in Canada (with particular attention to British Columbia). Drawing on literature and research within child welfare and feminism, and my own data analysis, this thesis explored the construction, deployment and enactment of these concepts.

A feminist discourse analysis was employed to examine legislation, policy and practice in both jurisdictions. Relevant documents were analysed in both jurisdictions. Conversational, introspective interviews were undertaken with social workers and mothers in both jurisdictions. Discourse analysis methods from a number of sources were drawn on to reveal and interpret how the discourse of 'failure to protect' has emerged, and how it shapes and informs child protection practice and policy.

This thesis argues that the concepts of 'children witnessing' and mothers 'failing to protect' are constructed, enacted and deployed in ways that maintain and may even increase the nature and extent of violence against women. Further, I demonstrate that the rhetoric and actions engendered by this discourse are in themselves injurious to women, both individually in cases where mothers lose or are threatened with the loss of their children, and collectively in contributing to a continuing failure to hold responsible or even notice men who perpetrate violence against mothers.

What is astonishing, what can give us enormous hope and belief in a future in which the lives of women and children shall be mended and rewoven by women's hands, is all that we have managed to salvage, of ourselves, for our children, even within the destructiveness of the institution [of motherhood]: the tenderness, the passion, the trust in our instincts, the evocation of a courage we did not know we owned, the detailed apprehension of another human existence, the full realisation of the cost and precariousness of life.

*Of Woman Born
Adrienne Rich (1986)*

*This is for my mother, Jean Ivy Filbey
(February 11, 1917 – June 28, 1959)
who protected me enough*

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TABLE OF CONTENTS

Chapter One: Introduction.....	page 1
Chapter Two: Literature review and concepts.....	page 8
Chapter Three: Methodology.....	page 40
Chapter Four: Genealogy and context.....	page 98
Chapter Five: Data analysis – UK.....	page 114
Chapter Six: Data analysis – BC.....	page 156
Chapter Seven: Discussion and conclusion.....	page 206
References.....	page 224
Appendices	
Appendix A (Correspondence).....	page 243
Appendix B (Forms).....	page 251
Appendix C (Document rating).....	page 256
Appendix D (Interview topics).....	page 259

CHAPTER ONE: INTRODUCTION

Introduction to the thesis

One day, as I was just beginning this research, I had a call for consultation from a friend and colleague, a social worker like myself, and a feminist. As a child protection worker, she had been working with a family in which the mother had been repeatedly battered by her male partner. Now, the partner's violence had been directed at the couple's baby, who had been admitted to hospital possibly suffering from 'shaken baby syndrome'. My friend was worried, both about the baby and about the judgements about her practice that might be forthcoming. She had talked to the mother, talked to hospital personnel, and discussed the situation with her supervisor. I asked her what the alleged perpetrator had to say about the situation, both the specific incident and the history of violence. My friend didn't know, because she had never spoken with him; it had never occurred to her that she ought to speak with him, and her supervisor had never suggested it.

Rather than being rare, the situation that I have described is commonplace in child welfare. As I will describe, encountering situations in which men beat mothers, and frequently their children, is routine for child protection workers. What is also routine is that the perpetrator is ignored, while the social work gaze, with its attendant processes of investigation and intervention, is directed solely at mothers. Thus, a mother who has been beaten, who fears for her own safety and perhaps for the safety of her children, is burdened with a new terror: that she might lose her children to child protection authorities. How and why this comes to be, as customary rather than anomalous practice in child welfare, is the focus of my thesis.

For as long as I can remember, I have been troubled by men's violence towards women. I have been directly and personally troubled by my own experience of it, and by its occurrence in the lives of my friends, family and clients. I have also been troubled, less directly and less personally, by the iconography of men's violence towards women: its appearance, casually, repetitively and banally in all forms of media and in everyday interaction and conversation. In the past, I have been troubled enough to become a

political activist seeking to end men's violence towards women and, when that work began to seem ineffectual to me, to become a social worker seeking to help individual women and groups of women who were or had been abused by men. In all of these activities I have also sought to understand the main actors in this drama, both individually and collectively: the men who beat, batter, rape, abuse and kill women; and the women who are complicit in the accomplishment of these acts: women who deny, keep silent about or minimise men's violence, repeatedly return to men who beat them, cover up for or excuse men, including sometimes men who are beating, raping or abusing their children. And I have especially sought to understand how and whether it is possible to resist this violence and the cultural acceptance of it.

Because I have been an activist, a social worker and a child protection worker, I have sought to understand men's violence towards women, and women's complicity in it, in macro political and structural analyses, through the explanatory meta-narratives of patriarchy, capitalism, colonialism and racism (to name but a few) and also in micro theories such as psychoanalytic understandings of the unconscious, the notion of the intergenerational transmission of abuse, and theories specific to the situation of women being violated by men, such as 'learned helplessness'. I have also sought to understand how it is that a hundred years of awareness of men's violence towards women, the consciousness-raising of the previous century's two waves of feminist activism, and thirty years of therapeutically 'treating' and legally intervening in the lives of both victims and victimisers, has made so little change in the nature and extent of men's violence towards women.

In all of the years that I have been concerned with the problem of men's violence towards women, I have read and heard a great deal of explanation of it, much of it attached to how this problem might be solved or at least ameliorated. I have read research that discusses why men are violent and why women tolerate men's violence, both when it is directed towards them individually and in its widespread occurrence in society. The research that I have read has encompassed both quantitative and qualitative methodologies, and has claimed to prove any number of theories: that men's violence is related to their

testosterone levels and is thus biologically determined; that the persistence of men's violence in present times is a response to men's fear of feminism; that women stay because they have 'learned helplessness' or have developed 'battered women's syndrome'; that violence between men and women is mutual and that women are equally as violent as men; and that violence in adult relationships is a direct result of experiences of abuse in childhood.

Many of these theories have also been tied to purported solutions: that acceptance of distinct gender roles based on biological difference will reduce violence; that women need psychological interventions and assertiveness training to subvert their complicity; that anger management and 'fair fighting' skills can reduce or eliminate violence in relationships. These solutions have been instituted in various ways and at different times with varying degrees of success. I would contend, though, that none of the research to date, nor the programs and policies it has engendered, has been able to make any significant contribution to reducing or eliminating men's violence towards women, which continues unabated. For example, a recent analysis of ten different studies of the prevalence of male non-sexual violence towards women indicates a consistency across time and jurisdiction: one in four women experience non-sexual violence during their lives, and 6 – 10% of women will experience this in any given year (Council of Europe, 2002, cited in Women's Aid Federation of England, 2002).

This echoes data collected by the British Crime Survey (2002, cited in Southampton Domestic Violence Forum, 2003) and by Statistics Canada (2002) that one in four women will be assaulted during her lifetime, and one in nine during any given year. These statistics also paint a clear picture of 'spousal' or 'domestic' violence as a gendered crime. The British Crime Survey (2002, cited in Southampton Domestic Violence Forum, 2003) notes that 81% of 'domestic violence' cases involve men assaulting women, 8% are women assaulting men, and 11% are same-sex partner violence. In Canada, women are victims and men are perpetrators in more than 85% of 'spousal violence' situations (Statistics Canada, 2002). While these statistics are daunting, I would also note that they are not explanatory, as they fail to account for men who, whatever

their testosterone levels or childhood experiences, are not violent; nor does it account for women who resist or refuse complicity.

Throughout the years of my experience, I have also been conscious that how we speak and write about men's violence towards women and children, what our discourse about male violence is, or ought to be, is contested terrain. In the beginning of the second wave of feminism, feminists talked about violence against women in language that left little doubt about who was being victimised and who was perpetrating the victimisation. These situations were depicted as 'men's violence against women', 'wife assault' and 'woman abuse'. But these descriptions soon gave way to different and more obscuring accounts, such as 'family violence', 'spousal assault' and 'domestic violence', that rendered it impossible to know who was being violent to whom. While I have always acknowledged that violence is occasionally perpetrated by women against men, and occurs between those of the same gender, I have also always known, as the statistics I have cited reflect, that violence that transpires in the family and in heterosexual relationships is predominantly the violence of men toward women and children. I also know this from my work as a social worker, from my activities as a feminist, and from data that I have encountered as a researcher.

Yet I am aware that speaking about men's violence *as* men's violence, or male violence, has always been difficult and problematic. As a social worker, I am aware that professional social work discourse is the discourse of 'family' or 'domestic' violence; 'family violence' is, for example, the name for a course in the faculty where I teach, even though this course is primarily concerned with treating and ameliorating the effects of men's violence towards women and children. As a feminist, I am aware that using the discourse of 'family' or 'domestic' violence is a requirement in campaigns for the funding of services for victimised women. Walker (1990) has extensively documented the imposition of this discourse in Canada. As a researcher, I am aware that men's involvement in many of the problems of women and children is rendered invisible by the language used to describe these problems. For example, whilst single motherhood has engendered a state of moral panic in both the UK and in North America, men's primary

role in creating single motherhood is rarely, if ever, noticed. Similarly, while there has been a proliferation of research about sex trade work in the last twenty years, almost none of it has to do with men as customers.

It is tempting to portray these situations as solely related to the oppressive circumstances of life in a patriarchal society. Although women numerically dominate in social work and social policy employment, men predominate in decision-making roles, as policy makers, research administrators, and funders, and could be seen as reluctant to write policy, publish research or fund programs that name men as violent. But my own experience suggests that constraints against ascribing responsibility to men are not just externally but also internally generated. In other words, my own complicity, and that of other women, in obscuring the existence of men's violence towards women and children is continuously being elicited – and rewarded. Thus, I have both participated and co-operated in failing to notice, name, and target men's violence. While some of this may be ascribed to instrumental reasons, such as my desire to get my research funded and published, I have come to believe that it is the hegemonic discourse surrounding men's violence towards women, a discourse that operates both internally and externally, which lies at the foundation of our complicity. Thus, I have set out, in this study, to describe and understand the operation of one particular piece of this discourse, both within myself and in the world.

While all of the situations that I have mentioned provide opportunities for observing how the discourse of men's violence against women and children is created, constructed and circulated in such a way as to obscure men's involvement and responsibility, I believe that the situation of children 'witnessing' their mothers being beaten, and mothers being accused of 'failing to protect' them from this witnessing, is a particularly rich site for this exploration. How does it come about that situations in which men beat mothers are transformed into situations where mothers are failing to protect their children? As someone who has worked as a child protection social worker, I am particularly interested in how my own attention in these circumstances has been focused on mothers rather than on male perpetrators. Given that violence against mothers increases, sometimes fatally,

when they attempt to leave violent male partners (Women's Aid Federation of England, 2002; Statistics Canada, 2002), I am confounded by current child protection practice, in both BC and the UK, that pushes mothers towards this action as the best or only solution. It is these considerations and conundrums that shape both my research questions and the methodology through which I endeavour to answer them.

I conducted this research at a particular historical moment in child welfare in both the UK and BC. Concern about children 'witnessing' is relatively new in both the UK and in North American child welfare practice. This concern, and the discourse in which it is framed, has been constructed and deployed at a time when child welfare work is being conducted in an atmosphere of scrutiny and surveillance, amidst a "plethora of practices of blame" (Rose, 1996, p.14). In this atmosphere, managerialism, and all its attendant procedures, forms and checklists, is coming to dominate child protection practice. In both jurisdictions, but particularly in the UK, there are calls for a movement to evidence-based practice and the development of a scientific basis for social work. Conversely, postmodernism, and its epistemological challenge to the notion of explanatory meta-narratives and singular truths have influenced social work academia. This has encouraged a movement towards the particular and local, and a recognition that 'truth' is both multiple and perspectival. In this work, I make no attempt to account for the entirety of the conflict between these two discourses, but I have been curious about how the struggle between them is enacted in policy, practice and discourse. I believe that how child welfare responds to situations in which mothers are being battered provides a particularly rich site for observing this conflict, and the material effects of it in the lives of mothers and social workers.

The structure of the thesis

In the next chapter, 'Literature review and concepts', I delineate the development of the concepts of 'children witnessing' and mothers 'failing to protect' in social work and the related disciplines that influence child welfare practice. Particular attention is paid to how the identities, roles and responsibilities of each of the main participants (mothers, children, men and child welfare itself) are constructed. In Chapter Three, 'Methodology',

I describe how I went about investigating the development and deployment of the discourse of ‘children witnessing’ and mothers ‘failing to protect’. Because I employed a relatively new methodology, feminist discourse analysis, I describe my understanding about the epistemological foundations of this methodology and how and why I have appropriated it for this project. I also provide details about the particular methods that I employed for collecting and analysing data, and provide some suggestions for how my research might be assessed.

In Chapter Four, ‘Genealogy and Context’, I begin to provide some foundation for my data analysis by locating the discourse of ‘children witnessing’ and mothers ‘failing to protect’ in the current context of child protection work in the UK and in BC. Chapter Five, ‘Data Analysis – UK’ contains my analysis of the legislation and policy documents most relevant to UK child welfare practice in situations in which men abuse mothers. In this chapter, I also analyse interviews I conducted with child protection social workers and mothers in one particular UK jurisdiction, Southampton. In Chapter Six, ‘Data Analysis – BC’, I analyse legislation and policy documents most relevant to BC child welfare practice in situations in which men abuse mothers, as well as interviews I conducted with child protection social workers and mothers in BC. My analysis in this chapter is supplemented by an analysis of the similarities and differences between the two jurisdictions, and the role of the discourse of ‘children witnessing’ and mothers ‘failing to protect’ in constructing female subjectivity.

In the final chapter, ‘Discussion and Conclusion’, I summarise my analyses of how the discourse of ‘children witnessing’ and mothers ‘failing to protect’ is constructed, enacted and deployed in child welfare. I also discuss how we might better resist this discourse through making different choices about legislation, policy, practice and language, and notice where and how it is already being resisted.

CHAPTER TWO: LITERATURE REVIEW AND CONCEPTS

Introduction

The problems of violence in the family have at one and the same time concerned and confounded social work, in both Canada and the United Kingdom, since its inception as a profession at the beginning of the last century. For much of that time, social work and social workers, while aware of the existence of this ‘private’ violence (Gordon, 1988), colluded in obscuring its existence and in constructing it as a matter unfit for the public sphere and therefore beyond the pale of social work intervention. Social work instead concerned itself with welfare work and child neglect more than it addressed itself to issues of abuse. While in both the UK and Canada awareness and prevention campaigns were undertaken by organisations concerned about cruelty to children (the National Society for the Prevention of Cruelty to Children in the UK and Children’s Aid Societies and Societies for the Prevention of Cruelty to Children in Canada), child abuse was primarily constructed as an issue involving a few abnormal individuals (Bell and Tooman, 1994).

Although some social workers were writing about child abuse in the first half of the twentieth century, and articles concerned with this began to appear in the social work literature during the 1950s, the physical abuse of children was in some ways ‘discovered’ in the 1960s through developments in x-ray technology and its ability to provide physical evidence of assaults on children. The second wave of feminism in the 1970s marked feminism’s second ‘discovery’¹ of wife assault and served to increase awareness of sexual and physical violence inside as well as outside the family. In the UK, child abuse inquiries, beginning with the inquiry into the death of Maria Colwell in 1973, heightened awareness about the position of children in situations of violence in the family (Parton and Otway, 1995). These discoveries and events elicited and continue to elicit bouts of public concern. But the initial agenda of feminism, which was to substantially reduce or

¹ During the last century’s first wave of feminism, which has largely been associated with the suffragettes, the problem of men’s violence towards women and children was for many feminists a concern of equal importance. For a longer discussion, see Jeffreys (1985).

even eradicate violence against women and children, has been elided by a number of forces. What has evolved instead is a substantial problem management industry, which alleges a concern with eliminating violence while at the same time servicing and hence maintaining it. Social work plays a central role in this industry through its dominance in child welfare and its significant role in services to poor and abused women.

Three separate and distinct spheres in both countries have in the last quarter century managed the ‘violence in the family’ problem. Since the second wave of feminism in the early 1970s brought about the advent of shelters and refuges (in the UK) and transition houses (in Canada), women have been served by voluntary and private agencies that may or may not retain some connection to their feminist roots. Children who are direct victims of violence or neglect and who are socially located in such a way that they come to the attention of child protection authorities have long been dealt with by child welfare agencies, sometimes private agencies funded by the government and sometimes directly by government workers. In the murkiness that surrounds men’s violence towards mothers, children exposed to this violence may come under the purview of child welfare authorities or they may be attended to through services specific to the children of battered mothers. A few male perpetrators are dealt with by the criminal justice system while some voluntarily seek out programs offered through state-funded agencies or the private sector. The experiences of all of those affected are differentiated on the basis of race, class and gender (Swift, 1995), and the systems in which they are caught up are uncoordinated and often in conflict with one another. For example, under the aegis of the neo-liberal economic policies that have shredded the social safety net in most Western democracies, including Canada and the UK, service providers are often in competition with one another for scarce public funding.

Despite these problems, the proliferation of services devoted to child welfare and violence against women and the seeming expansion of ‘knowledge’ in these areas provides a patina of progress. Over the last quarter century a number of theories have been proffered about why women tolerate abuse and why men perpetrate it; although structural theories are sometimes advanced, the field is dominated by psychological

explanations for both causes and consequences of violence. Women's experience is described in terms of post-traumatic stress disorder (Herman, 1992) and 'learned helplessness' (Walker, 1984, 1990); concern for children is focussed on disorders (Lehmann, 2000) and developmental delays (Holden, Geffner and Jouriles, 1998); and an array of psychological factors are alleged to account for male violence (Dutton and Golant, 1997). Services once limited to emergency shelter for victims have expanded to include group and individual counselling and self-help groups for women and perpetrators, as well as psycho-educational programs such as assertiveness training (for women) and anger management classes (for men). Although none of these developments has made any significant impact on the nature and extent of violence against women, enthusiasm for psychological interpretations and treatments continues to increase. Over the last twenty years or so, as part of our allegedly progressive response to violence against women, new targets for psychologically-informed analysis and intervention have come into view: children who witness their mothers being battered. Originally children were seen as 'unintended' victims of battering men (Rosenbaum and O'Leary, 1981), and feminists included them in the political agenda of stopping violence against women. The focus on servicing, rather than stopping, this violence has expanded to include children and, as I detail later in this chapter, a range of psychological interventions directed at 'children who witness' now exist.

Concern about 'children who witness' has spread rapidly since it first began to be mentioned in the child welfare literature in the mid-1980s. An article by Jaffe, Wilson and Wolfe (1988) charts a shift from children being seen as "unintended or indirect victims of wife assault" (p.157) to children being positioned as directly victimised as a consequence of witnessing. As I discuss in more detail later, the nature of this victimisation is alleged to be twofold: immediate serious emotional or psychological disturbance and long-term intergenerational transmission of the perpetration or acceptance of abuse. What is of particular interest as the focus for my work is the concept that has arisen in tandem with the reification of the notion of 'children witnessing': that mothers are 'failing to protect' their children from witnessing this violence, and thus are guilty of child abuse or neglect. I am also particularly curious

about how it is that the male perpetrators of violence are largely invisible in this construction. In this chapter, I review the development of these concepts, and describe how they are deployed by, for and against those caught up by them: mothers, children, male perpetrators, and child protection workers.

Mothers: trapped and responsible

The case of Cynthia D. (Miccio, 1995) provides a chilling illustration of the dilemma faced by mothers being battered. Having finally managed to extricate herself from an abusive relationship, Cynthia attempted to keep her abusive husband out of the home through the use of restraining orders, which he repeatedly violated. Police refused to arrest her husband for these violations. As part of the couple's separation agreement, the courts ordered that he have unsupervised access to their child. When her husband beat her in front of their child during a visit, Cynthia was charged with neglect by child protection services for failing to prevent her child from witnessing the beating.

Whilst this is an American example, I would suggest that it could just as easily be drawn from any jurisdiction in Canada or the UK. As is true in cases of childhood sexual assault (Carter, 1999; Krane, 2003), perpetrators disappear and mothers become the focus and the target of intervention and judgment. Stereotypes that characterise these women as weak, passive and stupid fail to credit them with fully understanding the impossibility of their situation. Caught between the abuse of their intimate partner and the institutional battering that they will receive if they become involved with the legal or child welfare system, they have no good choice to make. Should they choose to leave, they are endangering themselves and often their children, as well as often plunging their children into poverty and stigmatising themselves as single mothers. Should they choose to stay, they live with anxiety that abuse may spread to their children and the recently added fear that they might lose their children to child welfare authorities for 'failing to protect' them from witnessing their mother's abuse. The conundrum of their situation is illustrated in Hilton's (1992) finding that 'wanting to be a good mother' inspired 30% of the women in her study to stay in an abusive relationship – while the same desire prompted 55% of them to leave.

As many sources have documented, leaving does not reduce but in fact increases the danger of all types of violence to mothers and their children (Pagelow, 1992; Saltzman and Mercy, 1993). A Canadian study that reviewed Canadian, Australian and American statistics found that women are nine times as likely to be killed by their male partners than by a stranger, and that this risk increases substantially after separation (Wilson, Daly and Wright, 1993). Lees (2000, cited in Women's Aid Federation England, 2002) notes that in the UK, women are at the greatest risk of homicide after leaving a violent relationship. This finding is echoed by numerous other studies that found that women who leave relationships in which they are being battered are more likely to be murdered than women who stay (Davis and Srinivason, 1995; Mahoney, 1991). Findings from the British Crime Survey show that more than a third of assaults by violent men occur after separation (Mirrlees-Black, 1995, cited in Hester and Radford, 1996), and that 40% of all assaulted women were not living with their partner at the time of the assault (Southampton Domestic Violence Forum, 2003). Hotton's (2001) research confirms that Canadian women have a heightened risk for homicide after separation.

Research from a number of jurisdictions, including the UK, US, Canada and Australia, exploring the reasons why men kill their female partners provides a chilling correlation for these statistics: overwhelmingly, men kill women because they fear or believe that women want to leave them (Wilson, Daly and Wright, 1993). Dobash, Dobash and Medina-Ariza (2000) found that men who killed an intimate partner were ten times more likely to have been recently divorced or separated men than those who committed non-lethal violence against an intimate partner. Men who sexually and/or physically abuse their children continue this behaviour during post-separation visits and also use these visits as an opportunity to abuse the children's mothers (Hester and Radford, 1996; Peled, 2000). Every woman who reads the newspaper, listens to the radio, or watches television knows that mothers who leave or try to leave are killed, often with all their children, and, as recent Canadian cases show¹ even when they have a restraining order or are living in a

¹ Her ex-husband, against whom she had a restraining order, murdered Sherry Heron and her mother-in-law in BC in December 2003 (Abbotsford Times, December 9, 2003). Rosella Centis had a restraining order against her husband; he shot her in BC in September 2002 (<http://www.bcifv.org/resources/newsletter/2003/fall/femicide.html>).

shelter. For women on the margins, the situation may be particularly complicated, as they must contend with racism from the police and fears about immigration authorities (Bhatti-Sinclair, 1994). A Canadian study found that 88% of Aboriginal women reported being abused, and that when these women called police for help, the authorities' first response to many of them was to ask whether they had been drinking (Dumont-Smith, 1995). But, as Wilson et. al. note, these differences between women blur in the face of substantial evidence that "fatal and non-fatal violence [towards women] are cross-culturally ubiquitous outcomes of marital conflict over female autonomy" (1993, p.268).

Leaving also increases the likelihood that a mother will lose her children; as Zorza (1995) notes, fathers who batter are both more likely to fight for custody and fail to pay child support. Three separate Canadian studies (Bertoia and Drakich, 1993; Goundry, 1998; McLure and Kennedy-Richardson, 1987, all cited in BC Institute against Family Violence, 2001) note that, in contested cases, men are awarded custody in more than 70% of provincial cases and more than 90% of federal cases. Should she become engaged in a custody dispute with a battering father, being identified as a victim of battering will reflect more badly on her than on her abuser and in any case, men who pursue custody are more likely to receive it – batterers or not (Schneider, 2000). Mahoney (1991) refers to two studies, in which, respectively, 59% and 40% of violent men who applied for custody were granted it. Schneider (2000) cites several US cases in which a father's violence towards a mother was deemed irrelevant in adjudicating custody, including a number of cases where men who had killed the children's mother were awarded custody. As McMahan and Pence wonder, "[h]ow is it that a violent man's parenthood is conceptualised in terms of rights to the child, rather than as a responsibility to heal the harm done by violence" (1995, p.199)? The answer lies in the development, occurring concurrently in Canada and in the UK, of a new 'best interests of the child' standard that mandates ongoing contact with both parents in the case of marital breakdown – even when one parent (usually the father) has been violent to the other parent (usually the mother). A Women's Aid Federation England survey found that "50% of refugees...had evidence that women had been further abused after contact with their ex-partners made necessary by the [Children] Act" (Haque and Malos, 1993, cited in Hester and Radford,

1996, p.91). In the UK, only 1.3% of 2001 applications for contact orders under the *Children Act*, including many applications from men who had been violent to mothers, were refused (Women's Aid Federation England, 2002).

Women may also be reluctant to reveal that they or their children are being abused in the face of the contention of some psychiatrists and fathers' rights advocates that women who 'allege' abuse should automatically have their custody rights terminated (Gardner, 1992; Green, 1986 cited in Liss and Stahly, 1993). Mothers thus face yet another zero sum choice: they must aggressively protect their children or face losing them to child welfare authorities while simultaneously not 'alienating' children from their fathers or they will risk losing them in divorce court. Prominent father's rights advocates have developed and circulated the notion that mothers who attempt to protect their children from a former partner's violence create 'parental alienation syndrome' (Gardner, 1992). At the same time, mothers must not appear so 'aggressive' in defence of themselves and their children that they fall outside the range of female acceptability. As Hyden and McCarthy note in their discussion of judicial response to woman-battering and father-daughter incest, "an 'aggressive', 'vindictive' and 'provocative' appearance announces 'untrustworthiness' in this context; a 'depressed' and 'obviously victimized' 'female' appearance announces the opposite" (1994, p.549).

Should a mother somehow manage to depart the relationship while retaining custody of her children, she will move into a place of poverty that will increase her vulnerability to the surveillance of the child welfare system. The poverty rate for single mothers in Canada is four times and in the UK twice that of the general populace (O'Connor, Orloff and Shaver, 1999) and, as Lindsey (1991) found in his extensive survey of foster home placement, income level is the single greatest determinant of whether or not children will be taken into care. The economic consequences of separation move most single mother families from adequate housing to slum housing and from safe schools and neighbourhoods to derelict areas with higher crime rates and poorer schools. Such moves increase the likelihood that her parenting will be adjudged unsatisfactory by the white, middle-class standards of current child protection practice. Even if she is not forced into

poverty, she is vulnerable to complaints about her mothering by her former spouse, partner or boyfriend, directed to child protection authorities that are compelled, in the present climate, to investigate them. Living as we do under the cultural paradigm that the two parent, middle class, white, heterosexual family is the ideal and ‘proper’ family (Silva and Smart, 1999), her move to single motherhood also brings with it an automatic assumption that her children are more ‘at risk’ than children in ‘intact’ families. As Bilinkoff notes, the idealisation of the intact family is such that, outside of the African American community, the prohibition against discussing “a strong, confident model of female parenting is so powerful in our patriarchal culture that most mothers have no frame of reference for seeing themselves as capable of parenting alone” (1995, p.97).

Mothers who are being or have been battered often look like less than ideal mothers. They may have also abused their children; as Holden and Ritchie note, mothers are more punitive toward their children when their violent partner is at home (1991, cited in Brandon and Lewis, 1996, p.39). They may as a coping strategy for living with violence have substance abuse problems, acquired a psychiatric diagnosis and various psychoactive prescriptions, be chronically ill or injured as a result of being abused or be seen as unstable because of moving frequently to avoid the perpetrator or because they have been asked to move as a result of the perpetrator’s violence. Even in the absence of such complications there is the pervasive notion that “maternal behaviour that exposes children to harm is viewed as unthinkable, unnatural and incomprehensible” (Schneider, 2000, p.148). A mother’s failure to leave is more reviled and a more critical determinant of parental suitability than her partner’s violence. Thus, in the death of Lisa Steinberg, her mother (Hedda Nussbaum) is more despised than her father (Joel Steinberg), who not only killed Lisa but also battered Hedda so often and so brutally that she is permanently disfigured and disabled¹.

¹ In 1988, Joel killed Lisa, but at his trial and in media accounts, the focus was on Hedda as a bad mother. Feminist writer Susan Brownmiller (1989) suggested that Hedda should have been tried alongside Joel. In the US, a number of mothers have been convicted of murder or manslaughter for ‘failing to protect’ their children from being killed by the mother’s partner, even when they were absent at the time of the assault (Schneider, 2000).

Nonetheless, mothers do leave or try to leave. In reviewing the research on husband violence, Holtzworth-Munroe, Smutzler and Sandin (1997) cite several studies (Herbert, 1991; Okin, 1986; Schwartz, 1988; Strube and Barbour, 1994) indicating that most women leave or attempt to leave violent relationships. 56% of Canadian women admitted to shelters are accompanied by their children (Statistics Canada, 1999a). Mothers who obey the cultural injunction to ‘stand by their man’ do so because they hope and believe that their violent partners will change (Gondolf, 1988; Rosenfeld, 1988; Schutte, Malouff and Doyle, 1988, cited in Holtzworth-Munroe, et. al, 1997). As Humphreys (1994) points out, mothers who stay also take creative and purposeful actions to protect their children. Despite the risks, for 62% of Canadian women in a recent survey, this included contacting a social service agency for help (Statistics Canada, 1999b).

One of the many conundrums when men beat mothers is that the same judges and social workers who may take a mother’s children if she leaves will also take her children if she stays. Under the current reification of ‘children witnessing’ as the most critical problem when mothers are battered, she can lose her children for ‘failing to protect’ them from hearing, seeing, or knowing about her victimisation. At the same time, the man who batters her will find himself virtually ignored by child protection investigators while his ‘rights’ to access, visit or retain custody of the children remain inviolable. Thus, mothers at terrible risk find that their escape attempts are blocked, frustrated or subverted by those to whom they turn for help in such a way that her experience with authorities often converges with her experience with the batterer: violence is denied or minimised, or she herself is found responsible for it.

The actuality of the situation is illustrated in Neilson’s (2001)¹ review of 22 recent Canadian child protection cases that involved men battering mothers. In nine of these cases, the mother had lost custody of her children as a direct result of her failure or inability to protect them from witnessing her battering. In seven of these, her children

¹ This is the only extant UK or Canadian research that I have been able to find about child protection outcomes in situations where mothers were being battered.

were removed by judicial order based on the position of child protection authorities that she could not or would not protect her children from witnessing. In a particularly chilling illustration of systemic failure, mothers in two other cases voluntarily gave up custody of their children immediately prior to their former male partner being released from prison because they feared for their own and their children's safety. In the UK, mothers have been both imprisoned and threatened with the loss of their children through care proceedings when they refused to facilitate their children's contact with a violent ex-partner (Women's Aid Federation England, 2002). We must wonder, when considering these outcomes, how it can be acceptable for a mother to be asked to make such decisions.

Children: front-and-centre as 'witnesses'

I want to set the arc of our current understanding of 'children witnessing' by briefly reiterating the history of our understanding of violence against women. The fact of woman battering can be inferred from the existence of laws, from biblical times until the late nineteenth century, which gave explicit permission to men to chasten their wives. Battering as matter of concern to women makes a covert appearance during the temperance movement, when it was alluded to as a consequence of drink. In the first wave of feminism, feminists allied women's need for emancipation to their experiences of being battered (Gordon, 1988; Jeffreys, 1985), but courts and other institutional structures continued to support a conception of married women (and their children) as chattels, and direct discussion of men's violence disappeared – though it continued to exist on police blotters, as 'domestic disturbances', and in various professional offices, as 'marital problems' or the problem of women's 'masochism'.

It was not until the second wave of feminism, in the 1970s, that concerns about 'wife beating' and 'woman abuse' reappeared. Second-wave feminists took more direct action than their predecessors, defining violence against women as a political problem and demanding a political solution, and creating shelters (in the UK) and transition houses (in the US and Canada) where women who had been battered could find refuge. Arising in tandem with this political analysis was a psychological interpretation of wife assault,

which both de-gendered it [hence, ‘family violence’, ‘domestic violence’ ‘intimate violence’ and the allegation that women are as violent as men that was popularised by Strauss et. al. (1980)], de-politicized it, ascribing its existence to an ‘intergenerational transmission of violence’, and held women responsible for its occurrence, as in ‘women who love too much’ (Norwood, 1986). In the late twentieth and early twenty-first century, it is psychological explanations that have held sway, and it is from these psychological interpretations that a concern with children witnessing violence has been constructed and pushed to centre stage. In this regard, it is salutary to notice that the most recent book length publications devoted to the subject of children witnessing (Jaffe, Baker and Cunningham, 2003; Geffner, Jaffe and Suderman, 2000), have an overwhelmingly clinical orientation that firmly sets this phenomenon in the context of pathology and the intergenerational transmission of abuse, and its resolution in the context of therapy and treatment programs. Except, notably, in a chapter by Echlin and Osthoff, it does not set men’s violence towards mothers in the context of any larger analysis such as cultural concepts of masculinity nor does it even appear to notice the context of current gender relations.

There is no question that children do both regularly and frequently, witness their mothers being beaten. McGee (1997, p.15) cites three recent UK studies of child protection referrals involving mother battering that found prevalence rates ranging from 27% (Gibbons et.al., 1995), to 46% (Brandon and Lewis, 1996), to 59% (Farmer and Owen, 1995). Mullender and Morley (1994) offer higher figures, citing percentages of children who had witnessed violence in a relationship as high as 90% in Hughes (1992), 73% in Abrahams (1994), and 85% in Tayside Women and Violence Group (1994). Fifty-five percent of the mothers in Hilton’s (1992) Canadian research reported that their children had directly witnessed the violence to which their mothers had been subjected, and 70% had witnessed either the violence or its after-effects. Jaffe et.al. (1990), who worked directly with Canadian children, found that the “majority could describe in detail assaults their parents were unaware that they had witnessed” (p.20). Findlater and Kelly (1999) cite research indicating that domestic violence, as they term it, is present in at least one-third of child protection investigations.

The widely accepted idea that children are harmed by witnessing their mothers being battered, and that this harm is so deleterious that they must be removed from their mothers' care because she has 'failed to protect' them from it, rests on a much more precarious foundation. As Stanley (1997, p.137) notes,

Research studies seeking to establish the extent to which the effects of witnessing domestic violence can be classified as abuse tend to encounter difficulties in isolating the effects of being exposed to domestic violence from the disturbed behaviour generated by other forms of abuse and neglect in families.

Undeterred by such considerations, researchers such as Rossman and Rosenberg are unequivocal in their analysis: "children exposed to interparental violence should be viewed as victims of psychological maltreatment" (1997, p.245). Similarly, Eisikovits, Winstock and Enosh both insist that children's development is impaired by experiencing interparental¹ violence and acknowledge that the data "is by no means conclusive" (1998, p.548).

Fantuzzo and Lindquist's comprehensive 1989 review of twenty-nine studies that purported to deal directly with the effects of 'family violence' on children discovered a number of problems with these research efforts. While more than half of the empirical studies assessed asserted that they used control groups for comparison, *not one* of the studies matched violent and control groups on demographic variables. As "[m]ost of the families in the studies reviewed had high unemployment rates, poverty level incomes and severe stressors associated with basic survival needs" (Fantuzzo and Lindquist, 1989, p.89), demographic variables are clearly vitally important factors in drawing either causal or correlational conclusions about why children were behaving the way they were behaving. Further, only one study included behavioural observations of children; all other information about children's behaviour was based on retrospective reports from mothers, social workers and shelter staff, none of whom could be said to be unbiased observers. A full three-fourths of the research reports either did not ask or did not report whether the children themselves had been victims of abuse or neglect, and nearly all of

the research was about children who were resident in shelters for battered women – children who were out of their usual home and community, in all likelihood crowded together in an understaffed and under-resourced facility – children who for those reasons alone might be expected to display some disturbed behaviours. As Holtzworth-Munroe et. al. (1997, p. 203) note:

Marital violence is often found in combination with other stressors, such as shelter residency, parental divorce, parent-child aggression, parental psychopathology, social isolation and low socio-economic status. Researchers have rarely factored out these stressors to assess the unique variance of marital violence.

Fantuzzo and Lindquist's observation that social workers and shelter workers "called attention to the symptoms that they observed in children of violent homes" (1989, p.78) must be explored, for it contains within it the ideological construction underpinning the current obsession with children witnessing. First of all, it is worth inquiring whose attention the workers were hoping to attract. As the studies reviewed by Fantuzzo and Lindquist reveal, and as Hilton (1992) noted in her study, mothers who are being battered are close observers of their children's behaviour, and are already concerned. The second noun in the sentence, "symptoms", suggests that workers want the attention of those with some diagnostic bent, and as the symptoms are behavioural, those diagnosticians are likely to be psychiatrists and/or psychologists. Later on the same page Fantuzzo and Lindquist reveal their agenda. After referring to "the intergenerational cycle of violence", they go on to say (1989, p.78),

In order to develop an effective prevention strategy, we need to know which factors in the environment or specific child characteristics are related to a child's vulnerability to deleterious effects of witnessing violence, and how to prevent this harm.

The intergenerational cycle of violence theory, which Fantuzzo and Lindquist and many other writers position as a 'given', is unproved, deeply problematic, and entrenches a psychological rather than a social or political analysis of mother battering. This theory, which has a substantial role in the current construction of child welfare practice, alleges

¹ In a footnote about their use of the term 'interparental violence', Eisikovits et.al. state that while they use this term, it is not their intention to "strip intimate violence of its gendered context...the term should be interpreted as violence of fathers against mothers" (1998, p.548n).

that children abused or witnessing abuse as children are more likely than non-abused and non-witnessing children to be abusive as adults, either to their children or, if they are women, to be abused and, if they are men, to be violent. Holtzworth-Munroe et. al. (1997), in their review of fourteen studies which purport to prove a link between violence in a woman's family of origin and her being abused as an adult, found that these studies produced mixed and inconclusive results. Stark and Flitcraft (1996) also reviewed the literature on the intergenerational transmission of abuse and found design problems, such as a failure to use non-clinical populations, with all but one of the studies. That study (Spatz-Widom, 1989, cited in (Stark and Flitcraft, 1996), found that abused children were only slightly more likely (29% vs. 21%) than a control group to have been arrested for violence as adults, and that 71% of adults abused as children were not currently violent. Similarly, Strauss et. al. (1980, cited in Stark and Flitcraft, 1996) found that 90% of men raised in 'violent homes' and 80% of men from 'most violent homes' did *not* perpetrate violence against their adult partners. Saunders (1994) notes Bowker, Arbitell and McFerron's research, which found that men's violence towards their wives was more crucially related to having been abused by their own fathers than to having witnessed their mothers being abused (1988, cited p. 53). Finally, a review of several studies purporting to directly measure the intergenerational transmission of abuse found 'transmission' rates hovered between 25 – 33% (Kaufman and Ziegler, 1987), perhaps an associational but not a causal or even a correlational relationship.

Nonetheless, 'children witnessing' and 'intergenerational transmission of abuse' are reified concepts that currently dominate child protection practice, policy and discourse. It is noteworthy that in Fantuzzo and Lindquist's construction, as with most other accounts of 'children witnessing', the perpetrator of the violence has been neatly disappeared, as has his primary victim; the violence itself has become a 'factor in the environment'; and the 'harm' that has been done when a man assaults his intimate partner has been reduced to an inferred psychological harm taking place within the mind of a child who may in any case be 'vulnerable' because of certain innate or situational characteristics. Three types of harm are allegedly related to witnessing: internalised symptoms (e.g. withdrawal, somatic complaints); externalised symptoms (e.g. aggressive behaviour, cruelty to animals) and

developmental delays (e.g. social competence, school performance) (Jaffe, Wolfe and Wilson, 1990). Brandon and Lewis, in a more recent review of three studies (Cleaver and Freeman, 1995; Farmer and Owen, 1995; Thorburn et.al., 1995) that purport to find that children are significantly harmed by witnessing abuse, suggest that poor outcomes for these children have more to do with growing up in “a hostile atmosphere...low on warmth and high on criticism” (1996, p.35). They note that the authors of these studies themselves admit that they are studying ‘multiply disadvantaged’ children but have not attempted to measure the influence of these other disadvantages. Magen (1999) notes that many children, including children who witness television violence and children who live in violent communities, show the same ‘symptoms’ as children who witness domestic violence. He also draws attention to the fact that fully half of the child subjects in various research studies are not measurably affected by witnessing abuse (Magen, 1999). Further, as Hilton (1992) points out, issues related to children are often a site of marital conflict, and when such conflict escalates into mother battering it may be that children hold themselves responsible for the violence. Another recent literature review (Kolbo, Blakely and Engleman, 1996) reports that recent research into the deleterious effects of children witnessing is less equivocal, but the authors fail to take up the information that a significant number of correlational studies continue to find no significant differences between witnesses and comparison groups. The authors make no mention of the fact that all of the child witnesses were drawn from shelter or treatment centre populations, or that many were also victims of physical and/or sexual abuse.

What I want to complicate here is the foundation on which the concepts of ‘children witnessing’ and ‘failure to protect’ rest: that children are hurt by witnessing the abuse of their mothers, rather than by, for example, the nature of the response or lack of response to the violence, or by an entirely other set of factors. That the problems of children who witness their mothers being battered are related to the witnessing itself is entirely speculative, as research has failed to define or even address what factors contribute to child witnesses developing or not developing problems. As Kelly (1998) suggests, child protection policy in this area has been made in the absence of understanding the complexities of children’s contact with violence or their experience of it. The primarily

psychological explanations that are offered for children's 'disturbed' behaviour ignore contextual factors that also deeply affect children's well being, such as racism, poverty and inadequate housing. By making the witnessing of abuse, rather than the violations themselves the focus of concern, we notice the mothers who 'allow' the witnessing rather than the fathers, stepfathers and boyfriends who perpetrate the violence, and thus mothers become the sole target of child welfare intervention. At the same time, the focus on psychological trauma directs us to psychological or psychiatric treatments for children, and the most necessary and pressing intervention, stopping the violence, somehow disappears.

Men: missing in action

Men who assault mothers are virtually invisible in child welfare practice, policy and discourse. Though their absence is so thorough and profound that it seems a conjuring trick, I contend, and will demonstrate, that this 'trick' is an example of the discourse at work. Through the operation of language, power and institutional practices, the 'reality' of men beating mothers is transformed into the 'reality' of mothers failing to protect. Violence against mothers becomes not only a victimless crime, as mother is de-centred in favour of her witnessing children, but also a crime without a perpetrator. The description most commonly used to refer to situations in which a mother is battered by her partner, 'domestic violence', language both perpetrator and victim out of the event entirely. Our attention is directed to the location of the violence and drawn away from who is enacting it and who is experiencing it¹. Another popular term, 'family violence', partially locates the violence while remaining neutral and non-specific about who is doing what to whom. Hyden and McCarthy have termed the use of such neutral terms related to men's violence to women and children the "rhetoric of exculpation" (1994, p.555). Based in part on their ideas, I suggest that the characteristics of such rhetoric include language that suggests or implies a mutuality of participation and responsibility, and descriptions that minimise or obscure the nature and extent of the violent acts.

¹ I have heard feminists, in an attempt to point out the absurdity of this language, suggest that 'domestic violence' most accurately describes situations in which houses beat up women.

The importance and power of language choices in situations where women and mothers are being assaulted can be deciphered from the fact that most writers and researchers offer a rationale for their use of the ‘rhetoric of exculpation’. I have already noted Eisikovits et.al.’s rationale for using ‘interparental violence’. Magen, Conroy and Del Tufo explain, “[w]e use the term domestic violence rather than the more awkward ‘woman abuse’ or the less precise term ‘family violence’” (2000, p.252n), without specifying why ‘woman abuse’ is awkward, and to whom, or how it can be that ‘domestic violence’ is somehow more precise than ‘family violence’. McGee first critiques the term ‘domestic violence’ and then acquiesces to its use, stating that “[d]ue to its popularity and because of its convenience, domestic violence is the term that will be used” (1997, p.14-15), albeit without considering the reasons for its ‘popularity’, without addressing the question of who it is ‘convenient’ for, and without explaining why convenience is to be valued here. Maynard’s (1985) position is particularly confounding. Her chapter ‘The response of social workers to domestic violence’, in which she uses the language of ‘domestic violence’ throughout, concludes by pointing out that “the term wife beating emphasises the fact that it is the husband who is likely to be the aggressor and his wife the victim” (p.141). In her introduction to an edited collection of pieces about violence against women, Pahl points out the absurdity of current language choices by discussing whether it is more accurate to use the term ‘battered wives’ or ‘battered women’. “What is more significant is that we use the term ‘battered wives’ rather than ‘violent husbands’. It is rather as though the problem of international terrorists hijacking aeroplanes was described as ‘the problem of the hostages’” (Pahl, 1985, p.5).

As I explore in greater depth in my genealogical analysis, there are many historical, cultural and social reasons why we have arrived at the particular construction of reality that is reflected by ‘domestic violence’. I would like to make reference here to what I believe to be the most simple and most pervasive of these reasons: that there is a prohibition, in the UK and in Canada, and also in most of the world, against noticing or naming violence as a gendered event. I am not meaning or implying here that women are not sometimes also violent, and that there may therefore be some good reasons for a lack of specificity in discussions of intimate violence. As I have noted, while most violence in

the home is that of men directed at women, women are also violent, occasionally to their male partners and sometimes to their children. Further, there are instances of same-sex violence in gay and lesbian relationships. The essentialism of many feminist discussions of violence against women, which has posited violence against women as solely related to gender, has been justifiably criticised for rendering invisible important matters of class and race that make violence and how it is taken up deeply complex. Putting these considerations aside for the moment, I am suggesting that we (researchers and theoreticians) use obscure language for the simplest of reasons: we are cognizant that there are consequences if we do not. Like any woman who ‘notices’ that most violence is initiated and enacted by men, whether it is the massive violence of war and repression, or the individual and intimate violence of rape, assault and murder, I am aware that there are failing to follow the policy of non-attribution can be dangerous.

These consequences may be personal and social, as we risk angering or hurting the men in our lives (which may bring its own set of effects), or they may be professional, as plain speaking can result in employment or tenure or publication denied. Bart (1996) and Lewis (1993) were both vilified for teaching about male violence against women, *as* male violence, at their respective universities; Bart lost her professorship as a result. Right-of-centre media champions anti-feminist commentators such as Pizzey and Phillips in the UK and LaFramboise in Canada as reasonable, while maligning the opinions of women who identify as feminist. Canadian women also understand, especially since the Montreal massacre¹ that even being mistaken for a feminist can have fatal results. In the culture of violence against women in which we live, women are well versed in their responsibility for provoking the violence that is directed at them and understand, through their socialisation, a number of strategies which will allegedly protect them from inciting this violence. Like most women, feminist writers and researchers understand that naming men’s violence is forbidden, and are thus inclined to obscurity in order to avoid retribution.

¹ On December 6, 1989, at the University of Montreal, fourteen women engineering students were shot and killed by a lone gunman. According to those who survived (he offered all the men present the opportunity to leave the room, and they did), the killer stated he intended to kill the women because they were

Attempts to gender intimate violence are routinely discredited by citing research which relies on the Conflict Tactics Scale, popularised by Strauss (1979), to ‘prove’ that wives are as violent as husbands, and men victimized as much as women. The use of the Conflict Tactics Scale (CTS) to measure the nature and extent of violence against women has been rebutted by a number of researchers (see, for extensive discussion, Dobash, Dobash, Wilson and Daly, 1992; Johnson, 1998; Tutty, 1999). Some of the recurrent criticisms of using the CTS include:

- the CTS excludes crucial details about the motives, intentions and consequences of violence
- the CTS fails to take into account empirical evidence of men’s tendency to minimise and deflect responsibility for their violence, such as that men underreport their own violence; men use more ‘violent’ and more repetitive violence; and that women’s ‘violence’ is primarily self-defensive in nature
- the specially-focused surveys that have resulted in findings that violence is not gendered have put this violence in the context that it is a way of resolving differences, thus ignoring violence that occurs outside of this context and ignoring that “there is substantial evidence that many acts of aggression by men are not precipitated by conflict” (Johnson, 1998, p.28)
- CTS advocates cannot account for the variance between results obtained in targeted surveys using the CTS and crime survey statistics. For example, Grandin and Lupri’s 1997 (cited in Tutty, 1999, p.12) study purports to show that women are as violent as men. But 1996 Canadian crime survey statistics indicate that 89% of the victims of reported partner assaults were women (Pottie, Bunge and Levett, 1998, cited in Tutty, 1999, p.12)

Nonetheless, the existence of gender symmetry in intimate violence continues to be presented as fact, and those who suggest that the reality is otherwise risk being accused of a range of crimes that extend from bias to man-hating and femi-nazism.

In this context, it is not surprising that the language of key child protection legislation in the jurisdictions under consideration (The Children Act 1989 (England and Wales), British Columbia Child, Family and Community Service Act 1996) is carefully neutral, and implies, as a guideline for practice, that those who intervene in children’s lives on behalf of the state ought to engage with parents without making distinctions on the basis of gender. Such careful rhetoric denies by implication the actuality that child welfare

feminists. “But we’re not feminists”, one of the young women protested. Nonetheless, he murdered them all. Malette L and Chalouh M (1991) describe the massacre and subsequent media coverage in detail.

practice in cases where men batter mothers, as documented by many researchers, is preoccupied with women and ignores men. As Stark and Flitcraft note, “men have remained invisible in the [child welfare] system and mothers are held responsible for child abuse even when the mother and child are being battered by an identifiable man” (1996, p.81). As substantiation for this assertion, Stark and Flitcraft (1996) point out that they could not find a single article in the child abuse literature that specifically discussed male abusers of children or male perpetrators of violence against mothers. In common with other professionals working with violence against women, “social work has focused on women and their reactions to violence, rather than on the violent behaviour of men” (Orme, Dominelli and Mullender, 1996, p.90). I would suggest that this focus derives in part from violence against women being simultaneously “socially promoted and socially prohibited actions” (Hyden and McCarthy, 1994) in both UK and Canadian culture. While law and public policy formally forbid violence against women, cultural life and everyday social practices normalise its existence and women’s primary responsibility for its occurrence. Thus, the central question when men beat women is persistently posed as ‘why does she stay?’ rather than ‘why does he hit her?’

Having extensively reviewed the literature, Daniel and Taylor (1999, p.210) note that:

The most striking issue that emerges repeatedly in the literature is that men in general, and fathers in particular, are not being engaged with purposefully, either as potential risks (to the mother or child) or as potential assets. The corollary to this finding is that the focus of intervention remains squarely on mothers.

This suggests an odd conceptualisation of fatherhood, in which a man’s violence to a child’s mother can somehow be seen as irrelevant or of little import in his relationship with the child. But it is more curious that men, given the extensive documentation of their violence and the daily appearance in the media of new instances of it, are also not grappled with as risks.

Having reviewed several studies, Peled (2000) consistently found that more abusive men than abused mothers also abused their children. Saunders (1994) cites evidence from several researchers that men who batter are more likely to physically abuse children than

the mothers who are being battered. Zorza (1995) reported that more than half of men who assaulted mothers also abused their children. Bowker et. al.'s large American survey (cited in Stanley, 1997) found that 70% of battered mothers reported that the perpetrator had also physically abused their children. Stark and Flitcraft believe that we must de-centre women as the primary abusers of children, suggesting that violent men are primarily responsible for child injury, and citing "a study of hospital and medical examiners' records [which] indicates that men bear the overwhelming responsibility for serious child abuse and fatality" (1996, p.75). Whether or not Stark and Flitcraft's assertion could be proven would depend on research that correlated rates of abuse with time spent caring for children, and this research does not yet exist. The studies I have cited imply that the incidence of women abusing their children may have much more to do with their role as primary caretaker than it does with their inclination to abuse their children.

Some writers have suggested that a man who batters a child's mother has by definition already committed an abusive act; as Saunders points out, "[t]he father who batters is at risk for emotionally traumatising the children because he already has a history of doing so" (1994, p.52). Peled (2000) suggests that all men who batter mothers can be defined as psychologically abusive to children because they are assaulting the child's primary caregiver. Although she uses the neutral language of 'parents' rather than 'fathers', it is also important to note Neilson's (2001) summary of research from several sources indicating that 30 to 50% of parents (men) who abuse partners (mothers) prior to separation transfer those abusive behaviours to children after separation. But men's violence or potential for violence is consistently erased in favour of another target: the failure of mothers to protect their children from exposure to violence. In my research, I detail how and speculate as to why this happens.

As a cornerstone of current child welfare practice and policy, I consider the idea of 'failure to protect' in more detail later, but I want to mention it here in relation to men's invisibility. The concept, in and of itself, rivets our attention on mothers' behaviour and away from abusers' actions. Thus, it erases any responsibility for the perpetrator of

violence to end the violence and/or heal the harm that has been done by it and places those responsibilities on the shoulders of the victims. In so doing it contrives to hold mothers responsible for the violence that is done to them. But it also serves another more important function. “Blaming the mother avoids the necessity of examining the ways in which the courts, police and public unwillingness to address the issue of violence within the home contributes to the ongoing empowerment of the abuser” (Jacobs, 1998, cited in Neilson, 2001, n.p.).

Finally, it is important to avoid making battering men visible only as potential assets or parents before we are willing to accurately assess the risk they pose to both children and children’s mothers. Phares and Compas (1992) point out that fathers, violent or not, are dramatically underrepresented in research into the antecedents of child and adolescent psychopathology, in sharp contrast to a wealth of studies casting mothers as the source of a wide array of children’s psychological problems. Given this context, perhaps it is not surprising that the bureaucracy and the workers charged with protecting children routinely avoid noticing or engaging with violent men. How and why this occurs is the focus of the final section of this chapter.

Child welfare: aiding and abetting violence against women

If we are to judge from the number of expert texts, most of them written by white, middle or upper-class European or American men, instructing women in the correct way to be mothers, and if we were to add to that the number of texts that implicate mothers as responsible for who children become, a few observations are possible. One might be that mothering is a difficult and complex task. Another might be that women are resistant to cultural injunctions about how to perform their duties: how else to explain the necessity of constantly and repeatedly teaching them how to perform? We might also deduce, from a cursory review of the most popular authors (Bowlby, 1969; Spock, 1957; Stern, 1985), that men are the real ‘experts’ on mothering. For women who, by reason of their race and class, may be especially vulnerable to child welfare intervention, their ability and willingness or inability and unwillingness to be guided leaves them open to a number of serious consequences, ranging from the supervision of their mothering by those who are

not like them to the loss of their children if their failure to meet these constructed standards is especially severe. Attempting to interpret the advice of the mothering experts is also made more complicated by its contradictory and changing nature.

Change and contradiction are significant features of the expectations facing mothers who are being assaulted. A historical review of social work practice in wife beating cases from 1880-1960 found that throughout this era women were encouraged to stay with the men who assaulted them and who sometimes beat their children (Gordon, 1988). Gordon's history reveals some other commonalities of child welfare practice that sound eerily familiar more than forty years later:

- workers tried to avoid wife beating cases
- women were blamed for causing the violence
- gender neutral euphemisms were used to describe abuse

Battered mothers who are now being pressured by child welfare workers to leave abusive men were, as recently as a decade ago, equally pressured to stay – the basis of the argument being, in both instances, that it is necessary for mothers to do this 'for the good of the children'. Maynard's 1985 UK study (cited in Stanley, 1997), with its reports of child protection workers telling abused women that 'the only good family is an intact family', is echoed in Farmer and Owen's (1995) review of UK child protection files from 1989/90, which found workers still recording these and similar sentiments. Reviewing UK child welfare case records and interviewing UK social workers during 1994/95, Humphreys (1999) found that workers consistently minimised or ignored violence, and when they did refer to it used gender-neutral and minimising language. Two-thirds of the mothers in Humphreys' (1999) research had either had their children taken into care or had been threatened with this action and Black and Asian women had particularly suffered in this regard.

Given that the dominant responses to mother battering by child welfare for more than a hundred years have been avoidance and minimisation, it is important to note that the very recent practice and policy swing towards confrontation still has embedded within it many of these same elements. Current intervention strategies, which can include the removal

of children on the basis that mother is ‘failing to protect’ them from witnessing her abuse, confront the victim but ignore her abuser. Thus the continuing orthodoxy of child welfare practice places mother squarely at the centre of the system’s (and the individual worker’s) attention while the perpetrator is generally avoided and his role, whether as aggressor or potential parent, is played down. In Mills’ (2000) work with American child protection workers being trained to work with mother battering, she found that they not only consistently viewed mother as the primary caregiver but also judged her more harshly than her violent partner.

As noted before, the concept of ‘failure to protect’ directs our attention away from the abuser’s violence and on to mothers’ behaviour. It essentially transforms a woman’s experience of being battered into one of causing her children harm. As Magen points out, it implies “that not only should a battered woman take action to stop the battering, but that this action should be successful” (1999, p.132). Moreover, ‘failure to protect’ is based on some erroneous and dangerous assumptions:

- a mother has (some) control over the perpetrator’s violence, i.e. the mother *could* protect the child.
- leaving will put an end to the violence. As noted previously, violence often escalates when women attempt to leave.
- witnessing violence is so harmful to children that mothers should risk their lives, and the lives of their children, to prevent it.
- leaving is the mother’s responsibility. In the UK and in some Canadian jurisdictions, abusers can be legally compelled to vacate the home but are rarely forced to do so¹.
- leaving is an option. If a mother wanted or needed help, it would be readily available and freely given by the legal and social services systems.
- women and children must leave in order to be safe.
- a mother who fails to protect her child from harm is responsible for that harm even if she made efforts to prevent it.

‘Failure to protect’ also implies that mothers are not concerned about the violence that they are subjected to, and that their children witness, until the state intervenes. In fact, most mothers who are being battered take a variety of actions designed to stop the abuse,

¹ A recent news item accompanying the introduction of the Domestic Violence Prevention Act in BC, which allows police to remove perpetrators from the home, noted that the Act failed to address how the

often seeking help from a variety of sources (Magen, 1999). Further, “*failure* implies circumstances that are controllable, that is, the opportunity was available to *not fail*” (Magen, 1999, p.128, italics in original).

Still, how it is that a mother who is being battered becomes the target of child welfare intervention rather than a recipient of support and resources is a conundrum, and a matter worthy of some investigation. As a number of writers have suggested, there is no question that mothers present a ‘softer’, more available (by reason of being in the home with the children) and more malleable (because they are afraid of losing their children) target for intervention (Mullender, 1996; O’Hagan and Dillenburg, 1995; Peled, 2000; Stanley, 1997). Social workers also participate in the common cultural practice of conflating parenting with mothering. But this conflation is curiously unidirectional: mother as the primary caregiver is the target of almost all intervention, yet fails to be offered the supports and protection that she, as primary caregiver, needs.

Finally, it is important to note that social workers are justifiably afraid of perpetrators. These are men who have shown a propensity to respond with violence when challenged or angered, men with a history of violence towards women. It should come as no surprise that social workers (the majority of whom are women) are hesitant to take them to task, but it is distressing that workers expect this of mothers when they, with the entire power of the state behind them, avoid these men. Abused women are left to regulate the actions of their abusive partners because others who have the power to intervene with these men (police, prosecutors, child protection workers) fail to do so.

The avoidance of men who batter has been well documented. The first level of avoidance is the failure to ask about the existence, frequency, duration and intensity of battering. Sletner (1992, cited in McMahon and Pence, 1995), found that almost half of American child protection social workers working with abused women failed to ask about the abuse. A pilot American project found that even when workers received extensive

perpetrator would be kept out of the home once the police left (*Victoria (BC) Times-Colonist*, January 20, 2000, p. A10).

training in how to ask questions about battering, had consultation available, and were encouraged to screen for battering, most failed to do so (Magen, Conroy and Del Tufo, 2000). On the other side of the equation, mothers are justifiably afraid of disclosing that they are being battered: a 1994 NCB Action for Children (UK) survey found that 70% would not admit to being abused out of fear that they would lose their children (cited in Stanley, 1997) while a study by Abrahams (1994) cites a figure of 75%. Perpetrators may also exploit women's fear of child welfare authorities to stop women from reporting the abuse or seeking help. Women who do acknowledge being battered frequently encounter less than helpful responses. The 270 Canadian women victims who anonymously participated in Hamilton and Coates (1993) study reported a variety of unhelpful responses from professionals: criticism for staying in the relationship; suggestions that the couple get counselling together; or collusion with their own minimisation of the abuse.

O'Hagan and Dillenburger (1995), in their description of the abuse of women within child welfare work in the UK, outline some common avoidance practices of workers intervening in mother battering:

- mother is questioned (about the alleged witnessing) but the perpetrator is not;
- workers visit the home when the perpetrator is absent or avoid meaningful contact with him;
- even if the perpetrator is present, questions are directed only at mother;
- protection or supervision orders fail to name the perpetrator;
- perpetrator is not invited to appointments or conferences;
- the abuser is either not required to be present in court or his absence is regarded as less serious;
- when children are placed in alternate care, contact arrangements may facilitate only mother-child contact;
- abusers are ignored in rehabilitation planning (for example, mothers may be required to attend a parenting course but no similar request will be made of the perpetrator).

Alternatively, workers themselves face two bad choices. If they decide to remove the children, they will not only be (re)victimising mother, but they may also be providing more reason for the abuser to batter while taking away incentive for mother to protect herself. If they leave the children and the children are subsequently victimised, as has happened in a number of highly publicised UK cases, then as workers they will be judged

guilty of ‘failure to protect’. In their discussion of risk, Hollis and Howe graphically describe the situation of child protection workers (1987, cited in MacDonald and MacDonald, 1999, p.23):

Think of her [the worker] as deciding in which of two categories the child belongs. Category A comprises children so much at risk that they should all be removed to a place of safety; Category B comprises those who will be safe if left at home. The child’s death proves that it belongs in Category A. Must she not have been incompetent in assigning it to Category B?

In the absence of effective and co-ordinated community responses to battering, whatever information workers do gather about the nature and extent of violence, they know that, even in jurisdictions with a mandatory arrest policy, it is often difficult to get either police or prosecutors to act on it. In the first five months of 2001, 57% of domestic violence charges before Magistrate’s court in Southampton were withdrawn before proceeding to trial (Study for Chief Officers Group August 2002, cited in Southampton Domestic Violence Forum, 2003). Although most recent child welfare legislation, regardless of jurisdiction, talks of ‘parents’ rather than ‘mothers’, and defines the witnessing of intimate violence as child maltreatment, both legislation and policy fail to provide any adequate framework for intervention in these situations. Further, as McMahon and Pence (1995), suggest, neutral and bureaucratised conceptions of battering serve to mask the power dynamics in violent families. Policies that name and confront violence, such as those in Northern Ireland and in Massachusetts (US), which emphasise ensuring the safety of the victim and her children while simultaneously encouraging ‘vigorous’ confrontation of the perpetrator’s behaviour, are rare (Northern Ireland Department of Health and Social Services, 1995; Findlater and Kelly, 1999).

Part of this arises out of the changing nature of child welfare practice, where two important shifts are coinciding to further complicate an already challenging area of practice. Under the influence of neo-liberal ideologies, governments have over the last decade consistently reduced and withdrawn funds for support and prevention programs in child welfare. In the UK, both lone parent benefits and out-of-hours services, which are often used by mothers fleeing violence, have been reduced (Women’s Aid Federation

England, 2003). In BC in 2002, legal aid was cut by 40%, welfare benefits to single parents were substantially reduced, and core funding for women's centres has been eliminated (BC Institute against Family Violence, 2003). Faced with overwhelming demands, the criteria for use of support programs have changed so that only families and children with the most severe problems can access them. At the same time, child welfare practice and social work in general have become increasingly preoccupied with assessing and managing risk (Krane and Davis, 2000; Rose, 1996), creating a practice environment in which avoiding a bad outcome is not only the first priority but also more and more often the only priority. Practice is thus increasingly bureaucratized, weighed down under mandatory forms and assessments, as well as layers of scrutiny and review designed to avoid liability. 'Child welfare' has narrowed into 'child protection', and when the only way in to services and support is through the door of protection, judgement becomes an inevitable corollary to support.

While some theorists have suggested that the statutory nature of child protection work is essentially incompatible with *any* anti-oppressive or empowerment based practice (Wise, 1991), it is clear that such attempts in cases of men battering mothers are complicated by a number of factors. Anti-oppressive and empowerment based practice models rest on the belief that clients have the capacity to make their own choices, and are entitled to support for these choices, but there is little in social work training that prepares workers for supporting women who choose to stay with their abusers. Also, some of the survival strategies adopted by mothers who are being battered, such as drug and alcohol use, not only lead to their being perceived as "bad victims", but can be too easily named as the primary problem by workers reluctant to directly name or confront men's violence towards mothers. Further, even workers who believe themselves to be culturally sensitive often have an inadequate appreciation for how undesirable life outside the structures of marriage, family or community is for Asian [or Aboriginal] women (Bhatti-Sinclair, 1994). Yoshihama, discussing Japanese families, notes that "[a] mother's cultural interpretation of what is in the best interest of the child may clash with that of a child protective agency" (2000, p.222). It is also important to notice that the expectation that women protect their children has increasingly been translated, in current child

protection practice, into an assumption that the only adequate or acceptable way to achieve this is for mothers to leave. Mothers who are being battered are thus placed in a situation of quadruple jeopardy, where they must somehow, simultaneously, protect their children, appease the child protection system, placate a violent partner and cope with their own experience of abuse.

The emergence of ‘failure to protect’ as a category of child maltreatment and its use as a rationale for interventions focused on mothers who are being battered not only supports but codifies avoiding violent men. Workers in most jurisdictions are usually untrained in such interventions, and therefore lack the skills, knowledge and confidence to engage with these men. As Peled points out, “very little information is available on parenting work with violent men” (2000, p.32). Humphreys’ (1995) review of mother battering cases found that strategies directed at the perpetrator were either non-existent or ineffective. McMahon and Pence (1995) offer a constructivist perspective, suggesting that because men are constructed as having rights (to stay in *his* house, to have access to *his* children) and women are constructed as having responsibilities (emotional and physical caretaking of men and children), child protection workers are hesitant to infringe on men’s ‘rights’ but quick to expect women to fulfil their ‘responsibilities’. As Smart and Neale (1999, p.167) note, “A free-floating concept of rights which has no commensurate presumption about responsibilities or quality of fathering merely seems to enhance gendered power without accountability”.

A number of writers have called for changes in child welfare policy and practice in cases where mothers are being battered. Stanley insists that “if social workers are to confront the problem of domestic violence and its relation to child abuse in their practice they will have to tackle this problem of ‘invisible men’” (1997, p.141). Mullender believes that “social workers need to learn how to accord [men’s violence] more weight and how to confront it actively and safely, so as to work for the protection of children and women with due regard for their views” (1996, p.100). Some writers have made specific suggestions that will shift practice away from its current infatuation with ‘failure to protect’. Daniel and Taylor believe that “[e]xplicit engagement with [men] retains a

focus on them as responsible for the abuse rather than on mothers to protect” (1999, p.218). Magen (1999) suggests that talking about battering as ‘interfering with parenting ability’ will concentrate workers’ attention on the perpetrator rather than on his victim, though it seems that workers might then focus on mothers ‘allowing’ such interference. Orme, Dominelli and Mullender suggest that there are dangers in adopting any practice approach “which is not sufficiently confrontative in style and feminist in orientation [because] men who are abusive will deny, distort or defend their abusive behaviour – unless they are heavily challenged” (1996, p.96).

Though not a solution specific to child welfare work, some UK authors (Dominelli, 1999; Orme, Dominelli and Mullender, 1996) have suggested that feminists and, specifically, feminist social workers should become involved in working directly with violent men. While pointing out the importance of not *requiring* that women work with such men, they suggest that feminist social workers may, by reason of their analysis and their anti-oppressive skills, be ideally positioned to successfully challenge male perpetrators of violence against women, provided that certain precepts are in place:

- men must be held accountable for their behaviour and the consequences of it
- interventions must have as their foundation a socio-political and socio-cultural analysis that explores “the nature and extent of the link between violence and masculinity” (Dominelli, 1999, p.105)
- men’s denial, minimisation, rationalisation and justification of their violence must be constantly and actively confronted
- the focus must remain on actual behavioural change rather than the analysis of past traumas that allows men to recast themselves as victims rather than perpetrators

Although there is considerable documentation and a great deal of theorising about the avoidance of violent men in child welfare work, writers have not established any research basis for their ideas about how and why this comes about. Saunders (1994) suggests that workers get angry with mothers and hold them responsible because they can’t tolerate the feelings that women who are being battered generate in them. O’Hagan and Dillenburg (1995) speculate that women who work in child welfare see themselves as ‘copers’ and are impatient with the inability of battered mothers to ‘cope’. Others have suggested that women social workers treat abused women badly because of their own unresolved countertransference issues (Lawrence, 1992, cited in O’Hagan and Dillenburg 1995;

Sayers, 1991). Perhaps social workers, most of whom are women, are acting out their own failed attempts to resist patriarchy, their own compromised choices, and their battered clients are simply the location of these struggles. For example, it continues to be true, as it has been from the inception of the profession, that while women numerically dominate social work at the practice level, they are usually in the minority in managerial, administrative and academic positions.

It may be that in a time of diminished resources and a protective rather than preventive focus in child welfare, workers resort to a threatening posture because they feel that they have nothing to offer in the way of support. In a time of scarce resources, workers may also define children as ‘in need of protection’ because that allows them to mobilise resources. Also, as child protection has increasingly become a technical skill focused on procedures, relationship disappears in favour of forcing clients to comply with bureaucratic requirements. Applying risk assessment, risk reduction and risk management measures may provide workers with some insurance against being blamed should things later go awry. But Callahan’s (1993) research into best practices in child welfare suggests that there are good choices to be made even when practice is compromised in these ways, and as Mullender points out, “the success of some social workers in offering the right kind of help means that practitioners are wrong if they feel there is little they can do” (1996, p.71). Some jurisdictions are also moving toward innovative models in which child protection and violence against women workers are jointly involved in child protection cases where battering has taken place or is suspected (Findlater and Kelly, 1999).

While such practice innovations, and further research into how and why good practice fails to occur, and what good practice (and policy) might look like, might contribute to lessening the dilemmas facing abused women and more effectively protect the children who witness their abuse, such interventions are doomed to failure unless the current foundation of child protection practice and policy, framed by mothers ‘failing to protect’ their children from ‘witnessing’, is itself challenged. In this framework, good mothers are those who leave (and manage to avoid further violence or death) and bad mothers are

those who stay. Such a dichotomous and essentialist reading does not allow for the possibility that some women are ambivalent about mothering and may want to choose their abusive partner over their children. As Featherstone and Trinder note, “challenging ‘woman blaming’ should not exonerate women from any responsibility at all, for this would diminish women’s sense of effectiveness and agency altogether” (1997, p.156). Any effective challenge to current practice and policy must tackle the conundrum at the heart of current child welfare discourse. It may be, as Stark and Flitcraft suggest, that “violent men are primarily responsible for child injury rather than “sick” mothers” (1996, p.74). We already know that violent men are almost exclusively responsible for perpetrating all manner of violence against women. Yet child protection research, services and legal interventions have almost exclusively focused on women and children. The current reification of concepts such as ‘children witnessing’ and ‘failure to protect’ furthers the project of woman-blaming. Further, our complicity in this project is elicited by the discourse, and, as I demonstrate, particularly by the subjectivities embedded within it. In the next chapter, I detail how I went about analysing the discourse of ‘children witnessing’ and ‘mothers failing to protect’ and its rise to dominance in current child welfare practice and policy in both the UK and BC.

CHAPTER THREE: METHODOLOGY

Introduction

In the previous chapter, I outlined my concerns with child welfare discourse, policy and practice in situations where mothers are being battered. The event of this violence, and our current understanding and response to it in both BC and the UK, has come to turn on two central concepts: ‘children witnessing’ their mothers being beaten, and the alleged negative effects of such witnessing; and ‘failure to protect’: the failure of mothers to protect their children from this witnessing. While there are many ways in which these phenomena might be investigated, it is my belief that the methodology of feminist discourse analysis, rooted in a feminist poststructuralist epistemology, is useful for a project with a feminist political commitment, for a number of reasons which I outline below.

I will in this chapter describe feminist discourse analysis as I have appropriated it in my attempt to answer the questions I have posed about child welfare discourse, policy and practice. In delineating my methodology, I address myself to the epistemological position of the methodology, define its major concepts and how I understand and use them. I also outline the specific methods that I employed, and suggest how my research might be best evaluated or assessed.

Locating the methodology/myself

I had no desire to produce yet another quantitative measurement of the nature and extent of the violence that women experience, nor did it seem productive to me to offer yet another qualitative recounting of how women experience violence, the trail of destruction it leaves across their lives, or, more mysteriously, the resiliency that some women display in the face of it. As I noted in the previous section, there has been, over the last quarter century, a great deal of research conducted in the area of violence against women, most of it stimulated by a desire on the part of the researchers to reduce or eliminate this violence. Yet there has not only been no reduction in the violence done to women but, as

a recent survey report from the United Nations states [Watts and Zimmerman, 2002], violence against women and girls continues to increase in almost every corner of the world.

My desire to produce some different account, one that might somehow produce an effect, led me to consider the role of methodology in research about violence against women. In considering the question of methodology and, by necessity, epistemology, I have come to speculate that part of the inability of most previous research to bring about significant change may lie in part with the methodologies themselves. For however much the research results, and the researchers themselves, may speak against the white heterosexual patriarchy under which we live, the methodologies, however unintentionally, swear allegiance to the patriarchy's 'regime of truth' – information and knowledge that is accepted as having the status of 'truth'. It therefore became important to me that I choose not only a topic but also a methodology that offered a challenge to this regime, and thus I came to feminist poststructuralism. While feminist poststructuralism is not without its problems for an avowedly political research project such as mine, I believe it is also a congruent and challenging choice. My choice requires some consideration of the Enlightenment epistemological foundations of social science research, how and why most feminist challenges to it have failed, and how feminist poststructuralism provides an alternative.

Epistemological foundations

Within Enlightenment epistemology, there is only one 'true' path to knowledge: the application of rigorous scientific methodology by a rational, neutral, impartial and objective subject to the study of an 'object' clearly positioned outside of himself. This method, first applied to the study of the natural sciences and more recently to the study of the 'social' sciences, allegedly brings about the discovery of knowledge unattached to ideology or to power. Enlightenment epistemology rests on a dualistic or dichotomous foundation, in which qualities such as rationality, reason, objectivity, and impartiality are privileged over and opposed to irrationality, emotion, subjectivity and partiality. Many writers have noted (Cixous and Clement, 1987; Gunew, 1990; Hekman, 1990, 1999;

Usher, 1997) the gendered and hierarchical nature of this dichotomy. “In each of the dualisms on which enlightenment thought rests, rational/irrational, subject/object, and culture/nature, the male is associated with the first element, the female with the second. And in each case the male element is privileged over the female” (Hekman, 1990, p.5). This dichotomy/dualism is everywhere in western thought: it is always oppositional, and it is always hierarchical, never neutral. While these hierarchical dualisms also exist in non-western epistemologies, I confine my discussion here to the western research traditions in which my research is located.

While most feminist writers have stressed gender as the fundamental dualism in Enlightenment thought, I believe that another, and equally important hierarchical division, that of race, also lies at its foundation. The connection between ‘light’ and knowledge lies within the word Enlightenment itself, and provided for the explorers of Enlightenment times (and for those in centuries to come) a rationale for the conquering and subjugation of the dark peoples of the world. As noted by Hill Collins (2000), Ladson-Billings (2000), Tuhiwai Smith (2001) and others, it provides a rationale for continuing the project of colonizing and assimilating people of colour into white western ways of knowing, being and doing. The irrational is fundamentally associated not just with the feminine, but also with darkness, whether darkness of night or darkness of skin, and, further, to its association with ‘magical’, ‘superstitious’ and irrational ways of knowing. Thus the dominant pattern in western thought is a hierarchical, gendered and raced dualism, an asymmetrical dualism in which the white and male side is valued over the dark and female side.

The centrality and dominance of Enlightenment epistemology has been challenged from a number of quarters, though I would suggest not successfully, whatever the claims might be that we are living in a ‘post-Enlightenment’ era. Within the social sciences, qualitative researchers have questioned whether the allegedly objective measures applied to the study of the natural sciences can or should be applied to the study of human behaviour. Interpretive methodologies such as grounded theory, phenomenology and ethnography have been proposed as equally valid means for generating knowledge and as

rigorous in their methods as the positivist methodologies. These attempts to redefine objectivity, to, as Con Davis says, “do the police in other voices” (cited in Lather, 1993), have failed to dislodge positivist science as the ‘gold standard’ against which all other methodologies are evaluated. Within the hierarchical dualism of Enlightenment epistemology, the qualitative and interpretive methodologies occupy the inferior, feminine, dark side of the duality, and “the attempt to redefine or even to perfect objectivity will not succeed in displacing the epistemology that relegates women and the social sciences to an inferior role” (Hekman, 1990, p.96). Advocating the interpretive or qualitative position serves, in its insistence that qualitative methodologies are equally valid, to simply reinforce the dualism that constitutes them as inferior.

Perhaps the most significant challenges to the Enlightenment ideology of ‘one true path to knowing’ have come from feminism. Until recently, feminists deployed their efforts along three strategic courses. First, they dared to attack positivist science on its own terms, critiquing the methodology by accusing it of falling short of ‘good’ scientific practice, and also by suggesting that some of the presuppositions of the scientific approach may be flawed. But, as Hekman notes, “if the canons of scientific method as they have been defined by the dominant tradition since Bacon are inherently sexist, then adherence to these methods, no matters how rigorous, will not produce results that will fundamentally alter the sexist character of scientific discourse” (1990, p.124).

A second strategy, primarily employed by liberal feminists, has been to demand that women be allowed entry “into the sphere of rationality as it has been defined by men” (Hekman, 1990, p.40). This approach accepts the definition and the privileging of the rational Enlightenment [white, male] subject and seeks to earn that privilege for women by demonstrating that women can become like men. Feminists from Mary Wollstonecraft through to recent second wave feminists have suggested that, if women are allowed the same educational and life chances as men, they too can become ‘rational subjects’ capable of ‘creating knowledge’. By erasing their difference from men, women can abandon the inferior status of ‘Other’ and thus women too can achieve “the Truth that is accessible to the ideally rational man” (Hekman, 1999, p.91). But, as Catherine

MacKinnon (1987) has pointed out, equality between sexes and races is predicated on the ability of ‘Others’ to successfully emulate the qualities valued, and exhibited, by white men, and leaves the hierarchical dualism at the heart of Enlightenment epistemology intact.

A third route has involved accepting the dualism as an accurate or semi-accurate reflection of the ‘essential’ natures of men and women, while attempting to privilege ‘woman’s nature’ through valorizing ‘essential’ feminine qualities such as intuition, and women’s ways of knowing, such as ‘experiential’ knowledge. This strategy has included both the idea of complementarity (that men and women represent ‘two halves of a whole’, and that both ways of ‘knowing’ the world are needed), and the cultural feminist suggestion that feminine qualities and values are superior, and should be embraced by all, men and women alike.

The hope that lies at the heart of all of these strategies lies in the possibility of finding a ‘truth’ through which to eliminate the sexual and racial violence that structures the world, and therefore the notion that there is a ‘right answer’ is indeed a great temptation. As I discuss in more detail later, and as I mentioned in an earlier chapter, I think that part of what is so alluring in the possibility of discovering incontrovertible ‘proofs’ that [white] men’s violence is wrong is that it allows women to locate this judgment outside of themselves, and thus avoid the retribution that is deployed against women who take moral positions that name this violence and hold men responsible for it.

It has also been difficult for feminists to challenge Enlightenment epistemology because “the belief that coherent political action must be grounded in absolutes is deeply rooted in feminist as well as modernist thought” (Hekman, 1990, p.186). The roots of feminism, like those of many emancipatory movements, lie in the Enlightenment discourse of rights, equality, freedom and justice, and various strains of feminism have seized upon these ideas in particular ways, attempting to make them serve feminist campaigns. Even Marxist or socialist feminism, which rejects most liberal feminist and humanist ideology, is an emancipatory movement, rife with rights rhetoric and having at its foundation a

dualism and a belief in absolutes. But, as a number of feminist theorists (Hill Collins, 2000; MacKinnon, 1987; Razack, 1998; Williams, 1996; Young, 1990) have pointed out, the rhetoric of rights and equality masks substantive inequality because it fails to account for differences. Hekman states the case clearly: “In the postmodern era feminists cannot oppose the discourses of male domination by appealing to a metanarrative of universal justice and freedom” (1990, p. 187).

As a researcher working in the area of violence against women, one of the most compelling reasons for me to reject the methodologies that have arisen from Enlightenment epistemology lies in their alignment with its hierarchical dualism, in which women are inevitably positioned as inferior, because it is the ascription of inferiority that lies at the core of the justification of men’s violence toward women. As Hekman states, “feminists cannot overcome the privileging of the male and the devaluing of the female until they reject the epistemology that created these categories” (1990, p.8). The dualism must be rejected, the epistemology abandoned, the hierarchy displaced, and the entire project of “the search for the one, correct path to truth” (Hekman, 1990, p.39) must be refused. “An epistemology that defines women as not fully rational, moral or even human cannot simply be repaired to allow women a new status. It must be rejected outright” (Hekman, 1990, p.59). At the same time, as women of colour have made clear, we must find an epistemological position, and methodologies, that can make sense of differences. We must locate ourselves within an epistemology of ‘truths’ rather than ‘Truth’, because ‘Truth’ has failed to account for women’s ways of knowing and other subjugated knowledges. As Usher states, “anything short of a rejection of the rationality and dualisms of Enlightenment thought and the research methodologies which derive from it, will not prove a successful strategy” (1997, p. 44) for feminism. It seems possible to me that an alternative lies locating my methodology at an intersection of radical feminism and poststructuralism¹.

¹ There has been much discussion about whether ‘poststructuralism’ and ‘postmodernism’ are synonyms, or whether they in fact represent different concepts. For the purposes of this thesis, I have conflated these terms and, except when I am citing the work of other authors, use poststructuralism.

In different ways, both radical feminism and poststructuralism have sought to displace Enlightenment epistemology. As Hekman notes, “feminism is positioned outside the discourse of truth and knowledge that constitutes the modernist paradigm” (1999, p.24). Poststructuralism challenges “the fundamental dichotomies of Enlightenment thought, dichotomies such as rational/irrational and subject/object” (Hekman, 1990 p.2). Feminisms, despite their differences, challenge another fundamental dualism of Enlightenment epistemology, that of masculine/feminine, and some strains of feminism have allied with subjugated knowledges to dispute the hierarchy of light/dark. Hekman contends that “feminism and postmodernism are the only contemporary theories that present a truly radical critique of the enlightenment legacy of modernism” (1990, p.189)

As well, both poststructuralists and radical feminists “reject both the notion that knowledge is the product of the opposition of subjects and objects and that there is only one way in which knowledge can be constituted” (Hekman, 1990 p.9). Through the development of theories such as feminist standpoint (Harding 1987; Hartsock 1987) and the sociology of knowledge (Smith, 1990), feminist researchers have pointed out the role of the social, the experiential and the discursive in the construction of knowledge. Similarly, poststructuralists have advocated an understanding that all knowledge is contextual, historical and, penultimately, produced by rather than reflected in language (Mills, 1997; Weedon, 1997).

Poststructuralism’s interest in language, and particularly in the constitution of language as discourse, resonates with feminist understandings of how language shapes women’s lives. Second wave feminists have taken up the language question in many ways, including through research (Kitzinger and Thomas, 1995; Walkerdine, 1986), critique (Penelope, 1990; Spender 1980), and attempts to invent a ‘women’s language’ (Daly and Caputi, 1987; Haden Elgin 1984, 1987). Many theorists, among them French feminists such as Cixous and Clement (1987) and Irigaray (1985), believe that women’s oppression is rooted in language. Hekman offers this summary of their position: “Phallographic language offers women only two options: either they can speak as women, and, hence, speak irrationally, or they can enter the masculine sphere of rationality and speak not as

women but as men” (1990, p.42). The interest in language and discourse that radical feminism and poststructuralism share is critical to a project such as mine, concerned as it is with understanding how and why concepts such as ‘children witnessing’ and mothers ‘failing to protect’ have arisen and are being deployed. Poststructuralism’s scepticism “about traditional beliefs about truth, knowledge, power and the self, all of which have served as legitimation for contemporary western culture” (Usher, 1997, p. 44) is useful for a project that understands how these beliefs have legitimated both violence against women and the subjugation of people of colour.

The strain of feminism with which I have allied myself in this research is that which is generally defined in North America as radical feminism, and its position that “through their control of language, men have dominated not only women but every aspect of the world in which we live” (Hekman, 1990, p.31). In order to be clear about my alignment with radical feminism, I would like to explain my understanding of the differences between cultural and radical feminism. It is also necessary to do this because understandings of these terms differ in the UK and North America. Cultural feminism advocates that ‘male’ qualities such as rationality and distance be displaced by the womanly attributes of intuition, irrationality and emotionality (Daly, 1978; Griffin, 1982). Through privileging rather than repudiating women’s ‘nature’, cultural feminism seems to accept the hierarchical dualism at the heart of Enlightenment epistemology but attempts to reverse the positioning. Although once supported by some feminists, the notion of complementarity found its strongest proponents among anti-feminists. The false universalism and false essentialism embodied in promoting any essentialist view of ‘woman’s nature’ has been extensively critiqued by women of colour, working class and poor women and some lesbians, who have noted that this stance fails to account for differences within the category ‘woman’, while reversing and thus maintaining a dualistic hierarchy of difference.

In the UK, and to a lesser extent in North America, cultural feminism has often been conflated with radical feminism. For example, both Sayers (1982) and Segal (1987) critique radical feminism *as* cultural feminism whilst suggesting these feminist ideas are

imported from North America. Alcoff (1988) calls radical feminists cultural feminists and interprets the work of a number of radical feminist theorists as essentialist even while noting that these theorists (for example, Daly and Rich) are neither biological determinists nor biological reductionists. The conflation of cultural feminism with radical feminism also occurs in Hekman's work, as in her statement that "much as we might laud the 'feminine' values the radicals proclaim, these values will continue to be viewed as inferior until the dichotomy itself is displaced" (1990, p.41).

By confusing it with cultural feminism, such critiques misrepresent radical feminism. Rather than being essentialist and biologically deterministic, radical feminism as I understand it fights against such ideas, positing instead that women's lives are socially and discursively constructed and maintained (Dworkin, 1987). Radical feminism as it exists today has integrated critiques of its early monolithic (white, heterosexual, middle class) presentation of women's experiences, and relies on complex theorizations of history, culture and discourse to further understanding of differences between women. Whilst acknowledging the breadth and diversity of women's experiences and subjectivities, radical feminism also insists that "women", and subcategories of women, such as "the battered woman", exist as discursively, socially and politically constructed categories that shape women's material experiences. Radical feminism does not posit a single truth, or master narrative, about what it is to be a woman, or a mother who is being beaten or a man who is doing the battering. But radical feminism insists that there are 'truths' – facts – that construct, underscore and play significant roles in determining these experiences. Radical feminism is thus distinct from other feminisms in naming male domination and men's violence as problems that urgently require social and political action.

I also want to make clear which of the many poststructural theories I have appropriated for my research. Although he did not name himself a poststructuralist, and in fact refused the label, it is Foucault's conceptualisation of how discourse creates not only knowledge but also 'reality' that has, I believe, proved most useful for my purposes in this project. His insights in the *History of Sexuality* have offered me, as a lesbian, a more complex

understanding of how lesbian subjectivity, and all women's sexuality, is structured through discourse. Foucault's ideas about the internalisation of discipline and the development of the internally disciplined 'self' contributed significantly to my understanding of ethics and ethical regulation in social work (Strega, 1999). Thus, my research is located within "a feminist politics that is consistent with Foucault's program [in order to] understand, analyse and oppose the patterns of male dominance and female oppression that characterise a particular society in a particular historical context" (Hekman 1990 p. 185).

At the same time, I am uneasy about having located myself here, and must state my reservations. While acknowledging that poststructuralism offers an important and necessary modification to the essentialism of white, western feminism, I found myself asking about poststructuralism Sneja Gunew's question: "Do feminists have any use for a body of theory which has largely misrepresented and/or excluded women" (Gunew, 1990 p.13)? I also noted Finn's observation that "you cannot 'doctor' these theories [western philosophical theories] with respect to women and at the same time save the theory" (1982, cited in Hekman, 1990 p.7). Further, I note that the anti-essentialism of post-structuralism is itself a variety of essentialism, given the univocality with which feminism's alleged essentialism has been denounced. These are critical observations in regard to poststructuralism, and a more important focus than whether feminists can or should use the works of male theorists.

Is the pre-eminence of poststructuralism's challenge to modernism just another way in which "male-defined models of knowledge and ways of gaining access to knowledge [continue to] prevail" (Gunew 1990 p.21)? I would suggest, for example, that many of the insights that poststructuralism offers about language and discourse echo those previously proposed by feminist theorists such as Brossard (1988), Hill Collins (2000), Penelope (1990), Spender (1980), Williams (1996) and Wittig (1992). In interrogating "the conditions of knowledge production by means of which certain kinds of truth or science came to appear as 'legitimate' at the same time that certain specific groups were authorised to articulate these truths" (Gunew 1990 p.20-21), I must notice that theories

about the pervasiveness of language's role in dominance and subordination, and the links between knowledge and power, have acquired a new legitimacy since their 'authorisation' by white male theorists. In poststructuralism's refusal to engage with or acknowledge the legacy of radical feminist writers there is, I believe, an implicit judgment about women's intellectual inferiority or, perhaps, an implicit reiteration of the idea that women cannot make theory because of their inability to detach from the material world.

Although Hekman has suggested that "Foucault's analysis also suggests the possibility of the creation of a discourse that does not constitute itself as inferior" (Hekman, 1990, p.21), it seems that such a discourse cannot, however, be created by those who *are* 'inferior': women and other marginalized people – or perhaps it is that we cannot be credited with the creation of such a discourse. In addition to feminists, other subjugated peoples such as Canada's First Nations have for some time been delineating 'ways of knowing', and of researching, that challenge Enlightenment epistemologies and methodologies (Monture-Angus, 1995). Thus it is difficult for me to believe Hekman's contention that "postmodernism involves a crisis of cultural authority" (1990, p.13) when the poststructuralist challenge to authority resides primarily in the hands of white, privileged men. I am also conscious, as a lesbian, that the partnering of feminism and poststructuralism is for the most part an alliance between white [heterosexual] women and white [heterosexual] men that disprivileges people of colour and lesbians.

The poststructuralist position that there is not one 'truth' but multiple 'truths' has, as I noted, offered feminism a means by which to theorise and account for differences. But this insistence on multiple perspectives has also been criticised as poststructuralism's fatal political flaw. If all truth claims are perspectival and partial, how then can the truths we uncover through the methodologies of feminist poststructuralism provide us with a rationale for political action? Feminist standpoint theory, which also understands knowledge as contextual, historical and discursive, privileges the perspective of women. Similarly, women of colour, seeing danger in the notion that all visions are equal, have insisted on the epistemic privilege of the oppressed (Hill Collins, 2000; Narayan, 1988).

Hekman declares, from a poststructuralist perspective, that the vision of the oppressed is not any closer to ‘reality’: “If material life structures consciousness, if the different experiences of different groups create different realities, then this must hold for the oppressed as well as the oppressor” (1999, p.34). This relativism would seem to suggest women’s political and material experience is about perception and interpretation rather than ‘reality’.

Yet Hartsock’s contention “*both* that reality is socially and materially constructed *and* that some perceptions of reality are partial, others true and liberatory” (cited in Hekman, 1999, p.31, italics in original) is no less comforting, as it inevitably leads to the question of who has the right to decide, and on what basis, what is ‘true and liberatory’?

Alternatively, if there are many truths and many paths to ‘truth’, as poststructuralism insists, and none of these is to be privileged along gender or racial lines, we are left unable to speak this ‘truth’: we live in a system of domination and subordination that differentially benefits [most] white men over [most] women and [most] people of colour, and that privileges the western world over the rest of the globe. What epistemology, what methodology, will allow us to speak truth to the power of white men’s violence?

Despite my hesitations about feminist poststructuralism, I made an (uneasy) alliance with it for this project. Having earlier noted the futility of both quantitative and qualitative efforts to redress the nature and extent of men’s violence, I made this alliance in part because I agree with Hekman’s declaration that “we must first alter the criteria of what it makes sense to say before we can proclaim another ‘truth’ and expect it to be heard” (1999, p.137). I have done this to some extent by outlining my epistemological position. Having alluded to the role of language and discourse in the constitution and construction of ‘reality’, I will now describe how feminist poststructuralist discourse analysis has proved useful for my attempt to ‘make sense’ of ‘children witnessing’ and ‘failure to protect’. I believe that this methodology provided a great degree of explanatory power for how this discourse, and the policies and practices through which it is deployed, has arisen and currently exerts hegemony through its positioning as *the* child welfare discourse in Canadian and British society. I also believe that this methodology offers new and

important directions for interventions and solutions in this area in particular and in regard to men's violence towards women in general. I will begin by discussing some of the concepts central to the methodology.

Discourse

Discourse is a term that is widely used and variously interpreted. In its modernist conception, discourse is usually used to apply to talking, or to a way of talking, to partition off a circumscribed area of discussion, as in 'the discourse about the economy', or to delineate the manner in which a topic is discussed, as in 'scientific discourse'. Such usage is directly related to an understanding of language as transparent and expressive, and of words as representative of or signifying the objects or concepts to which they refer. Discourse, in this conception, is also understood to be functional, having necessarily arisen to allow for the possibility of discussing a particular topic. Any curiosity about 'where words come from' or 'what words mean' (beyond their dictionary definitions) is, in this understanding, a purely etymological concern and thus, "the social and ideological 'work' that language does in producing, reproducing or transforming social structures, relations and identities is routinely 'overlooked'" (Fairclough, 1992, p.211). Transformations in language and the development of new discourses are ascribed to progress or the need to develop new and more 'accurate' words to describe new discoveries, understandings, or areas of interest. Thus, language and discourse are dissociated from power and ideology and instead conceptualised as 'natural' products of common sense usage or progress. The Enlightenment epistemology of modernism positions the individual sovereign subject as the originator of meaning, able to both convey and control meaning by the 'correct' selection and arrangement of words. However, women's ability to *be* a subject and authorise language or discourse has been complicated by the hierarchical dichotomy of Enlightenment thought, which has positioned her as 'object' due to her imputed inability to be rational.

There have been a number of challenges to the modernist understanding of language and discourse as transparent, functional, and progressive. Structuralists such as Saussure argued that language is socially and historically specific and that the meaning of words is

constructed rather than pre-existing (1974, cited in Featherstone and Fawcett, 1995). Althusser (1984) described language as a social product that reinforces and reproduces ideology; as a Marxist, he was particularly concerned with how it is instantiated through ‘ideological state apparatuses’ such as educational institutions and the church. Pecheux described discourse “as a particular area of language use [which] may be identified by the institutions to which it relates and by the positions from which it comes and which marks it out for the speaker” (Macdonnell, 1986, cited in Mills, 1997, p.11). As Gill points out, feminists “have known for a long time that language is not a neutral, descriptive medium but is deeply implicated in the maintenance of power relations” (1995, p.166).

Feminists and other marginalized groups have explored the complex relationships that exist between power, ideology, language and discourse in some depth. While the second wave of feminism is usually characterised as primarily concerned with the material conditions of women’s lives under patriarchy, it also produced a voluminous literature on women’s subjugation through language and various discourses. For example, linguist and radical feminist Julia Penelope (1990), in *Speaking freely: unlearning the lies of the father’s tongue*, dissects in detail what she describes as PUD: the patriarchal universe of discourse. In addition to examining how the inferiority of women, lesbians, people of colour and disabled people, and the concomitant superiority of white, heterosexual able-bodied men is constructed through language and discourse, Penelope maps the discursive processes through which the marginalized unintentionally participate in constructing their own subjugated identities. Some of the other analyses of language and discourse produced by second wave feminists examined academic discourse (Spender, 1980; Russ, 1983); psychology (Broverman, 1970; Weisstein, 1971); theology and medicine (Daly, 1978); violence against women (Walker, 1990); and moral theory (Gilligan, 1982). Critical race theorists such as Said (1993), Trinh (1989), Hill Collins (2000), Razack (1998) and Williams (1996) have also taken up the construction of race and racism through language and discourse in diverse ways. For example, Razack (1998) delineates how the liberal, humanist discourse of justice, rights and equality simultaneously masks and constructs relations of domination and subordination along lines of gender, race and class.

Although the significant break with modernist ideas about language and discourse is generally attributed to poststructuralists, I believe that the writings of these theorists also offered a significant challenge to modernism. They consider, in varying ways, how language both serves and masks ideology. They suggest that, rather than describing reality, language constructs and constitutes ‘reality’, insofar as we can only apprehend, understand and describe events and experiences through the words, language and discourses that are available to us. Further, they propose that the availability of words, language and discourse is produced and constrained by factors unrelated to the need for accuracy or to ‘natural’, progressive developments. They suggest that these factors are related to history rather than progress, and to the workings of power and ideology, rather than necessity. Finally, in various ways these writers begin to interrogate the nature of the rational, Enlightenment subject itself, through questioning the subject’s role as originator and controller of meaning. The Enlightenment, Cartesian subject (as in Descartes’ famous declaration, “I think therefore I am”) begins to be suspect once it becomes clear that such thinking can only occur within certain constructed limits.

It is, however, poststructuralists who pushed the study of words, language and discourse into a different and more complex consideration of discourse. Although they are interested in understanding the workings of particular ‘discourses’, poststructuralists also focus on the all-encompassing nature of discourse, as the constructor and constituter of not just ‘reality’ but also of our ‘selves’. It is this last idea that so clearly demarcates the break with Enlightenment epistemology’s idea of the rational subject and the modernist conception of the self, for poststructuralism posits that “our existence as persons has no fundamental essence, we can only ever speak ourselves or be spoken into existence within the terms of available discourses” (Davies 1991 p.42).

Among poststructural theorists it is Foucault, although he resisted the poststructuralist label during his lifetime, who is most associated with the poststructuralist understanding of discourse, and it is his various understandings that most inform my own, albeit that as a feminist I have some caution about appropriating his work. His writings are not definitive on the subject of discourse, as his own ideas about it reflect various

conceptions. In his early work, *The Archaeology of Knowledge* (1972), Foucault described discourse as the principal organizing force of all relations and offered ‘archaeology’ as a methodology by which discourse could be exposed and explored in terms of *how* it functioned rather than *why* it functioned. He also accepted the existence of some relations as ‘extra-discursive’, and suggested that the relationship between discourse and the extra-discursive could be mapped or articulated. In *The Archaeology of Knowledge*, Foucault describes these extra-discursive relationships as “‘primary’ relations which, independently of all discourse or all objects of discourse, may be described between institutions, techniques, social forms, etc.” (1972, p.46). He also suggested a system of what he termed ‘secondary’ or reflexive relations that exist between people and their thoughts about their work and how they relate to one another, though these are also organised by discourse.

As a feminist, I am interested both in discourse and in noticing the connections or articulations between discursive relationships and the ‘extra-discursive’. For example, men’s physical violence towards women is, I would suggest, an area where power relations are extra-discursive as well as discursive. This is, I think, a point where the feminist standpoint insistence on articulating women’s experience *as* knowledge comes to bear, for our knowledge of this violence is in part dependent on women speaking that which existed but was previously unspoken. Alternatively, where Foucault’s discourse theory is so interesting to me is in its curiosity about how experience enters into, or is barred from entering into, what counts as knowledge.

Foucault’s other writings offer a range of meanings for discourse, “treating it sometimes as the general domain of all statements, sometimes as an individualizable group of statements, and sometimes as a regulated practice that accounts for a number of statements” (Mills, 1997, p.6), but always relating it to the way in which, at historically specific points, language, power and social and institutional practices coalesce to produce particular ways of thinking, understanding, being and doing. Works such as *The History of Sexuality* and *Discipline and Punish* reflect his curiosity about professional discourses and their social, political and disciplinary power. While noting the existence of the extra-

discursive, Foucault was most curious about how the internal elements of discourse related to one another, how these elements were constituted and deployed within the discourse, and what rules governed these relationships. According to Cain (1993, p.78), Foucault believed that, “explaining them [discourses] in terms of contemporary notions of origins and causes, mislocated the powers of discourse in authors, in speakers, in other structures”.

The elements of discourse as Foucault (1972) described them include objects, subjects, enunciators of the discourse and sites of enunciation. For example, in child welfare/child protection discourse, the objects of discourse are neglectful or abusing parents, neglected or abused children, and contraventions of accepted/acceptable child rearing practices. The subjects are child protection and child welfare laws and policies. The authorisers or enunciators are social workers, policy makers and, recently, researchers, while the sites of enunciation are courts, interagency meetings and family group conferences. In Foucault’s conceptualisation, these elements are produced inside the discourse; for example, those who have the authority to speak and originate the discourse are created by/within the discourse, although this will also be affected by the interplay between discourses.

Foucault was particularly interested in the relationships between power, knowledge, discourse and ‘truth’, and *Power/Knowledge* (1980, p.131) contains an often-quoted description of this relationship:

Each society has its regime of truth, its ‘general politics’ of truth: that is, the types of discourse which it accepts and makes function as true; the mechanisms and instances which enable one to distinguish true and false statements, the means by which each is sanctified; the techniques and procedures accorded value in the acquisition of truth; the status of those who are charged with saying what counts as true.

In this understanding of discourse, knowledge and power are inseparable and are both productive of and constraining of ‘truth’; in Foucault’s understanding power is so co-extensive with knowledge that only an expression such as ‘power/knowledge’ can describe it. He also saw this as a recursive relationship, in that discourse also produces power/knowledge and what may be understood to be ‘truth’ at any particular time.

Knowledge is not ‘discovered’ but is a product of discourse and power relations, a discursive struggle over which (and whose) perspective or understanding emerges as the one that ‘counts’, the one that has the power to organise relations. Ramazanoglu (1993, p.21) offers this interpretation of Foucault’s understanding: “There is no single truth...but many different truths situated in different discourses, some of which are more powerful than others”.

However, as Weedon notes, most discourses “deny their own partiality. They fail to acknowledge that they are but possible versions of meaning rather than ‘truth’ itself and that they represent particular interests” (1997, p.94). Discourses accomplish this through how they organise and constitute inclusions and exclusions, and by noticing and valorising some forms of knowledge while obscuring and devaluing other forms of knowledge. Discourse organises social relations as power relations while simultaneously masking these workings of power; Usher and Edwards (1994, p.83) note Foucault’s analysis that “humanistic discourses of progress, emancipation and betterment... govern modern power-knowledge formations and...veil the effects of these formations within themselves”. Thus, discourse both *is* the social practice and is what *shapes* the social practice.

Discourse is instantiated not only in texts, speech and institutions but also in the constitution of relationships and of the ‘self’. Mills offers this definition: “[a] discourse is a set of sanctioned statements which have some institutionalised force, which means that they have a profound influence on the way that individuals act and think” (1997, p.62). Sanctioning is primarily discursive but is also extra-discursive and occurs in a number of ways, for example through what various media present or represent as ‘reality’; through what is taught; and through the penalties that are imposed for attempting to circulate an unsanctioned discourse. For example, the psychiatrist Thomas Szasz (1970), who suggested that a biologically based understanding of mental illness is a myth that masks psychiatry’s function as an instrument of social control, has been ridiculed and vilified by his colleagues for these ideas. As Usher notes, “not only does a discourse permit certain statements to be regarded as the truth but the rules which govern

a discourse also determine who may speak, what conventions they need to use and with what authority they may speak” (1997, p. 48).

The processes by which discourses sanction, include and exclude produce both hegemonic or dominant discourses and subjugated or illegitimate discourses. The interplay between discourses, that is, how discourses are related to and allied with one another, is a critical factor here. Earlier, I discussed the continuing dominance of Enlightenment epistemology in shaping our understanding of what ‘knowledge’ is and how it can be produced, referring to positivism as the ‘gold standard’ by which knowledge claims are assessed, and the positioning of the rational [male] subject as the ideal knower. Those discourses that reflect, promote and ally with Enlightenment epistemology are thus most able to both conceal their partiality and position themselves as ‘the truth’. But in the constitution of exclusions, even hegemonic discourse becomes vulnerable. As Hekman suggests, “the gaps, silences and ambiguities of discourses provide the possibility for resistance, for a questioning of the dominant discourse, its revision and mutation” (1990, p. 189). They also provide the terrain on which alternative, oppositional and counter discourses might emerge. Subjugated knowledge and the possibilities of other ‘truths’ that might break the hold of hegemonic discourse are of particular interest to second wave feminism, which has made various attempts to put women’s subjugated knowledge into play. Feminism has, for example, looked to women’s experience as a source and guarantor of knowledge, as that experience was shared in consciousness-raising and then became the focus of research through various qualitative methodologies and the promotion of feminist standpoint theory. Whilst a great deal of information has been acquired in these ways, most women’s lives are not substantially different now than they were before these efforts; as McNeil notes, “the more we know about patriarchy, the harder it seems to change it” (1993, p.164). This conundrum brings me to consideration of a concept central to poststructuralist theory, and regarded with much hesitation by many feminists – subjectivity.

Subjectivity

Enlightenment epistemology inscribes a subject/self that is autonomous, rational, neutral, unitary and abstracted from its context. Liberal humanism, rooted in this Enlightenment epistemology, posits a subject/self that has agency, is ‘self-conscious’, in control of itself and capable of and required to create an identity from an allegedly unlimited range of choices. As I discussed earlier, these understandings of the subject are fundamentally gendered; the qualities associated with this Enlightenment, humanist self are those qualities associated with ‘man’. Feminism has mounted three challenges to this notion of the self. One has been to insist that women can also become ‘rational subjects’ through producing themselves as invested with the qualities of the rational, modernist subject – becoming like men. One of the complications of this notion is that, unless we are to insist that women consciously and persistently make choices that are not in their own interests, it fails to adequately account for women’s suffering under patriarchy. As Weedon (1997, p. 81) notes,

The structural and institutional oppression of women disappears behind the belief that if I, as a rational sovereign subject, freely choose my way of life on the basis of my individual rational consciousness which gives me knowledge of the world, then I am not oppressed.

The material fact of oppression in the midst of the modernist, humanist conception of the self has spawned various analyses that purport to explain this contradiction.

Structuralism, Marxism and feminism have all proposed the existence of ‘false consciousness’, the notion that an individual can be, and sometimes is, deceived into complicity with oppression and will therefore unintentionally think and behave in ways that harm her self. Thus women can be rational, autonomous selves with agency, but their agency can be (quite frequently, apparently) ‘duped’. The corollary to this notion is that consciousness can be ‘raised’ or undergo a process of ‘conscientization’ (Friere, 1973) that will diminish our complicity with the external forces that oppress us.

Alternatively, feminist psychology has suggested that women’s complicity, their ‘bad choices’, results from the damage inflicted on women’s psyches through living under oppression and might thus be resolved through therapeutic interventions. Our return to rational agency is thus dependent on our exposure to and acceptance of analyses,

generated by those more aware or advanced than us, about the ways in which we are oppressed and participate in our own oppression. Whether pursued through consciousness-raising or feminist therapy, this approach has been unsuccessful in materially changing the conditions of most women's lives under patriarchy.

The second challenge has involved problematizing the Enlightenment subject through valorising rather than discarding 'essential' feminine attributes such as emotionality and relationality, positing a complementary female subject that can be valued equally (or, as some theorists suggest, more highly) with the rational, male subject. Women's choices are not 'bad' or 'unconscious', but related to their womanly nature. In this analysis, oppression will disappear as essential female qualities and, therefore, the women who embody them, are more valued in the world. This strategy has also failed.

The third way, which involves discarding the modernist, Cartesian subject altogether, has thrown feminists interested in pursuing this possibility into an often uneasy alliance with poststructuralism. Poststructuralists, and perhaps especially Foucault, reject the notion of an autonomous, essential self who freely chooses. For Foucault, the self is an *effect* of discourse: historically and socially situated, constituted and constructed in discourse and discursive practices. In poststructuralism, subjectivity is unstable, "precarious, contradictory and in process, constantly being reconstituted in discourse each time we think or speak" (Weedon, 1997, p.32), rather than stationary or evolving in a progressive or unified way. This understanding of subjectivity leads to an alternative reading of 'choice'; in Davies' poststructural analysis, "choices are understood as more akin to 'forced choices' since the subject's positioning within particular discourses makes the 'chosen' line of action the only possible action, not because there are no other lines of action but because one has been subjectively constituted through one's placement within that discourse to *want* that line of action" (1991 p.46). Such an analysis is appealing for feminists, because it allows us to see and understand how and why we are being complicit without pathologizing it or attributing it to an underdeveloped consciousness, both of which are essentially 'dependent' positions that leave us relying on an external

other or an external process by which we might either resolve our pathology or come to a higher level of consciousness.

But the poststructuralist position poses some quandaries for feminists, not the least of which is that the de-centred, unstable, contradictory poststructuralist subject sounds suspiciously like the emotional, irrational, inferior female subject of Enlightenment epistemology. Such a subject can be easily dismissed. Feminists and other marginalized peoples have also noted the fact that the call to ‘abandon the subject’ comes at a time when the marginalized have just taken up the project of theorizing their subjectivity, and defining themselves as agents. This has led to many feminist debates about the concept of ‘agency’. Some feminists have advocated a conception of subjectivity that does not completely abandon the idea of a self outside of discourse, as in DeLauretis’ (1984) idea that subjectivity, though always in process and not fixed, is nonetheless produced by one’s personal engagement with discourse and its deployment, or Alcoff’s (1988) suggestion of “a subject who has agency yet is also part of a discursive practice” (cited in Hekman, 1990, p.81). The poststructuralist response, as articulated by Hekman, is that the subject who has agency, who constitutes a personal subjectivity, is precisely the autonomous, abstract, individualised subject that is the basis of the Cartesian subject itself, and she proposes instead a Foucaultian “subject that is capable of resistance and political action without reference to elements of a Cartesian subjectivity” (Hekman, 1990, p.81).

Some feminist poststructuralists have proposed alternative, and I think politically useful ways, to think about our selves, our choices and our complicity while still maintaining a sense of agency. Davies suggests that “agency is never freedom from discursive constitution of the self but the capacity to recognise that constitution and to resist, subvert and change the discourses themselves through which one is being constituted” (1991, p.51). This acknowledges that our choices are constructed for us through discursive practices, and that we can only choose from these discursively constituted choices, but suggests that it is our understanding of these options that guides conscious choices of how we position ourselves. When there are no alternatives available which do not in

some measure harm us, choosing the construction that is least harmful can be reconceptualised as a strategy of resistance. Another choice, which is common to those who occupy already devalued subjectivities, is to position oneself as ‘different from’ others who occupy the devalued subjectivity while at the same time accepting the general devaluing of the subjectivity. Thus, a gay person might describe himself as ‘gay but not promiscuous’, or a single mother on welfare might describe herself as different from ‘other welfare moms’. These choices are circumscribed by the knowledge that if we try to create a choice outside of those offered we might position ourselves so far outside ‘the true’ that we will be labelled ‘mad’ or ‘evil’. For example, Aileen Wuornos, a lesbian prostitute in Florida who killed several of her customers in what she described as ‘self defence’, managed to accrue both labels (see Chesler, 1994, for extensive discussion).

The idea that we are choosing from a range of circumscribed choices allows us to more accurately assess the possibilities for resistance, although these may be on a small scale. Understanding our subjectivity and the range of subjectivities available to us brings not just the possibility of choice but an increased awareness of the mechanisms by which our selves, our subjectivities, are created, disciplined and under surveillance. In Davies’ (1991, p.50, italics in the original) words,

To conceive of agency once the male/female dualism is abandoned is to think of speaking subjects aware of the different ways in which they are made subject, who take up the act of *authorship*, of speaking and writing in ways that are disruptive of current discourses, that invert, invent and break old bonds, that create new subject positions that do not take their meaning from the genitalia (and what they have come to signify) of the incumbent.

Feminists are also justifiably concerned that accepting the poststructural subject as a subject constituted solely as an effect of discourse means that we must abandon knowledge generated from the experiences of women and subjugated others. Having lived so long in a world in which [white, heterosexual, able-bodied] men define their experience *as* reality, it has been critical for women and subjugated others to explore their ‘realities’. Feminist standpoint theory (Harding, 1987; Hartsock, 1987) and the notion of epistemic privilege (Narayan, 1988) have been critical in helping women move beyond exploring their realities to interrogating and theorizing them. These theorists are

as insistent as any poststructuralist that knowledge is situated and perspectival, and that there are multiple standpoints from which knowledge is and can be produced. But they do not agree with the contention of many poststructuralists that all accounts are therefore equally valid. Hekman offers this summary of the position taken by Harding and Hartsock: “Starting research from the reality of women’s lives, preferably those of women who are also oppressed by race and class, will lead to a more objective account of social reality” (1999, p.45).

While I am hesitant to position either the possibility or the pursuit of ‘objectivity’ as a good move for feminism, I do believe that the ‘view from the bottom’ is fuller, and often more accurate, at least with certain proscribed areas. As Fine has noted, “in colonizing relations...dominant-subordinate relations, subordinates spend much time studying the Other” (1998, p.146), because our survival depends on doing so. For example, I know a great deal about what [white, heterosexual] men think, feel and imagine, about lesbians in particular and the world in general, because my economic, academic and, too frequently, my physical survival has depended on this knowledge, and on my concomitant ability to be silent about it. And I would contend, since I have had it so frequently demonstrated to me, that most [white, heterosexual] men know nothing about what lesbians think, feel and imagine, about [white, heterosexual] men in particular and the world in general, although they apparently feel free to speak as if they do. I have essentialised here because I want to make the point that, in the context of the system of domination and subordination in which we live, women and subjugated others cannot and must not completely abandon the knowledge of our experience.

Alternatively, positioning experience *as* knowledge fails to take into account that experience is also discursively structured: we can only understand, apprehend or explain our experience within the discourses and subjectivities that are available to us. So I think we must seek to understand how experience and therefore the knowledge that arises from it are constructed, and the place of these particular constructions of subjectivity, experience and knowledge in the broader pantheon of discursively constituted power relations. As Haraway points out, in her critique of feminist standpoint theory, “women’s

experience is constructed. Like every other aspect of our lives, it is apprehended through concepts that are not of our making” (1988, cited in Hekman, 1999, p.49). The only language through which we can describe our experiences is constituted in the discourses available at each historically specific moment. Do mothers experience domestic violence, family violence, violence against women or male violence against women, and what are the consequences of each interpretation? Or are mothers experiencing essentially ‘normal’ relations between men and women, or between mothers and men, and what are the consequences of experiencing or interpreting or knowing this as normal?

As these conflicting and contradictory choices suggest, “individuals are both the *site* and *subjects* of discursive struggle for their identity” (Weedon, 1997, p.93, italics in the original). The discourse surrounding men’s violence towards women is a particularly rich site for an examination of subjectivity, because it is a juncture where all of the forms of force which are exerted upon and within women’s subjectivity coalesce, from very overt physical violence to the much more subtle constructions of the discourses of biological difference and biological determinism. “How we live our lives as conscious thinking subjects, and how we give meaning to the material social relations under which we live and which structure our everyday lives depends on the range and social power of existing discourses, our access to them and the political strength of the interests which they represent” (Weedon, 1997, p.26). For example, the subjectivities offered by the discourse of ‘failure to protect’ have different social and political consequences for women, many of them contradictory. Should a woman ‘stand by her man’ or be a fierce protector of her children? Is she co-dependent, a woman who ‘loves too much’? Is she successfully providing her children with the requisite male role model required by child development theory or is she a lazy single mother on welfare?

What I am suggesting is that everything that we do or do not do, say or do not say, write or do not write signifies our compliance with or resistance to what Weedon has described as the “dominant norms of what it is to be a woman” (1997, p.83). The range of subject positions available to women also turns on dimensions of race, class, age, ethnicity, dis/ability, sexual orientation and cultural background. The relative power or

powerlessness of different subject positions is structured in and through discourse and the social or power relations inherent in it. Each positioning has its own consequences and effects; as Weedon notes, “forms of subjectivity which challenge the power of the dominant discourses at any particular time are carefully policed. Often they are marginalised as mad or criminal” (1997, p.87), or, as in the case of Aileen Wuornos, as both. Our ‘selves’, our subjectivity, are not acted upon by discourse, but are instead an effect of discourse, and thus an effect of power.

Power

Foucault’s theory of power differs from both modernist and most feminist understandings of power and power relations. For Foucault and many other poststructuralists, power is understood as something that is circulated and dispersed throughout society rather than being held exclusively or primarily by certain groups. This is an alternative reading to the understanding that it is the state, and powerful groups that the state supports and that support the state, which have and impose power. From Gunew’s perspective “the idea that the State is the source or accumulation point of power and can therefore account for all the apparatuses of power appears to me to be without great historical fecundity” (1990, p.22).

From a poststructuralist perspective, “power is a form of action or reaction between people which is negotiated in each interaction and is never fixed and stable” (Mills, 1997, p.39). Thus, power is exercised and relational rather than merely oppressive or repressive. The individual, or the individual ‘subject’, is not acted upon by power but is positioned in power. For example, the subjectivities available to gay men and lesbians have undergone many transformations over the past century as they have been developed within various discourses even in the midst of many oppressive and repressive state initiatives. The notion that there is no ultimate determining factor related to power, such as race, class or gender, and no ultimate holder of power such as the state, often makes poststructural ideas about power anathema to those who are concerned with the very real and material structural inequalities that exist in society. But I believe that when poststructuralism is informed by the progressive politics of feminism or critical race theory it has more to

offer those who want to make change in the world than do analyses based on hierarchies of oppression, which inevitably pit those on the margins against one another. Feminist poststructuralism allows for a process of analysis that can take all of these factors, and how they relate to one another, into account. If, as Foucault suggests, “power is tolerable only on condition that it mask a substantial part of itself. Its success is proportional to its ability to hide its own mechanisms” (1981, cited in Weedon, 1997, p.117), then analyses directed at uncovering these mechanisms and delineating how they operate within us and in the minutiae of our daily existence present us with better rationales for resistance than do universal and essentialist theories which both obscure difference and require massive mobilisation to bring about change. Gunew suggests that the Foucaultian analysis of power may offer a more fruitful strategy. “It may well be quite misleading to think of power as consisting of a centre and a periphery and may be more productive to think of power as a network which operates everywhere in contradictory ways and can therefore be strategically resisted everywhere” (Gunew, 1990, p.23).

Foucault offers two other ideas about power that can be usefully appropriated for feminist analysis. One is that there is a recursive and intimate relationship between knowledge and power. From a Foucaultian perspective, knowledge is never disinterested or neutral, but both produced by and productive of power. “Power and knowledge directly imply one another: there is no power relation without the correlative constitution of a field of knowledge, nor any knowledge that does not presuppose and constitute at the same time power relations” (Foucault, 1979, cited in Usher and Edwards, 1994, p.87). Thus, knowledge disputes are also power struggles, and power struggles are also about which/whose version of knowledge will prevail.

Another useful idea has to do with disciplinary knowledges and the role of these knowledges in producing internally disciplined individuals. In *Discipline and Punish*, Foucault delineates the shift in societal governance from mechanisms of external surveillance and punishment meted out on the body of the wrongdoer, to the present situation in which individuals, guided by disciplinary knowledges such as psychiatry, psychology and education, police themselves. As Usher and Edwards note, “when

discipline is effective, power operates through persons rather than upon them” (1994, p.92). All disciplinary discourses contain instructions for how to be, think and do; in Foucault’s interpretation, “Power is reproduced in discursive networks at every point where someone who ‘knows’ is instructing someone who doesn’t know” (Gunew, 1990 p.23). While the possibility exists that we can, if need be, be externally disciplined – those defined as ‘mad’, for example, are still routinely locked up – the internalisation of disciplinary knowledges is generally effective, and, in fact, eagerly pursued: sections of bookstores, and sometimes entire bookstores, are now devoted to ‘self help’. As ‘self discipline’ is embraced, the repressive and coercive aspects of power are obscured, and when self-discipline needs shoring up, those expert in disciplinary knowledges (psychiatrists, psychologists, social workers) offer further instruction.

The Foucaultian poststructuralist understanding of power seems especially relevant for the study of ‘children witnessing’ and ‘mothers failing to protect’. As I noted earlier, concern about ‘children witnessing’ is a relatively new phenomenon, as is the corollary concern about ‘failure to protect’. It is also the product of powerful disciplinary knowledges such as psychiatry and psychology. But, as I have noted, the discursive ‘instructions’ are confusing, often ambiguous, and sometimes in contradiction to the instructions of other disciplinary knowledges: for example, if the “best possible family” has both a mother and a father, shouldn’t women put up with a little abuse to retain a father/figure? The phenomena of ‘children witnessing’ and ‘mothers failing to protect’, offer an opportunity to illuminate the reconfiguration and reinscription of power/knowledge. As a feminist, I hope that these illuminations may produce the alternative discourses, alternative forms of power and alternative forms of the self that are necessary to alter political relations.

Towards a feminist discourse analysis

In describing my understanding of Foucaultian poststructuralism, I have outlined its major concepts and how I have modified and appropriated them for this research project. As a feminist I am particularly interested in how discourse/discursive practices structure relations of domination and subordination, and whether the analysis of discourse can

illuminate new possibilities for resistance to the current ‘regime of truth’ under which violence against women is ubiquitous. I was particularly curious about how discourse is deployed in order to make mothers –the victims- both visible and responsible while simultaneously configuring men -the perpetrators- as invisible and innocent. Prior to describing the particularities of the methods I employed, I would like to outline what I mean by feminist discourse analysis.

Just as there are many definitions of discourse, so there are many understandings of what discourse analysis is, and how the discourse analyst ought to proceed; there are, for example, varieties of discourse analysis that locate themselves in quantitative methodology, such as linguistic analysis, and in qualitative methodology, such as narrative or conversational analysis. Having rejected the epistemological ground on which such methodologies stand, I am attempting to chart a third way, albeit with feminist caveats. Given that I have appropriated a feminist poststructuralist understanding of discourse as the way in which the conjunction of knowledge and power organises language, subjectivity and social relations to produce ‘reality’, I look to a feminist poststructuralist application of discourse analysis to understand *how* reality is created and structured. Such a methodology required the linked examination of both content and context: the nature and content of language and discursive practices and the historically and socially specific context in which they occur. Further, it required an analysis of whose interests are served by these practices, and the consequences of these practices, at this particular point in time, to “explain the relations and forces of power from the discursive evidence available” (Weedon, 1997, p111). Finally, it involved an acknowledgement of the extra-discursive, and in this I followed Cain’s position of “accepting and using much of Foucault’s argument, while at the same time holding on to our certainty that many of the relationships which bind us down are not yet available to politics because they are not yet available to anyone’s knowledge” (1993, p.84). Thus, I have provided an analysis, explanation and critique of the language practices, textual strategies and discursive deployments that combine to make our concern with ‘children witnessing’ and our focus on mothers’ alleged ‘failure to protect’ appear not only as natural, common sense and apolitical but as progressive and necessary.

I have, through my insistence on taking up relations of domination and subordination, and through positioning myself as a feminist, insisted on a political reading of discourse. This had implications for my analysis. “To say that ‘everything is political’ is to recognise the omnipresence of relations of force and their immanence to a political field; but it is to set oneself the barely sketched task of unravelling this indefinite tangled skein” (Foucault, 1979b, cited in Mills, 1997, p.80). In delineating what this unravelling involved for me as a feminist discourse analyst, I want to make clear that my intention is not so much to provide answers as it is to suggest different questions. I am not interested in reinscribing a new disciplinary knowledge about ‘children who witness’ and mothers who ‘fail to protect’, but I do hope to displace, disturb and disrupt our ‘common sense’ readings of these concepts. For example, in Kitzinger and Thomas's (1995) discourse analysis of sexual harassment, the difficulty they uncovered with separating ‘harassment’ from everyday gender relations led them to question how and why ‘sexual harassment’ came to exist as a concept, whether this concept serves women or works against their interests, and whether women might be better served by refusing to participate in the discourse of sexual harassment.

The feminist discourse analysis that I have pursued, which owes much to Foucault and especially to *The Archaeology of Knowledge* (1972), involved two primary and interrelated tasks. The first was the archaeological or critical analysis, which involved exposing and exploring discourse in terms of the *how* of the discourse rather than the ‘why’. Through such an analysis, the assumptions of the discourse are revealed, and the presentation of these assumptions, and the mechanisms through which they are presented as ‘truth’, have been illuminated and challenged. This is a deconstructive process, concerned with how language, words and concepts are structured and constructed so as to appear as natural, normal, progressive and common sense. “A discursive structure can be detected because of the systematicity of the ideas, opinions, concepts, ways of thinking and behaving which are formed within a particular context, and because of the effects of those ways of thinking and behaving” (Mills, 1997, p.17). I asked, in essence, what the rules are that the discourse obeys. In this, I was most concerned with four ideas: the construction of coherence; the processes of inclusion and exclusion; the relationship

between hegemonic discourse and oppositional, marginalized and subjugated discourses; and the constitution of subjectivities.

By examining the construction of coherence, I make explicit the system of implicit links we must make, relying on both the internal rules of the discourse and disciplinary knowledges, in order for the concepts of 'children witnessing' and 'failure to protect' to 'make sense'. I demonstrate how this construction of coherence allows the particular ways of looking at men's violence against women that are embodied in these concepts to not be seen as 'particular ways' of understanding but as common sense.

In considering processes of inclusion and exclusion, I started from the understanding that discourse structures not only what we can say or write and how we can say or write it, but what we cannot or must not write or say. As Mills notes, "whilst what it is possible to say seems self-evident and natural, this naturalness is a result of what has been excluded, that which is almost unsayable" (1997, p.12). When alternative ways of speaking or writing about a topic are excluded, then alternative ways of thinking and knowing are also excluded, or at least marginalised to the extent that they cannot and will not be considered as legitimate knowledge. In the case of 'children witnessing' and 'failure to protect', the ways in which the discourse is regulated lie both within the discourse and within the disciplinary knowledges and surveillance mechanisms attendant on the discourse. These mechanisms include not just the child welfare system itself but also the various regulatory and bureaucratic practices which organise child welfare work and workers, and through which individuals learn to discipline or self-discipline both their language practices and their 'selves'.

In noticing processes of inclusion and exclusion, I explored the existence of marginalised and oppositional discourses on 'children witnessing' and 'failure to protect' and explored the struggle between hegemonic discourse and these alternative discourses. Underlying this is the understanding that discourses exist in relation to one another and, as I have suggested earlier, that hegemonic discourse defines other discourses as marginal and oppositional as part of positioning itself as 'truth'; its ability to do so lies under the

aegis of Enlightenment epistemology. Examining discourses in a conflictual relationship reveals why the struggle is taking place. This strategy has proved fertile for feminist theorising, as in Walker's (1990) examination of 'family violence' and the Canadian women's movement, which highlights the reasons for and the consequences of feminists adopting the language of 'domestic violence' and abandoning the discourse of 'men's violence against women'. Making such struggles explicit allowed for a more textured consideration of the political implications of these discursive choices. The critical analysis was thus "a sort of critical analytical ethnography...[that] tries to elucidate webs of meaning, and the relations and consequences of competing meaning frameworks" (Burman, 1991, p.335).

The consideration of subjectivity involved examining "the constructive efforts discourse has upon social identities, social relations and systems of knowledge and belief" (Fairclough, 1992b, cited in Mills, 1997, p.150). This analysis involved moving back and forth between discourse and language practices, noticing not just what language is used but also noticing what language (words, phrases, concepts, rhetorical devices) was available, and making clear the relationship between language, social and institutional practices and the shaping of individual subjectivity. I was interested in the range of subjectivities constituted as effects of the discourse and in the personal, social and political consequences of adopting each of these subject positions. I also look at how the power relations of gender are realised in the language, textual strategies and discursive practices of 'children witnessing' and 'failure to protect', and explore how these power relations become 'reality' without us noticing that they go through a process of becoming reality. As Weedon has noted, "in order to use language as an effective political weapon on behalf of sexual politics, we need to theorise both women and language in a way that opens them up to political change" (1997, p.79).

The main focus of the genealogical analysis "is to understand the conditions which make certain 'regimes of practices' acceptable at a particular moment in time" (Foucault, 1981, cited in Featherstone and Fawcett, 2000, p.18). I was interested in how and why this discourse has come into being at this particular historical, political and social juncture.

Fraser and Gordon's (1998) work on the genealogy of 'dependency' is a feminist exemplar of this methodological approach. I was curious about how and why some words and concepts, most notably 'domestic violence', 'children witnessing' and 'failure to protect', have come to be favoured over others at this specific time, and I wanted to explore who benefits and who suffers as this discourse is deployed. As with all genealogical searches, I was concerned with which discourses the discourse under examination is related to: which discourses gave birth to it; a knowledge of other 'family members' and their position in the family; the privilege or marginalization this discourse has been born to; and how this discourse and its family are socially and institutionally related.

Within Enlightenment epistemology and the modernist era "the most common guarantees of the 'truth' of discourses are science, God and common sense" (Weedon, 1997, p.122), and thus I looked for how and where such guarantees appeared in the language and speech practices of the discourse. I attempt to map out "the intricate network of discourses, the sites where they are articulated and the institutionally legitimised forms of knowledge to which they look for their justification" (Weedon, 1997, p.122). The genealogy I traced is the history of how 'failure to protect' became a discourse, and whose power and desire this serves. By the same token, I did not look for a history of each of the players in the drama of 'children witnessing' – children, mothers, perpetrators, and social workers – but for the genealogy of the subjectivities constructed within discursive practices. Rather than look for any essence of their experience, or even commenting on whether it is good or bad for children to 'witness', I was curious about how this concern arose, and how subjectivities are constituted as an effect of the discourse of 'failing to protect'. As Weedon has noted, "feminist poststructuralism, concerned as it must be with power, looks to the historically and socially specific discursive production of conflicting and competing meanings" (1997, p.82). I hope through this to develop an understanding of the conditions that make the transformation of mothers being beaten into mothers failing to protect acceptable at this moment in time. I have thus examined how 'failure to protect' shifts the efforts of women to position men's violence against women as men's responsibility onto the shoulders of mothers, and

therefore deteriorates rather than enhances women's position in this culture. As Weedon (1997, p.133-134) notes,

Where texts are read as sites for the discursive construction of the meaning of gender, as in feminist poststructuralist readings, their meanings will relate both to the original historical context of production, understood through the discourses which constitute present-day conceptions of history, gender and meaning, and to the concerns of the present.

By analysing the discourse in these ways I have also by implication chosen to challenge it, not just in challenging individual discursive practices but also in challenging the reality constructed by the discourse and therefore the subjectivities constituted through the discourse. This challenge is a political commitment. By looking at the intertwined concepts of subjectivity, language and power, I have attempted to offer alternative readings and alternative meanings of what has thus far been taken for granted, in order "to demonstrate where [these concepts] come from, whose interests they support, how they maintain sovereignty and where they are susceptible to specific pressures for change" (Weedon, 1997, p.169). In analysing how discourse is constructed and how it serves specific powerful interests, I hope that I may have created opportunities for resistance to the discourse, places where it might be challenged and transformed.

Given all that I have suggested about 'reality', I must also acknowledge that I have engaged in producing a particular version of 'reality' and history, and that mine, as well as all other versions, is both partial and perspectival. Because I have suggested that discourse is all-encompassing, that there is no location 'outside the discourse' from which to observe or analyse its workings, I must also analyse the rules of the discourse in which I locate my work, what that says about my positionality as a researcher, and the relationships I engaged in within the discursive practices. While "a concern for the relation between the individual interaction and the wider discursive and social structure...makes for a form of analysis which is more complex and finely nuanced, [it] also makes for an analysis which is self-critical in terms of its own claims to 'truth', and is aware of the dangers of naively ascribing meaning to texts" (Mills, 1997, p.158). I will take up these considerations in my discussion of methods and assessment.

Methods

The specific methods by which this feminist discourse analysis has been accomplished are not outlined in any set of methodological instructions but were instead chosen to fit with the particular understanding of discourse, power relations and subjectivity that I have delineated. As a general guideline, Foucault suggested “the critical and genealogical descriptions must alternate, and complement each other, each supporting the other by turns” (1981, p.73). Some of the methods that I employed were particularly concerned with unearthing textual strategies, while others elucidated language practices, and some offered insight into both. My analysis focused primarily on legislation and relevant policy documents recently in use and circulation in both jurisdictions.

Data collection

In the UK, there are a great number of documents that instruct child protection practice in cases where men abuse mothers, and such documents seem to be almost continually in production. It was therefore somewhat difficult to determine which documents to analyse, given this fluidity. No doubt the almost constant production of documents also presents a difficult situation for practitioners. I therefore decided that it was necessary, in order to make my data analysis manageable, to select only those policy documents most relevant to everyday practice with these cases. My selection of documents to analyse was based on four considerations:

- The documents that shape public (rather than private) child welfare policy¹.
- The documents most concerned with child protection practice (those aspects of child welfare work that are sometimes described as ‘statutory’) in situations of men’s violence towards mothers.
- The documents that child protection social workers in the local authority considered to be most relevant to their practice in these cases.
- The documents that workers and mothers most referred to during the interviews.

Based on these criteria, four documents were selected for in-depth analysis:

The Children Act 1989

¹ Most ‘Commonwealth’ countries separate public and private law provisions regarding child welfare; this is the case in Canada, where ‘private’ provisions relating to children, such as custody, access and contact are handled exclusively and entirely under the provisions of the federal Divorce Act and provincial acts, such as the BC Family Relations Act, and matters relating to children in need and in need of protection are handled under provincial child welfare and social welfare statutes.

The challenge of partnership in child protection: practice guide. Department of Health (Social Services Inspectorate) (1995)

Working together to safeguard children. Department of Health (Home Office, Department for Education and Employment) (1999)

Protecting our children: the policy and procedural requirements of Hampshire, Portsmouth and Southampton Child Protection Committee. Hampshire, Portsmouth and Southampton Child Protection Committees (2000)

In order to determine which documents child protection social workers in Southampton considered to be most relevant to their practice I developed, in consultation with two colleagues in the Department of Social Work Studies at the University of Southampton, a list of all recent major practice guidance documents related to child protection practice in cases of domestic violence. I then distributed this list to local authority child protection workers and asked them to rate the documents in terms of their influence and impact on practice. A copy of the sheet and rating instructions is found in Appendix C.

In BC, in contrast to the UK, there are fewer documents that directly instruct practitioners, and I therefore selected for in-depth analysis all of those texts directly relevant to child protection practice in BC during the period of my research:

Child, Family and Community Services Act (RSBC 1996), 2002 Unofficial Consolidation (CFCSA)

Child, Family and Community Service Policy Manual, Volumes II and IIA (1996)

Practice Standards for Child Protection

BC Risk Assessment Model

Although my research is primarily a textual analysis, I also conducted interviews in both jurisdictions in order to better understand both the material effects of the discourse and its role in constructing subjectivities. To this end, I engaged in conversational, introspective interviews with some of those most implicated in the discourse of ‘failure to protect’ and ‘children witnessing’: mothers who have been accused of or who are vulnerable to accusations of ‘failure to protect’ and child protection social workers charged with investigating situations where children have witnessed violence towards their mothers. I

also attempted, in both jurisdictions, to interview men who had battered mothers; for reasons that I will discuss in detail later in this chapter, I was unable to do so.

Participants were purposively selected through the use of criterion sampling, in which individuals are selected because they have “experienced the phenomenon being explored and can articulate their conscious experiences” (Creswell, 1998, p.111). Such a sample is designed to “yield the most information about the phenomenon of interest” (Merriam, 2002, p.20). The criteria I specified in selecting participants included, for social workers: experience in child protection in one of the two jurisdictions under study; experience with child welfare cases in which men abused mothers; and willingness and ability to voice their thoughts, feelings and opinions. The criteria I specified in selecting participants included, for mothers: having experienced physical abuse; involvement with child protection authorities in relation to the abuse; and willingness and ability to voice their thoughts, feelings and opinions. Sample copies of my requests for all categories of participants can be found in Appendix A. Because the interviews were a tertiary focus of my analysis, and because discourse analysis is a complex and time-consuming method of data analysis, I recruited only a few participants in each category in each jurisdiction. Seven participants granted me individual interviews and I conducted a focus group interview with eight participants.

In the UK, I conducted three individual interviews with local authority social workers. Two of the workers had more than ten years of experience in child care social work in a variety of roles; one had worked for less than ten years, primarily as a child care social worker. At the time of the interviews, one worked as a child care social worker and two were supervising child care teams. All three workers were white, two were heterosexual and one of the three was partnered. None had children at home. Two of the three considered themselves to be from a working class background. In BC, I conducted two individual interviews with child protection social workers. Both workers had many years of experience in child protection in a variety of roles; at the time of the interviews, one was assigned to investigation and intake and one was supervising a child protection team. Both workers were white, heterosexual and partnered. At the time of the interview, one

had children at home and one did not. Given that class distinctions are more obscure in Canada than in the UK, the workers had some uncertainty about their class backgrounds; I would suggest that they were both middle class.

Prior to conducting the interviews with workers in both jurisdictions, I spoke to potential participants on the telephone, and provided them with a brief synopsis of my project. I also briefly explained the voluntary nature of participation, the interview process and use of a recording device, confidentiality and use and storage of data. Potential participants were asked to reflect on this information, ask me any questions they might have, and then decide whether to proceed. During our conversation, I offered to interview participants at a time and place convenient for them. In the UK, two participants chose to be interviewed in an office at the University of Southampton and one participant chose to be interviewed at her work office; in BC, each worker chose to be interviewed at her office. I sent interested participants a letter confirming their interest and the time, date and location of the interview. I enclosed with this letter an information sheet about the research, information about confidentiality protection, and a copy of the consent form. Samples of these forms are in Appendix B. Prior to commencing each of the interviews, I reviewed the purposes of my research, confidentiality and use and storage of data, and the ongoing voluntary nature of participation. In each case, a consent form was signed prior to proceeding with the interview.

In both jurisdictions, I solicited mother participants through letters and phone calls to facilities serving abused women. A sample letter is included in Appendix A. In BC, potential participants contacted me by telephone and I briefly explained the voluntary nature of participation, the interview process and use of a recording device, confidentiality and use and storage of data. Potential participants were asked to reflect on this information, ask me any questions they might have, and then decide whether to proceed. During this conversation, I offered to interview participants at a time and place that felt convenient and safe for them. In BC, I conducted two individual interviews with mothers; each participant chose to be interviewed in an office at the University of Victoria, though neither gave a reason for this choice. Both participants were white, had

separated from their abusive partners and had custody of their children. The children's fathers had visitation and access. Each participant had two children, one girl and one boy and at the time of the interview, both mothers were struggling financially, though one had come from more of a middle class background than had the other. One participant had some post-secondary education and one did not. In the UK, a local women's shelter facilitated my contact with participants. The UK mothers expressed a preference for engaging in the interview as a group with refuge workers (who were themselves survivors of abuse) present, and I therefore conducted a focus group interview with eight mothers at a refuge during their usual group meeting time. The UK participants ranged in age from their early twenties to their mid forties; six mothers were white and two were Asian. At the time of the interviews, all the mothers were separated and living apart from their abusive partners. All of the mothers had custody of their children. The children's fathers had visitation and access, though not all were exercising this. Two of the participants had some university education and six did not; most described themselves as coming from poor or working class background but a few were uncertain about their class. All of the women were struggling financially. Prior to each of these interviews, I reviewed the purposes of my research, confidentiality and use and storage of data, and the ongoing voluntary nature of participation. In each case, participants signed a consent form prior to proceeding with the interview. All of the mother participants were especially concerned that the data transcripts not identify them in any way, and that consent forms, as promised, be stored separately from the data tapes and transcripts.

Interviews were structured around topic areas rather than a specific list of questions provided by me as the interviewer, and focused on the experiences of the participants, their perceptions and understanding of those experiences, their perceptions of the other players in the situation and the institutions involved, and their understanding of why and how events in the situation occurred. A list of interview topic areas is found in Appendix D. The interests and agendas of the participants strongly influenced the structure and content of the interviews. In reflexive, conversational interviews, as Esterberg (2002, p.87) notes, "the process resembles a dance, in which one partner (the interviewer) must be carefully attuned to the other's movements". Perhaps this is especially true in the

focus group situation, where group norms may influence the data gathered by this means. During this interview, while instances of both disagreement and consensus occurred, there were some topic areas where some participants did not contribute, and it is impossible to know the meanings of these absences. As I noted, the focus group participants declared their agenda prior to and during the beginning of the interview: in the matter of children witnessing, and mothers being accused of failing to protect, these women had some ideas and experiences to convey – they wanted to be heard. It is also possible that the focus group setting may have lessened the stigma and shame that usually accrues to women who have been battered, as group participants may have felt less vulnerable to the possibility that I would judge them negatively. Focus group participants may also have been less hesitant to produce negative assessments of social workers than were the BC mothers, who, in the individual interview context, might have been worried that they might offend me, given that I am also a social worker.

Interviews were tape-recorded and the tapes stored in a locked filing cabinet until they were transcribed¹. Due to my physical limitations at the time, I did not transcribe the interviews myself but paid for them to be transcribed by professional secretaries from the School of Social Work at the University of Victoria. These women were instructed to remove all information that might identify participants during their preparation of the transcripts. I then reviewed each interview several times by listening to the tapes while reading the transcripts. In addition to checking for transcription errors and ensuring that all identifying information had been deleted, this allowed me to closely attend to data ‘beyond words’, such as pauses, voice modulation changes, hesitations and laughter. Once the transcriptions were completed, the interview tapes were destroyed.

In both jurisdictions, all participants were offered the opportunity to review their transcripts to ensure that their words had been preserved and that all identifying information had been deleted. In BC, the workers declined to review their transcripts, but both mothers reviewed their interview transcripts prior to the beginning of my data analysis. In the UK, all participants declined the opportunity to review transcripts. In

¹ All audiotapes, from both workers and mothers, have since been destroyed by incineration.

both jurisdictions, I also offered to provide each participant with a copy of my completed thesis. The BC and UK workers and the BC mothers have accepted this offer, and copies will be provided to them once the thesis is successfully defended. The UK mothers declined the offer of individual copies, but asked that a copy of the completed thesis be provided to the local women's refuge. I will provide a copy once the thesis is defended.

Data analysis

The overarching critical task was to produce a disruptive reading, a reading that refused to take the discourse for granted, a reading that would not accept that which was presented as 'common sense'. Such a reading deconstructed the discourse through a number of specific strategies. First among these was the deconstruction of coherence, which I understood here as disentangling the interwoven assumptions, presuppositions and stereotypical meanings, both embedded within the text and that the reader is required to bring to the text, in order for the text to 'make sense'. Dominant discourse and the texts that it produces and which produce it carry the implicit assumption of a collective subjectivity in which "we are all the reasonable, moral individuals for whom the text speaks" (Weedon, 1997, p.98). Thus the reader "finds herself placed in a position which implicitly endorses the meanings and values of the [text] as just good common sense or as eminently reasonable" (Weedon, 1997, p.98). To destabilise such a reading, I noticed those places where I was required to make connections between portions of the text or draw upon other discourses in order for the text to cohere. At all these places where my complicity was required, I instead refused to comply; by doing so, I was able to reveal some of the 'support mechanisms' of the discourse: those that are intrinsic to the discourse and those that are extra-discursive or socio-cultural.

Refusing to be complicit is a difficult task, one that goes to the heart of the constitution of subjectivity in discourse. Discourse constructs subjectivity through the recursive relationship between the text and the reader [listener/speaker]. In order for a text to 'make sense' to me, I must become the person to whom this text 'makes sense'. I am not here suggesting an analysis of whether I as the reader [listener/speaker] *agree* with the positions, concepts or arguments of a text. Discourses offer or account for a range of

subjectivities, from those that are valorised or valued to those that are devalued or marginalised. For example, in the discourse surrounding men's violence towards women, the valued subjectivity is embodied within the concept of domestic or family violence – I would call this the humanist position – and marginalised subjectivities, such as 'feminist', are constituted through the concept of men's violence towards women. The positioning of a subjectivity as valued can be detected in part through its dominance as a construct in a field of discourse, and partly through the various difficulties that one encounters (both internal and external) in any attempt to insert into the discourse the phrase 'men's violence towards women' as a legitimate concept. Clearly, the constitution of a self to whom the concept domestic or family violence is 'common sense' is the preferred, valued and centred subjectivity, while the construction of self as one who thinks of these events as 'men's violence towards women' is a denigrated, devalued and marginalised subjectivity. If I am not the 'reasonable, moral individual' for whom the text speaks, who am I and what will be the consequences?

Thus, it was necessary to ask what preferred forms of subjectivity are embodied in concepts such as 'failure to protect' and 'children witnessing', and to consider how such valorisation is positioned in relation to the larger discourses of gender, race, and class and the power relations thus inscribed. I was looking for "the way in which texts construct meanings and subject positions for the reader, the contradictions inherent in this process, and its political implications" (Weedon, 1997, p.162). By attending to the construction of coherence, I was more able to notice the constitution of subjectivities. Some of the questions that I asked in uncovering this process included:

- Where did the text require inferences and assumptions to be made – where and how was the reader/listener/speaker required to 'fill in the gaps'?
- What assumptions were embedded in the text?
- What are the power relations constructed by these inferences and assumptions?
- What other discourses was it necessary to draw on in order for the text to 'make sense'?
- What are the subjectivities offered by the text and how are these positioned?
- What are the implications and consequences (personal and political) of adopting each of these subject positions?

My purpose in this was to, although I would not position myself as such, take up the task of what Foucault described as the ‘specific intellectual’: to “question over and over again what is postulated as self-evident, to disturb people’s mental habits...to dissipate what is familiar and accepted” (1988a, cited in Hekman 1990 p.178).

My intention in using a critical analysis was also, in part, to produce a replicable, verifiable analysis, similar to that conducted by critical discourse analysts such as Fairclough (1996) and van Dijk (1996) or critical linguists such as Penelope (1990). I too was looking for the mechanisms by which the ideological work of the discourse is accomplished. As Weedon has noted, “[a]nalysis must look to the specific details of the discursive field...in order to uncover the particular regimes of power and knowledge at work in a society and their part in the overall production and maintenance of existing power relations” (1997, p.104). Whilst I am not in any way pretending to a quantitative analysis, there are a number of specific methods of counting and measuring that informed my approach. First among these is noting ‘presences’ and ‘absences’: which words, concepts and ideas were included and which were excluded? Exclusion is accomplished by a number of procedures, including:

- prohibition or taboo: what is not said because it cannot be said, for example that men are primarily and almost exclusively responsible for violence in the world, including the violence that is directed at women;
- madness: what is said is not rational or it is uttered by those who are insane, for example Aileen Wournos’ construction of her experiences as ‘self defence’, or the labelling of those who talk of men’s responsibility for violence as ‘man haters’ or ‘feminazis’;
- true/false dichotomy: because there are instances where women are violent towards men, it becomes impossible to talk of men’s violence towards women. The ‘truth’ thus becomes ‘domestic violence’ or ‘family violence’.

I also considered the questions posed by Fairclough (1995, cited in Riggins, 1997, p.11):

- foregrounded information: which ideas are present and emphasized?
- backgrounded information: which ideas are explicitly stated but de-emphasized?
- presupposed information: what are the implied or suggested meanings in what is presented?
- absent information: what information is neither stated, nor implied, though it would seem to be relevant?

Adams, Towns and Gavey (1995, p.393-394), in their study of the rhetoric men use to discuss their violence towards women, make reference to a number of rhetorical devices, described by them as the ‘fine details’ of the language of violence towards women, that I was alert to when analysing the interviews:

- ambiguous references: the use of the first person plural (‘we’); the use of generalised pronouns (‘it’); reference to generalisations (‘women are’, ‘men are’)
- axiom markers: global assertions about the nature of ‘reality’
- metaphor: use of imaginative constructions that are shared within a culture. Of particular interest are those metaphors that are common to men’s violence towards women (‘a man’s home is his castle’).
- synecdoche: “a reference which substitutes a part for a whole” (p.396), for example the use of the term ‘respect’ as an equivalent for submitting to male authority. This “camouflages the colonising effects of the language” (Adams et. al., 1995, p.397).

These strategies are about looking beyond *what* is being said (content) to *how* it is being said (process): the ‘internal economy’ of the discourse, or the rules that the discourse obeys. I also looked for instances of agent deletion, the use of the passive voice, the order in which words are presented, and instances of what I call ‘metaphorical sanctioning’: language constructions that tied particular instances of men’s violence towards women to the sanctioning of this violence in larger societal discourses. I also noted the use of what Riggins (1997) describes as ‘distance markers’: words or phrases which position what has been said or written as central and true (‘said’, ‘stated’) or marginalised and possibly false (‘alleged’, ‘according to’). Distance markers are a subtle manifestation of what van Dijk (1996) depicts as ‘patterns of access’, which includes such considerations as who may speak or write, when and in what context, and whose words are published and where.

While I was alert to all of these analytical possibilities while examining the interviews, I was also attentive to some matters that are particular to speech: silences, hesitations, pauses, repetitions, emphases and the incidence and expression of strong feelings. Because I had already conducted some preliminary analysis of the documents when I first analysed the interviews, I was alert to instances where the discourse of the documents also appeared in participants’ speech. Alternatively, the participants’ uses of clichés, cultural metaphors and distance markers such as “I know I’m not supposed to say this...”

returned me to the documents with fresh eyes. Thus, the analysis of speech and documents occurred recursively, and I moved between these data sources throughout the analytical process.

As Mills has suggested, “statements do not exist in isolation since there is a set of structures which makes those statements make sense and gives them their force” (1997, p.49). I have in the foregoing described some of the internal mechanisms and discursive rules I analysed that enforce the particular version of reality constructed and constituted by the discourse of ‘failure to protect’ and ‘children witnessing’. I will now explain the focus of my genealogical analysis.

Genealogy

Because discourses are both socially and historically constructed, a genealogical analysis must complement the critical analysis. Genealogical analysis seeks to understand the historical, social and political context and specificity of a discourse, to consider why this discourse has appeared at this place at this moment in time. Implied in such an analysis is a reading of history that departs from the modernist conception that changes in discourse reflect the progressive, linear and ultimately rational movement of culture and society. It suggests instead that discursive changes are related to ideological struggles and power/knowledge relations as they are constituted and constructed as effects of discourse and discursive practices. As Weedon has suggested, “it is only by looking at a discourse *in operation*, in a specific historical context, that it is possible to see whose interests it serves at a particular moment” (1997, p.108, italics in original). I had to therefore “tackle the fundamental questions of how and where knowledge is produced and by whom, and of what counts as knowledge” (Weedon, 1997, p.7) at this point in history, in this case the particular ‘knowledge’ of men’s violence towards women as it is currently circulating in our culture.

A second central piece of genealogical analysis is the examination of interdiscursivity or, as it was originally named in Kristeva’s work, *intertextuality*, because “any discursive practice is defined by its relations with others, and draws upon others in complex ways”

(Fairclough, 1992b, cited in Mills, 1997, p.150). As the use of the term genealogy implies, the study of intertextuality seeks to determine which discourses gave birth to the discourse under consideration and which discourses are its closest relations. Texts refer, sometimes directly and sometimes indirectly, to other texts and discourses and are constructed in reference to other texts and discourses. As Riggins has noted, “[a]ll statements are *intertextual* because they are interpreted against a background of other statements” (1997, p.2, italics in the original). Positioned as I am partially on the margins, my access to oppositional discourses offered an alternative perspective from which to analyse discursive relationships.

I noted instances of logocentricity, which is the practice of claiming legitimacy on the basis of externally validated, universally truthful ‘facts’. This allowed me to tie my examination of intertextuality to a consideration of power relations as they are embodied in social structures and institutions, and thus to consider the concept of ‘sanctioning’ in a broader fashion than the way in which I have taken it up in the critical analysis.

Discourses achieve their dominance in part because they are authorised by other discourses, and in part because they endorse themselves through reference to hegemonic discourses and disciplinary knowledge. These mechanisms – authorisation, endorsement, sanctioning – were also considered in my analysis.

Finally, I examined how various texts and language practices were ‘framed’. The framing of a text controls or at least substantially contributes to how it is read and understood. Discourses are framed by their positioning and location; for example, texts issued by academic and scientific institutions are generally positioned as authoritative statements, and authority is further enhanced by the social, cultural and historical position of the particular institution. Text or speech is also positioned by the place of those who speak or write it in the power/knowledge hierarchy. For example, the statements of psychologists and academic researchers about the causes and purported cures for violence against women are generally considered more authoritative than the statements of feminists and refugee workers.

Analysing the ‘effects’ of the discourse: the interviews

Earlier I discussed subjectivity: how discourse constructs and constitutes experience and identity. I mentioned the importance of the ‘extra discursive’ as a feminist modification to a poststructuralist methodology. I also noted that the mechanisms through which discourse operates can be observed in both textual strategies and language practices. Thus, my analysis of discourse extended to a curiosity about how it is expressed in speech and how it brings about powerful effects on people. The purpose of analysing the interviews was to notice how speech and language practices support and reflect or resist and question the discourse, although, as I suggested earlier, the separation between language practices and discourse is artificial, as they are intertwined and in a recursive relationship.

I theorised that it would be difficult, if not impossible, for any of those implicated in the discourse to think or speak outside of the implicit and explicit injunctions embedded in the discourse. As Mills has noted, “the study of discourse is not simply the analysis of utterances and statements; it is also a concern with the structures and rules of discourse” (1997, p.49). While in theory there are an infinite number of ways to conceptualise the ‘event’ of a man beating a mother, in actuality, and in obedience to the rules of the discourse, it will be conceptualised only in ways which fall inside the naturalised and normalised discursive box of ‘domestic violence’, ‘failure to protect’ and ‘children witnessing’. Thus, I was curious about the extent of consistency within utterances, speech habits, concepts, language practices and the language games played by those who are positioned in various locations in the phenomenon of men beating mothers. Because I was curious about consistencies and anomalies in discursive practices rather than engaged in a positivist quest for empirical data, I conducted interviews to enhance and further my document analysis and not as a foundation for an allegation of ‘proof’.

All of the interviews were conducted after I had engaged in some preliminary document analysis. I believe that reviewing the transcripts and listening to the interview tapes after I had acquired some familiarity with the documents deepened my approach to those texts. As I have noted, discourse analysis is in part an intuitive process, and analytically I

moved between the interviews and the documents as particular bits of text nagged at me for reasons I could not initially fathom.

Although I believe that the interviews are critical to my analysis, I am also aware that my decision to interview forced me out of the relatively safe spaces of textual analysis and onto the thorny ground of face-to-face research relationships. As a feminist researcher, and as someone who has been a research ‘subject’/subjected to research, I entered this arena knowing some of its complications. As Fine points out, “doing the work of social change...within a context committed to discrediting all women’s voices means that social researchers have to be negotiating how, when and why to situate and privilege whose voices” (1998, p.152). She advises that we ‘work the hyphen’ through being reflexive about how we are in relation with what we study and with our informants, “reconciling the slippery constructions of self and Other and the contexts of oppression in which both are invented” (Fine, 1998, p.146). As Wolfe (1996) says, ‘the issue is power’ (and, I would add, power relations) and in my research, these issues are complicated, given the locations of those I interviewed.

Although mothers who are battered occupy every social location possible, the democratization of abuse does not extend to access to support. Mothers who participated in this study were drawn from refuges (transition houses) and social service agencies; women with money and connections are less likely to need or use these services. While I am permanently privileged because of my whiteness, my present location as a researcher, privileged by education and class and temporary able-bodiedness, contrasts with the poverty I was born into and a childhood substantially spent in government care. Thus I occupied some of the same historical locations as the mothers who spoke with me, although at least some of our present locations differed. After having reviewed procedures related to confidentiality, transcription and storage of data, I began all interviews with mothers by talking about my own history, including my own experience of having been abused. This shared positionality no doubt facilitated the mothers’ willingness to share their experiences, as it implied my understanding that abuse can happen to any woman. I also outlined my hopes and intentions that the research

contribute to reducing violence and producing better child protection practice. I believe that sharing my values and beliefs in this way, and stating my agenda rather than pretending to be neutral or objective, also facilitated the interview process. The social workers who participated in the research all shared some locational factors with me: whiteness, post-secondary education, and current engagement in professional, middle-class employment. Given that I have worked as a child protection social worker, these interviews sometimes involved mutual discussion about child welfare work. I believe that these shared positionalities and professional experiences significantly facilitated the interviews with workers. Given the harsh criticisms that child welfare workers are frequently subjected to, my experience as a worker constructed me as an interviewer with an understanding of the pressures and conundrums of their work.

Still, whatever the complications of the research relationships, I as the researcher had access to two other forms of power, as Wolfe (1996) has outlined. One is the power that I exerted *during* the research relationship. Although the participants' interests influenced the interviews, I must acknowledge that the questions that I chose to ask and the manner in which I asked them primarily informed the interviews. I would also note that I entered into these research relationships with many years of professional training in exercising the technologies of power, such as interviewing 'techniques'. I also hold the power that accrues to me as the writer of the research and, in my position as a researcher, the 'right' to represent and the 'right' to reach conclusions. Although I have in other projects engaged in developing analysis and conclusions in collaboration with research participants (Callahan, Rutman, Strega and Dominelli, 2003), I did not do so here. My acknowledgement of this power is part of my attempt to enter "a space of analysis in which the motives, consciousness, politics, and stances of informants and researchers/writers are rendered contradictory, problematic, and filled with transgressive possibilities" (Fine, 1998, p.141).

At the outset of this research, it was my intention to interview perpetrators in both BC and the UK. My initial concerns about interviewing perpetrators were tied to considerations around power relations. I believe that, as with mothers and their

involvement with refugees, the democratization of abuse does not extend to which men are charged or convicted of battering, or to which men seek out/are forced to seek out ‘treatment’ as perpetrators. While the number of men who perpetrate abuse is large and the number of men who are held responsible for abuse is small, I believe that white men with money and connections are particularly able to insulate themselves from the consequences of their actions. I therefore expected that pool of possible participants would be constricted along lines of class and race, and the men and I would be likely to, at least temporarily, occupy different locations in regard to these factors. I was curious, giving existing gender relations of domination and subordination, as to whether I would find men willing to participate. The possible rewards of participation in this research seem clear for mothers who have been battered and for social workers, most of whom are women: they would like to see violence reduced or eliminated. Given all that has been written about how violence or the threat of violence is useful for men in relationships, I was much more doubtful about whether perpetrators would be similarly motivated. Although I did not want to be yet another researcher who ‘displays’ the lives of women and ‘protects’ the lives of men, as Fine noted in her discussion of “whose lives get displayed and whose lives get protected” (1998, p.136) in social research, I was also aware that this could be an effect of my research.

While I am uncertain whether this has been an effect of my research, I was unable, despite my persistent and dedicated attempts to do so, to interview any perpetrators, either in BC or in the UK. My interpretation of my experiences with agencies and individuals working with perpetrators is that most of them actively attempted to ‘protect’ perpetrators through subverting my efforts to contact these men. In both jurisdictions, I approached the recruitment of possible male participants as I approached the recruitment of possible mother participants. Except in one instance, where I was known to both of the facilitators of a perpetrator treatment group, I consistently experienced a lack of co-operation. I contacted agencies and programs that worked with violent men and spoke with them over the telephone about my research. I sent information, by mail and via e-mail, about the research, and about myself as the researcher, to those in charge of the programs. A sample letter is in Appendix A. In each of these contacts, I offered to meet

with staff members, and/or interested men themselves, to discuss my research and respond to any questions or concerns about it. None of the agencies and programs that I contacted was willing to meet with me. My phone calls and e-mails were frequently not returned. When, after persistent and repeated attempts, I was able to have direct contact with a few individual workers connected with perpetrator programs, they expressed concerns about my intentions and my research. The overriding concern, as I heard it, had to do with whether I would, through my questions in the interviews, be negative in any way towards the men or their behaviour. For example, one worker asked me if it was my intention to add to the already heavy burden of blame these men carried. When I replied that this was not my intention, she told me that because the interview might inadvertently raise such feelings, the agency would not facilitate contact with potential participants. Only one of the agencies and programs that I contacted, an agency in BC where the workers knew me professionally, was willing to post or circulate my call for participants. As this resulted in only one enquiry from a perpetrator, I reluctantly decided to limit the interviews to mothers and social workers.

Ethical considerations

Finally, as with any research in an area where there has or may be the potential for physical, emotional and mental harm, it was necessary to address a number of ethical concerns. At the time that I conducted my research, there was no formal ethical review process in place in the Department of Social Work Studies at the University of Southampton. My ethical considerations were therefore guided by my previous experiences with ethical review procedures for conducting sensitive social research (Callahan et al, 2003), by my extensive knowledge of the BC Social Work Code of Ethics (Strega, 1999) and by consultations with my thesis supervisor. I have already outlined the provisions I made for ensuring confidentiality and consent during the collection and storage of data, and through removing any information that might directly or inadvertently identify the research participants. Mothers were concerned about these provisions because many of them believed that the information in the interviews might be used against them by child protection authorities and/or by the men who had beaten them, especially in contact or custody and access disputes.

Had I conducted this research under the auspices of a BC university, the guarantee of confidentiality that I gave to research participants would have been tempered by the requirement that I also give participants a clear and unequivocal message that any disclosure of past or present child abuse had to be reported to child protection authorities. BC law requires that any individual, professional or not, report any instance of suspected child abuse or neglect and, as I describe later in my BC data analysis, ‘children witnessing’ could be interpreted as falling into one of these categories. But while ‘children witnessing’ and/or ‘failure to protect’ have been reified in a number of jurisdictions as unequivocal evidence of child maltreatment, I have called both the reification of this concept and its construction as an instance of child maltreatment into question. I thus chose to take the position that I would not report, in either jurisdiction, instances of ‘children witnessing’ that were described to me during the interviews. Such a position would not be possible under existing ethical guidelines for researchers at Canadian universities. Had I been required to inform participants that I would be required to report instances of suspected child maltreatment, I suspect that few mothers would have agreed to participate. I believe this in part because all of the mothers, both in the UK and in BC, repeatedly asked for my assurance that I would not share information from the interviews with child protection authorities.

The nature and location of this research raised some additional ethical quandaries that needed to be repeatedly resolved before, during and after the interviews. I had to consider whether I would question views that supported, condoned or justified violence, and I decided that I would not, though I did decide to inform police if a direct or implied threat of violence was made against an individual. I had to question whether I would pretend to be or attempt to construct myself as ‘neutral’, and how I would respond to queries about my own thoughts and feelings about the matters being discussed. I decided that I would not pretend neutrality about violence against women, but that I would limit information about my own views as much as possible. However, as some of the exchanges from the interviews indicate, I did on occasion question some of the views held by participants. Given the similarity of our locations, I did this more with social workers than with mothers. These moments arose particularly with regard to material

related to the idea of the intergenerational transmission of abuse. Given that mothers sometimes expressed the concern that their children having been exposed to them being beaten would inevitably lead to their male children becoming perpetrators and their female children getting involved in abusive relationships, I felt compelled to share with them information that questions the validity and reliability of research about this idea, as well as challenges to the concept itself. Similarly, I questioned social workers closely regarding their rationales for failing to interview or intervene directly with perpetrators.

Despite their precipitation of such ethical conundrums, I believe that interviews had to be conducted because they make an essential contribution to my analysis through the opportunity they offered to observe the fine details of the discourse in operation. Through conducting, transcribing and analysing interviews, I was able to observe the interpretations and constructions of ‘failure to protect’ and ‘children witnessing’ that are available in the discourse, and therefore the subjectivities on offer, and, by tying this into the textual analysis, I believe I was able to make more visible the power relations embedded in the discourse. It is also important to acknowledge that the inclusion of differently-located research participants, such as Aboriginal mothers and/or social workers in Canada, or Black social workers in the UK, may have produced other perspectives.

Assessing the research

My suggestions for how my work might be assessed must start with acknowledging the difficulty of steering a course between the conflicting demands of my political commitments and the academic ‘standards’ to which I have made myself subject as a result of choosing to conduct this work within the academy. My own investment in the academy means that I have consciously constructed and reconstructed this research so that I obtained ‘approval’ for it from various authorities, notably academic institutions, including those who awarded me the scholarships that allowed me to pursue graduate education, and government and agency officials who assisted me with gaining access to documents and research participants. Yet I am also conscious that these institutions are

also deeply implicated in maintaining the inequitable and dangerous systems that support men's violence to women.

Under the dominant paradigm of positivism, quantitative research measures of rigor and validity are the 'gold standard' through which 'proof' is established and research is assessed. Qualitative research has attempted to make the case that it is as good as quantitative research through offering any number of 'alternative' measures through which it might be evaluated; for example, Denzin and Lincoln position triangulation as "an alternative to validation" (1998, p.4). But because the very use of the word 'alternative' indicates a continuing allegiance to the notion of epistemological guarantees, such alternative measures must be discarded by a researcher like myself, whose methodological stance positions 'truth' as an effect of discourse. So I begin my consideration of assessment with a refusal, and an explanation of my refusal, to "do the police in different voices" (Con Davis, 1990, cited in Lather, 1993, p. 674).

While I have provided some criteria that allow the reader to make connections between the text I have produced and the world that I have written about, none of these reference standard measures of rigor and validity, in either their quantitative or qualitative guise, as evaluative criteria for my work. The dictionary definition of 'valid' is instructive here: "valid implies being supported by objective truth or generally accepted authority" (Merriam-Webster's, 1993, p.1304): what use is validity to a work that discards the notion of objective truth and a researcher who wishes her work to be judged first by those who are neither accepted nor authorities? As Cameron has noted about feminist attempts to position their work as 'rigorous' and 'valid', "[t]his is a game that no one engaged in what Gill (1995) calls 'passionately interested inquiry' can win, and it is not clear to me why feminists should want to play" (1998, p.970).

The transgressive standard by which I would like my work to be assessed has three components: an assessment of the political implications and usefulness of what I have produced for feminist politics; a measurement of the extent to which I have been reflexive, including the extent to which I have considered my own complicity; and the

application of some measures specific to producing a feminist discourse analysis. I am asking, in essence, whether I have managed to ‘speak truth to power’ within the strictures imposed by academic disciplinarity.

Politics and pragmatism

In her review essay about gender, language and discourse, Cameron (1998) suggests that one of the dangers of discourse analysis is that it can so easily be disconnected from political concerns. One can therefore arrive “at the end of a hard day’s deconstruction, [without] any clue as to what, in the realm of feminist politics, might actually be done about anything” (Cameron 1998, p.970). Thus, one of the essential criteria by which my work must be assessed lies in its usefulness, its ability to provide a basis for political action and intervention, both individual and collective. Part of this may lie with whether I have, through my research, arrived at more useful and more politically informed questions about the discourse surrounding men’s violence towards women. Another consideration is the extent to which my research is useful or illuminating for other politically motivated researchers. A final and critical measure is whether the analysis I have provided is useful to women, both social workers and mothers who are being/have been battered, who are caught up in the discursive policing of ‘children witnessing’ and mothers ‘failing to protect’. My intention is that my analysis provide support for women’s resistance, that it “provoke a sense of possibility” (Fine, 1998, p.149) in a world in which it seems impossible to name men as responsible for violence towards women.

These effects are unlikely to be immediately apparent to those who in the academy who are charged with assessing my research, and in any case pose a particular conundrum for academic assessors; as Mills points out, “[e]ven if your research work is factually accurate or insightful, if it does not accord with the form and content of particular disciplines it is likely to be disregarded or to be regard as non-academic or popular” (1997, p.69). For these assessors I suggest two key questions drawn from Susan Hekman’s work. First, have I “convince[d] other feminists that the analysis I propose does, in fact, illuminate social reality” (Hekman, 1999, p.88)? Secondly, have I

constructed “arguments that are both convincing in the terms of hegemonic discourse and at the same time transform that discourse” (Hekman, 1999, p.89)?

Reflexivity and complicity

From my perspective, reflexivity and complicity are also political concerns; I note Lal’s comment that “a reflexive and self-critical methodological stance can become meaningful only when it engages in the politics of reality and intervenes in it in some significant way” (1996, p.207). Reflexivity is a critical measure for a number of reasons. It highlights rather than obscures the participation of the researcher in the research process. It makes clear that interpretation is taking place, and by implication calls into question the alleged neutrality and objectivity of other research/researchers, thus offering an important political and methodological challenge to dominant research practices. By implication, it also calls into question whether standard means of assessing rigor and validity are the ‘proper’ or best means by which to assess research. The measurement of reflexivity lies in the extent to which I have considered my assumptions, laid out my processes of inquiry, and considered my ‘effect’ on the research. But while I want to locate myself and continuously interrogate my perceptions, these matters of self-location and reflexivity must not take ‘centre stage’. While my positionality as the researcher must be noticed, questioned and taken up, it ought not to be, from my perspective, the purpose or focus of my project, for the simple reason that this is unlikely to contribute to political change. Reflexivity must not be the sole focus of my research: the reader must still learn more about the discourse being analysed than about the analyst. Thus, I would ask whether I have sufficiently but not excessively acknowledged how my location and positionality is implicated in my writing and in my analysis.

Complicity is an important criterion for me as a feminist, grounded as it is in my belief that patriarchy continues to exist because women support it, to a greater or lesser extent, through their own complicity. My resistance to complicity is complicated by the ability of the discourse to ‘account for’ such resistance; Fine quotes Regina Austin’s observation (1989, cited Fine 1998 p. 143-144) that her insights have been met with the response that

you are too angry, too emotional, too subjective, too pessimistic, too political, too anecdotal and too instinctive...I suspect that what my critics really want to say is that I am too self consciously black (brown, yellow, red) and/or female to suit their tastes and should 'lighten up' because I am making them very uncomfortable, and that is not nice.

While I am not vulnerable to such dismissals on the ground of race, my location as a lesbian is likely to have the same effects. Further, my declared intention to name men's responsibility for violence towards women leaves me vulnerable to these accusations from heterosexual women as well as from men. But my positionality must also be acknowledged, because it is my location, in part, that affords me the luxury of speaking that which most heterosexual women do not dare to say.

Penalties for naming men's responsibility for violence are both commonplace and familiar to feminists: tenure denied, employment lost or funding withdrawn; Walker (1990) discusses at length how the Canadian women's movement relinquished its determination to characterise battering as 'men's violence against women' once faced with being denied state support for transition houses and counselling services. More strenuous refusals to be complicit, such as the case of Aileen Wuornos, the prostitute who killed her abusive customers (Chesler, 1994), provoke more severe consequences; Wuornos was executed in 2003. Finally, despite the human rights victories of recent years, most women in academia, heterosexual and lesbian, know and fear the power of being labelled a lesbian/dyke/man-hater.

All of these situations 'instruct' women in complicity, and yet complicating and challenging complicity is essential for creating political change. As Mills has noted, "all knowledge is determined by a combination of social, institutional and discursive practices, and theoretical knowledge is no exception. Some of this knowledge will challenge dominant discourses and some will be complicit with them" (Mills, 1997, p.33). Thus, a critical measure by which my work needs to be assessed is the extent to which I have been complicit with or challenged dominant discourses.

Feminist discourse analysis

In proposing some assessment measures specific to feminist discourse analysis, I take as a general instruction Cameron's idea that feminist discourse analysts ought "to describe carefully, and to interpret persuasively, the ways in which words are used to make and remake the world" (1998, p.970). My account must be rich in description; rich in detail; and rich in the "extralinguistic context that is needed to give the description significance" (Cameron, 1998, p.970); these will contribute to the production of a persuasive account with considerable explanatory power. Whilst acknowledging that "truth is plural and relative, historical and particular" (Hekman, 1999, p.24), have I nonetheless managed to justify the particular 'truths' at which I have arrived? Are the questions I pose as a result of my research interesting, challenging and different from those that are usually asked about the discourse and existence of violence against women? Finally, in a world in which men's violence towards women is at one and the same time the context for all women's daily lives and a set of invisible facts, have I managed to "make strange that which appears familiar", and make familiar that which appears strange (Hekman, 1999, p.138)?

CHAPTER FOUR: GENEALOGY AND CONTEXT

In this chapter, I outline the recent history and current situation of child welfare, and particularly child protection practice, in both of the jurisdictions in which I conducted my research. In Chapter two, I traced the creation and circulation of the concepts of ‘children witnessing’ and mothers ‘failing to protect’ in the relevant professional literature. This chapter places these ideas within the historical moment in another way, setting the development of the relevant documents and legislation in their political and social contexts. This is part of the genealogical task in analysing discourse. It is intended to provide some understanding of the ancestry of these concepts, and their recursive relationship with the institutional practices of power, which Foucault (1978) described as ‘power/knowledge’.

The historical moment

In the UK *The Children Act*, which was enacted in 1989 and came into force in 1991, provides a national framework within which local authorities engage in child welfare activities. The Act does not refer directly to ‘domestic violence’ or to how children should be responded to in situations where mothers are being beaten, and therefore does not mandate that workers intervene in these situations. In contrast, there is no one way that child welfare is organised in Canada, and therefore no national position on ‘children witnessing’. In Canada, as distinct from the UK, child welfare and most family law, and the provision of child and family services, aside from the provisions of the *Divorce Act*, which is federal legislation, are provincial rather than national responsibilities. Each provincial jurisdiction has a different child welfare act, and services are administered through a variety of arrangements, including quasi-governmental organisations, mixtures of public and private agencies, or provincial child welfare departments or ministries. In six of ten Canadian provinces, exposure to domestic violence is in itself considered to be sufficient grounds for the finding that a child is ‘in need of protection’. In BC, child welfare is organised under one provincial ministry, and as I discuss in detail in Chapter 6, workers may intervene when children are exposed to domestic violence on the grounds that exposure constitutes emotional abuse and/or neglect.

As in the UK, the political pendulum in BC has swung between left and right over the past thirty years, and these movements have been reflected to some extent in child welfare discourse as it is enacted in legislation and policy, though it should also be noted that parties from both ends of the political spectrum made some attempts to move towards the social policy ‘centre’ in their attempts to remain in power. While there are organisational differences, there are five significant themes underlying my analysis which are shared between the two jurisdictions:

- a move towards ‘scientific managerialism’ (Leonard, 2001) with the attendant introduction of the concept of ‘risk’ as a fundamental organising principle in child protection practice (Swift and Callahan, 2003);
- the introduction of ‘personal responsibility’ as a feature of social policy legislation in both jurisdictions (Fox Harding, 1994; Swift, 2001);
- a concern with the rights of fathers to ongoing contact with their children in cases of family breakdown (as reflected in recommended changes to Canada’s *Divorce Act*, and in concerns about contact in the UK) (Mann, 2003; Sheldon, 2001)
- the separation of ‘the best interests of the child’ in child welfare legislation, policy and discourse from commitments to support families (Parton and Otway, 1995; Swift, 2001);
- reduced social spending and an increasing gap between the rich and the poor (Baker and Tippin, 1999; Swift, 2001).

I am conscious that in tendering these descriptions of the situation, I am writing at a particular historical moment in the development of child protection practice in Canada and the UK. At this moment, child protection policy and discourse has, in the wake of high-profile child death inquiries in both jurisdictions, become dominated with a concern about the assessment of ‘risk’, and child protection practice is currently constructed around the use of a variety of risk assessment measures and procedures. As Rose (1998, p.180) notes, “[t]he vocabulary of risk is everywhere in contemporary culture”, and a preoccupation with risk is at the heart of contemporary child protection practice. Child death inquiries contribute to the obsession with risk, entangling workers in what Douglas (1992, cited in Rose, 1998, p.192) calls a “ ‘blaming system’ in which every misfortune

is turned into a risk which is potentially preventable” and for which someone, usually a social worker, is to be held accountable. In both jurisdictions, these inquiries have also brought about the increased scrutiny and surveillance of both workers and mothers, and are conducted in a general atmosphere of assigning blame when things ‘go wrong’ (Swift and Callahan, 2003; Parton, 1996). There is also a move, in both jurisdictions, towards what is characterised as ‘evidence-based practice’: practice that regards quantitative research and statistical extrapolations as the ‘best’ kind of social work knowledge (Leonard, 2001), and that has reified the concept of the ‘intergenerational transmission of abuse’. Not surprisingly, in both jurisdictions the number of reports, investigations and care proceedings has markedly increased under this system (Beckett, 2001; Swift and Callahan, 2003).

Although it is significantly influenced by ideas about risk (Rose, 1998; Scourfield and Welsh, 2003), the UK does not yet have a universal child welfare risk assessment system. In contrast, BC at the time of my research was one of two Canadian provinces mandating the use of complex risk assessment instruments in child protection. In such a climate, as Scourfield and Welsh (2003, p.400) note, “it is not the right decision that is important, but the defensible one”. The assessment and management of risk is closely linked to the other developments that I have noted. Risk management, which involves measuring risk and assigning cases to particular risk categories, extracts families from the social and political context in which they live. It is difficult, if not impossible, to ‘insert the social’ into risk assessment techniques. Thus, matters of poverty, race and gender can be disappeared, and the child protection gaze firmly fixed on the individual failures of individual parents – usually mothers.

Yet it is mothers, especially single-parent mothers, who are most affected by the other changes that I have noted. In the UK, the Thatcher government’s doctrine of personal responsibility, which encouraged families to be self-sufficient and independent from the state (Fox Harding, 1994) was accompanied by significant reductions in social spending: a reduction in publicly provided housing, a decrease in state benefits, and a reduction in the funds available for social support services (Parton and Otway, 1995). These trends

continued under the recent Labour government (O'Connor J, Orloff A, and Shaver S, 1999). In BC, the Liberal government has also emphasised personal responsibility while introducing devastating cuts to social and support programs: welfare benefit rates have been reduced and eligibility has been restricted, state-funded child care programs have been reduced or eliminated, funding for affordable social housing has been eliminated, as has all funding for women's resource centres (BC Institute against Family Violence, 2003). Thus, in both jurisdictions, the poor are getting poorer while also having fewer resources to draw upon. The poorest of these poor are women, especially single mothers (Baker and Tippin, 1999), who researchers in both jurisdictions found to be significantly over-represented in investigations (Jones, 1994; Trocme, 2001, cited in Swift and Callahan, 2003). The absence of adequate funding for social and support programs and the influence of risk ideology have resulted in what Scourfield and Welsh (2003, p.414) describe as "a shift in emphasis across the western world from child welfare to child protection".

This is also a particular historical moment in gender relations in both the UK and Canada, in which a shift from the feminist-informed analysis that "the personal is political" which arose during the 1970s has been largely successfully replaced by the analysis that "the political is personal". While exceptions exist, what little ground feminism gained for women in both the public sphere (in relation to pay inequities and the gendering of jobs, for example) and the private sphere (in relation to the division of child care and housework responsibilities, for example) is quickly eroding. Feminist attempts to instantiate a political and social analysis of violence against women and children have been muted by the de-gendering and de-politicisation of this analysis, as reflected in the almost universally accepted descriptions of it as 'domestic' or 'family' violence. The de-politicisation of violence against women has also been accomplished by locating attempts to change or ameliorate it within the private sphere of therapeutic treatments for all participants rather than in the public sphere of gender relations (Profitt, 2000; Whalen, 1996). As feminist political activity has diminished, men's activism around their rights as fathers has expanded, and in both countries has influenced judicial interpretations of a child's 'best interests' in cases of marital breakdown.

In Canada, this trend was visible during the recent hearings of the Parliamentary Special Joint Committee on Child Custody and Access. Statements from men's rights groups that they were being unfairly denied their rights to custody and access based on false allegations of wife and child abuse received a sympathetic hearing from the Committee, while rebuttals by women's groups elicited hostility and heckling (Mann, 2003). In the UK, Wallbank (1998, p.357) describes how "vehement judicial disapproval" is directed at mothers who resist paternal contact, even when violence against the mother and, frequently, against the children has been extensively documented. The Woman's Aid Federation notes that contact is rarely refused; in 1999, contact was granted in all but 4% of the cases heard by UK courts (Women's Aid Federation England, 2002). Smart and Neale (1999, p.154) explain that

research suggests that the dignity and worth of mothers who are the victims of violence are not a consideration in the way that the Children Act is being interpreted and that these moral claims get little attention in the face of the greater concern to attach children to fathers.

The development of the current alarm, in both Canada and the UK, about 'children witnessing' their mothers being assaulted, and the concurrent concern that mothers are 'failing to protect' their children from this witnessing is, I would suggest, significantly related to the emergence of the trends that I have described. Discourse and the institutional practices which flow from it produce a particular 'reality' in which concerns about 'children witnessing' and mothers 'failing to protect' seem natural, progressive and inevitable. While the construction of this reality has followed somewhat similar trajectories in both Canada and the UK, there are also significant differences between the countries.

In Canada, basking as it does in the glow of American influences, the therapisation of the culture has proceeded at a great rate, and most transition houses operate therapeutic programs for both mothers and children, in addition to their shelter services. Indeed, the funding of programs to provide services to 'children who witness' has, in the last many years, been one of the few growth areas in services to assaulted women. Except in rare instances, transition house staff have become 'professionalised', and most now hold

degrees in psychology, counselling or social work (or, in the case of transition house managers, in public administration) (Profitt, 2000). Although some services to battered women continue to affiliate themselves with activist concerns, most have discarded any political mandate or commitment (Whalen, 1996). These detachments from the grass roots from which the transition house phenomenon grew have been encouraged and enforced through qualifications attached to receiving state funding, and the fear that is engendered in service providers by the threat of its loss after years of dependency (Walker, 1990).

There are other cultural, social and political events that significantly impacted Canadian but not UK feminism and, hence, the shaping of the ‘reality’ of violence against women in each country. The rise of the Christian right in the United States, with its ideology and rhetoric about the sacredness of the ‘traditional’ family and traditional gender roles has been paralleled by a similar movement in Canada (Swift, 2001). Concurrent with this, some prominent American feminists have promoted the notion that femininity *is* feminism, implying that feminist goals will be achieved through a less critical embracing of traditional femininity (Roiphe, 1993; Wolf, 1994). Feminist activism in Canada continues to suffer from the Conservative government’s very direct efforts to destroy it as punishment for the role that feminist activists, notably the National Action Committee on the Status of Women, played in scuttling government efforts to reshape Canada’s constitution (Bashevkin, 2000)¹.

For a number of reasons, developments in the UK have followed a somewhat different path. Like most of Western Europe, the UK has yet to fully embrace the therapeutic culture that pervades North America. Socialist ideas and the importance of class and class analysis still play significant roles in UK society, although the recent ‘personal responsibility’ rhetoric of the ‘New Left’ suggests some American influences. On a very concrete level, there are many fewer professional degree programs in psychology and

¹ The federal Progressive Conservative government under Brian Mulroney proposed a new relationship, known as the Meech Lake Accord, between the federal government, Quebec and the other provinces and territories. Many prominent Canadian feminist organisations vehemently opposed the Accord, and in the wake of its failure to pass the government cut funding to these organisations.

counselling available in the UK, which has delayed the professionalisation of staff in women's shelters and refuges. Further, UK social work education has for a number of years incorporated anti-oppressive practice concepts, and feminist social work educators in the UK have taken up the issue of men's violence against women as an important political, rather than strictly therapeutic, concern for social workers (Dominelli, 1999; Orme, Dominelli and Mullender, 1996). The UK has not seen any widespread revival of the Christian right, and although the recent Tory government attempted to foster traditional ideas about 'family', their promotion of this ideology was confounded in part by the anomaly of Margaret Thatcher's decade-long dominance of British political life. Feminist organising in the UK continues to be associated with women's aid organisations, and, perhaps partly fostered by geographical closeness, the UK has a strong national feminist coalition, the Women's Aid Federation, which continues to be dominated by political, rather than professional, feminists.

Having provided a foundation by describing these large scale similarities and differences, I now describe in more detail how the current legislative and policy climate in each jurisdiction has developed, and provide some statistical information about current child welfare conditions.

The national and local context in the UK

In 2001, the UK had a population of approximately 59 million, of which 15.8 million were children. It is estimated (Howard, M, Garnham, A, Fimister, G, and Veit-Wilson, J, 2001) that about 30% of these children are living in poverty. Southampton, where I principally conducted my research, has a population of approximately 209,000, of which 41,500 (19.8 %) are children, an age distribution which mirrors the national picture. Although a reasonably prosperous city, Southampton shares indicators of poverty and deprivation with many inner city areas, such as above average unemployment. The most deprived ward in Southampton is the most deprived in the southeast, apart from London, and five of Southampton's fifteen wards are in the top 10% of the most deprived wards in England (Cosstick, 2003). The social workers that I interviewed were aware of this

information, but felt unable to account for it, and there is no reference to this information, nor any explanation of it, on the Southampton city website.

In the UK, local authorities provide services to all children, such as community development, play and leisure, and major provisions such as education and health, which may be targeted to more deprived areas in order to reach poor children. Social Services departments focus on services for children designated as 'in need' and children who require 'protection'. Children are 'looked after' by the local authority either by voluntary agreement with parents ('accommodation') or under 'care orders' made by the courts. The number of UK children in care through orders has risen steeply over the past two years, while the number of children accommodated under voluntary agreements has fallen (Beckett, 2001). The national ratio of children in care to all children is 47 per 10,000 children; Southampton has a much higher ratio than the national average, 75 per 10,000 children (Cosstick, 2003). The social workers I interviewed were unaware of any information that could explain this difference.

The Children Act 1989, with its accompanying regulations and guidance, provides the requirements and practice guidance for children's services in Britain. It provides for both family support services and child protective services. Family support services include assessments of children in need and support services for parents and children, including for disabled children. Voluntary 'accommodation' comes within these services, whether for short periods of respite or a longer period, during which the parent retains full parental responsibility. In Southampton specialist teams of social workers, at three family centres, provide support services, and one team is responsible for all child protection work, such as investigations (known in the UK as 'enquiries') required by Section 47 of the Children Act, into allegations that children are suffering or at risk of suffering 'significant harm'.

The historical context of UK legislation and policy

In the late 16th century, the first of the 'poor laws' gave powers to poor law 'guardians' to provide for the destitute, including children. From the late 19th century, the right to

assume the powers and duties of a parent, firstly for abandoned children, and later for the children of parents deemed 'unfit', was included in these laws. The responsibilities of poor law 'guardians' were taken over by local authorities in 1929. The *Matrimonial Causes Act* (1857) introduced judicial divorce, and allowed the Court to make decisions regarding custody and maintenance and override the rights of fathers over their children. The power and inclination of courts to award custody to mothers increased gradually. The principle of a child's 'welfare' as a determining factor in decision-making was introduced in 1886, and in 1891 courts were for the first time given the power to consult with children in making their determinations. In 1925, the principle of equality of rights between mothers and fathers was enshrined in law, though the welfare of the child remained paramount.

The Curtis Report (1946) led to *The Children Act* 1948, which gave local authorities a greater role in providing professionalised services for more groups of children, supplanting services that had been provided by voluntary organisations and churches. The Act emphasised the importance of keeping children in their families. The *Children and Young Persons Act* (1963) reiterated the importance of providing advice, assistance and guidance to parents rather than take children into care. But six years later, *The Children and Young Persons Act* (1969) departed from this emphasis by introducing compulsory measures through which local authorities could assume parental rights over a child. This Act also brought together the concepts of 'care and control', so that children committing criminal acts could be made the subject of care orders. In 1971, following the Seebohm Report, the *Local Authority Social Services Act* (1970) brought together all the different areas of social work under generic Social Services Departments. Concern in the early 1970s about the 'drift' of planning for children in voluntary care, and the need for children to be parented in permanent families led to the *Children Act* (1975) and the *Adoption Act* (1976).

Fourteen years later *The Children Act 1989* was introduced. This act integrates almost all law relating to children, bringing together public and private law provisions, whilst removing links with criminal law as it applies to children and youth. Its introduction

followed a series of influential reports arising from high profile public inquiries into three child deaths: Jasmine Beckford (1985), Kimberley Carlile (1987) and Tyra Henry (1987)¹. The reports highlighted the failure of agencies to work together successfully to protect children, and the failure of Social Services to intervene, particularly when parents avoided contact. The Act was also influenced by the Cleveland inquiry (Butler-Sloss, 1988), which criticised Social Services and medical professionals for ‘over-zealous’ intervention that overrode the rights of parents, and lobbying by fathers’ rights groups for greater access to children following separation and divorce (Hester and Radford, 1996).

Thus the new Act attempted to simultaneously diminish unnecessary state intervention in the family, through the guiding principle of ‘parental responsibility’, whilst increasing the state’s obligation to intervene in situations of actual or suspected child abuse, through the principle of the child’s welfare being the paramount consideration. The determining factor lies in whether a child has suffered, or is likely to suffer, “significant harm”. The Act’s consolidation of public law, in terms of state (local authority) responsibilities for assisting and protecting children, and private law, in terms of parental responsibilities towards children, including post-divorce or separation, is a markedly different approach from that favoured by most other English-speaking developed countries (e.g. Canada, Australia, New Zealand, the United States), which separate private (divorce, separation, custody and access) law and public (child welfare and child protection) law.

The BC context

Between 1997 and 2001, the number of children in BC government care increased by 20.9% (Federal-Provincial Working Group, 2001, cited in Swift and Callahan, 2003). At the time of my research, just over one million children and youth were living in BC, and 1.10% of them, or about 11,000, were in care (BC Ministry of Children and Family

¹ Men killed all of these children. That I note this, even as a footnote, breaks with what one is directed to notice about these deaths. The inquiries into the deaths of these children do not notice this information; we are not supposed to notice it, and it was certainly not the object of the inquiries. (The object of the inquiries was the bad behaviour of (women) social workers.) What might happen if we notice that when children are killed, inside or outside the family context, they are most often killed by men? (a) the information will be disputed by fathers’ rights groups, who contend that women are more violent than men; (b) those who notice will be accused (in Canada) of being manhaters, misandrists, or feminazis, and accused in the UK of being manhaters and castrating women.

Development, 2003). This percentage is well above the Canadian national average. Although Aboriginal people make up only about 3% of BC's population, forty percent of children and youth in care are Aboriginal (BC Ministry of Children and Family Development, 2001). While BC's child population steadily increased from 1984-94, the number of social workers steadily decreased, and the percentage of the budget devoted to child welfare and social services has also decreased steadily in the past twenty years, aside from a brief period during the 1990s when the New Democratic Party (NDP), which is somewhat analogous to the Labour Party in the UK, held power. From 1995 to 1998, the overall number of children in care rose by 39 percent and the number of children in permanent care rose by 61 percent (Morton, 1999). Children brought into care through court processes are disproportionately Aboriginal: 13% of children in care by agreement were Aboriginal while 52% of children in care by court order were Aboriginal – an increase of almost 20% between 1986 and 1995 (BC Ministry of Human Resources, 1996).

In addition to being a province with great natural beauty and a generally milder climate than much of Canada, BC has been fairly stable economically for many years. It is one of the few Canadian provinces to regularly experience a net inflow of migration from other Canadian provinces (Statistics Canada, 2003). There is a considerable gap between rich and poor in BC, which was enhanced by tax cuts introduced by the Liberal government in 2001. Most children and youth in care come from single parent families (60%), and/or from families receiving welfare benefits (65-70% in the ten year period 1991-2001) (BC Ministry of Children and Family Development, 2002).

The historical context of BC legislation and policy¹

As a much newer jurisdiction in the colonised country of Canada, BC has a significantly shorter history of social and child welfare legislation than does the UK. Given that Britain was the founding colonial power, much BC legislation has its roots in English

¹ The information in this section is drawn from Strega S, Callahan M, Rutman D, and Dominelli L (2002), Undeserving mothers: social policy and disadvantaged mothers. *Canadian Review of Social Policy* 49/50, 175-198

common law. In 1901, a coalition of charitable and church groups petitioned the government to enact legislation to facilitate their work with neglected and abandoned children, and the *Infants Act* and the *Children's Protection Act* were both proclaimed that year. The 'Office of the Superintendent of Neglected Children' was opened in 1919. The *Adoption Act* (1920) and the *Children of Unmarried Parents Act* (1922) were steps in legally codified single motherhood as wrong and laid out the government's rights and duties when it occurred. In 1943 the *Protection of Children Act* (POCA) superseded the *Children's Protection Act*. POCA was administered by the BC Superintendent of Child Welfare, and gave authority for those delegated by the Superintendent to take into care children (defined as less than 18 years of age) considered to be in need of protection. POCA remained in place, with few modifications, for more than thirty years.

The first left-leaning government in BC's history, the New Democratic Party (NDP) was elected in 1972; prior to this, a succession of fiscally and socially conservative Social Credit (analogous to the Conservative Party in the UK) governments had been in power. The NDP set out to review and integrate legislation involving children and other aspects of family law, and to develop a plan to decentralise comprehensive services to children and families, but its election loss in 1975 ended these initiatives. A new *Family and Child Services Act* (FCSA), proclaimed in 1981 by Social Credit, made clear that the state's primary role in child welfare was that of 'protection', and all other services, including family support and prevention services, were to be provided only on a discretionary basis, thus allowing the government to avoid any ongoing financial commitment and making it easier to add or delete services. During its tenure, the Social Credit government introduced new social policy initiatives that reflected a theme of 'personal responsibility'; for example, the *Family Maintenance Enforcement Act* required that unmarried, separated and divorced women name the putative father of their children and assist the government in extracting maintenance from him in order to qualify for welfare benefits.

Upon its return to government in the early 1990s, the NDP constituted two community panels to review the FCSA and the provision of child welfare services in BC. Based on the reports of the panels, the government developed legislation that was intended to

balance the dual roles of protecting children and supporting families. The new legislation excluded from legislation a recommendation that the Act be based on principles of ‘dignity, respect and equity’, and failed to take up the position of the community panels that alleviating poverty ought to be child welfare’s first priority. The first ‘Guiding Principle’ of the *CFCSA* enshrined protection as a priority, stating that “the safety and well-being of children are paramount considerations” (2002, p.9), while supporting families, as delineated in the second ‘Guiding Principle’ is fiscally discretionary: “if, with *available* support services, a family can provide a safe and nurturing environment, support services should be provided” (2002, p.9, italics added).

Although the framers of the *CFCSA* intended to strike a balance between the dual commitments of supporting families and protecting children, fiscal concerns and subsequent high-profile child death inquiries shifted this balance. The 1994 version of the *CFCSA* consolidated the purchasing of contracted services as the primary means by which child and family support and assistance would be delivered. In such a model, “service delivery is based on financial and administrative controls and audits of contractors” (Whitelaw, 1995) rather than on an evaluation of whether the needs of client groups are being met. Over the last twenty years, whether positioned on the right or on the left of the political spectrum, government in BC has increasingly positioned itself as administrator/financier/manager, while decreasing its role as a direct provider of child welfare services. This contrasts with the UK model, where the *Children Act* 1989 more clearly obligates the state to provide support services; these are largely provided by local authority social workers rather than through contracted service providers. It does, however, accord with the emphasis in the UK on measuring and evaluating outcomes.

As in the UK, child welfare legislation, policy and practice has been significantly impacted by public inquiries into high-profile child deaths. The vision of ‘balance’ held by the original framers of the *CFCSA* was derailed by a series of events that began in 1992 when the death of Matthew Vaudreuil sparked the Gove Inquiry, which marked another significant shift in BC child welfare practice. While the original *CFCSA*, intended as the foundational policy document for BC child protection, had left

considerable discretionary room for professional (social work) assessment and judgement, Gove fostered a move towards standardising child protection practice through the use of mandatory procedures, forms and checklists, as well as increased surveillance of practice through as well as through increased surveillance of practice, all centred around the concept of ‘risk’. Two new bureaucracies designed to survey and assess child welfare practice were created in response to the recommendation of the Gove Inquiry. A Children’s Commission was constituted and charged with investigating all deaths of children in care, and a Child, Youth and Family Advocate was to ensure that the rights of those involved with the Ministry of Children and Families were protected. The current BC Liberal government has since eliminated both of these bodies.

The continuing rise in the number of children in care and the continuing lack of essential services for children and youth must also be set in the context of increasing poverty among youth, particularly among young single female parents, and the link between poverty and child apprehension. Campbell’s (1991) analysis of variables in child protection apprehensions, based on a random sample of 10% of all children taken into care in BC in 1989, found:

- 43% were the children of single mothers (10% of BC’s population are single mothers)
- 18% had a parent younger than 24 years of age
- 35% were Aboriginal (3% of BC’s population is Aboriginal)
- 52% had a previous admission from the same family
- 32% of parents had less than a grade 9 education (vs. 11% of BC’s population)
- 51% of parents were receiving assistance at the time of apprehension (vs. 6% of BC’s population)
- 66% were living in rental housing (vs. 33% of BC’s population)

Trocme’s 2001 research (cited in Swift and Callahan, 2003) suggests that little has changed since the time of Campbell’s research; he notes that 46% of all families investigated by child welfare are single mother households, and 36% of these receive welfare benefits.

Aside from the references to Aboriginal people, these statistics bear a striking similarity to data from the UK, which also reflects the significant impact that poverty and racial



status have on which children come into care. Jones (1994) provides this information about who enters care in the UK:

Child A	Child B
Age 5 to 9	Age 5 to 9
No dependence on social security benefits	Household head receives income supports
Two parent family	Single adult household
Three or fewer children	Four or more children
White	Mixed ethnic origin
Owner occupied home	Privately rented home
More rooms than people	One or more persons per room
Odds of coming into care: 1 in 7000	Odds of coming into care: 1 in 10

These statistics reflect the fact that most clients of the child welfare system, in both jurisdictions, are and always have been poor and otherwise marginalized single mothers. But, as my analysis in the following chapters indicates, child welfare discourse, policy and practice are little concerned with addressing or improving the conditions of these mothers' lives. This is congruent with a context in which what happens in children's lives has been separated from what happens in the lives of their families, as social programs and child welfare's role in family support has diminished under the influence of neo-liberal economic policies. As I have noted, these reductions have been accompanied by the development and circulation of a discourse of 'personal responsibility'.

Influenced by this discourse, and the precepts of scientific managerialism, child welfare's gaze has narrowed to an almost exclusive focus on child protection, preoccupied with identifying risky or dangerous situations and parents. This is despite research in both jurisdictions (for example, Colclough, Parton and Anslow, 1999 in the UK; Dumbrill, 2003 in Canada), which indicates that the investigative approach is not useful for the families and children supposedly being served. Given that most of the child death inquiries in both jurisdictions have been related to men's violence towards women and children, it would seem evident that investigation, if it must take place, would be most concerned with preventing this violence. But, as I have noted in describing the concepts currently in circulation in child welfare, the primary targets of child protection processes

continue to be mothers. This may in part be related to the rise of fathers' rights movements in both jurisdictions and the diminishment, especially in North America, of feminist influences on social policy. Thus, in situations where men beat mothers, it is women who are faulted for 'failing to protect'. How the discourse of 'children witnessing' and mothers 'failing to protect' is constructed in policy and legislation, and enacted in practice, is the focus of the next two chapters.

CHAPTER FIVE: DATA ANALYSIS – UK

Introduction

In order to accomplish the analysis contained in this and the next chapter, I have brought to bear the methods outlined in Chapter 3 – Methodology. As I noted in that chapter, my primary concern was to produce a disruptive reading, a reading that refused to accept what was presented in the documents and interviews that I analysed as ‘common sense’. In order to produce such an analysis, it was necessary to disrupt the coherence of these texts, “to dissipate what is familiar and accepted” (Foucault, 1988a, cited in Hekman, 1990, p.178).

While I outlined these methods in detail in the methodology chapter, I would like to summarise some of them briefly here. I was curious about what was in the texts, as well as what was not present, and I have speculated in my analysis about the reasons for these presences and absences. In the previous chapter, devoted to genealogy, I suggested that the emergence of the concepts of ‘children witnessing’ and mothers ‘failing to protect’ is related to the development and circulation of currently dominant discourses, such as the discourse of fathers’ rights. In this and the following chapter, I alternate at times between this genealogical task and the critical task of pulling apart and analysing the construction of particular pieces of text, and of documents in their entirety. I was therefore specifically interested in how the texts that I analysed legitimated themselves, both through instances of logocentricity and through their internal relationships. This included consideration of how various texts and language excerpts were framed.

I also paid particular attention how all of these factors played out in terms of the creation and deployment of various subjectivities. Social work, as a disciplinary profession, is very much involved in prescribing acceptable ways of being in the world, and is thus intimately involved in rewarding clients who produce acceptable forms of subjectivity and consequencing clients who choose alternative, marginalized and otherwise unacceptable subjectivities. Thus, I have in this analysis attempted to observe how acceptable forms of subjectivity are constructed in documents, enforced in practice, and

internalised by mothers. At the same time, I am aware that discourse also constructs acceptable forms of subjectivity for social workers themselves, and I have therefore attempted to delineate the processes of construction, enforcement and internalisation with social workers.

As I noted in my methodology discussion, I am not making a claim that my analysis, or the conclusions that I have drawn from it, represents ‘truth’. I have produced a reading of the texts and interviews that I analysed that I believe describes carefully, and interprets persuasively, “the ways in which words are used to make and remake the world” (Cameron, 1998, p.970) of current child protection practice in the UK and in BC. My account is inevitably a partial one for several reasons. One is that I have selected only certain documents and a relatively small number of interviews to analyse. Another is that, as I have stated, I am not seeking any quantitative validation. My analysis is also partial in the sense that I have analysed and interpreted the data from my location as a white, western, feminist.

In this chapter, I focus specifically on data drawn from UK documents and interviews. In the following chapter, my analysis of BC documents and interviews is supplemented by an analysis of the similarities and differences between the two jurisdictions, and the role of the discourse of ‘children witnessing’ and mothers ‘failing to protect’ in constructing female subjectivity.

Data collection: the documents

There are a great number of documents that instruct child protection practice in England at this time, and such documents seem to be almost continually in production. It is therefore somewhat difficult to determine which documents to analyse, given this fluidity. No doubt the almost constant production of documents to guide practice also presents a difficult situation for practitioners. My selection of documents to analyse was based on four considerations, prominent among which is noting which documents practitioners felt most influenced their practice:

- The documents that shape public (rather than private) child welfare policy¹.
- The documents that child protection social workers in the research study area considered to be most relevant to their practice as it related to the concepts of ‘children witnessing’ and ‘mothers failing to protect’, as established by their own ratings from a list provided².
- The documents most concerned with child protection practice (those aspects of child welfare work that are sometimes described as ‘statutory’) in situations of men’s violence towards mothers.
- The documents that workers and mothers most referred to during the interviews.

Based on these criteria, four documents were selected for in-depth analysis:

The Children Act 1989

The challenge of partnership in child protection: practice guide. Department of Health (Social Services Inspectorate) (1995)

Working together to safeguard children. Department of Health (Home Office, Department for Education and Employment) (1999)

Protecting our children: the policy and procedural requirements of Hampshire, Portsmouth and Southampton Child Protection Committee. Hampshire, Portsmouth and Southampton Child Protection Committees (2000)

Although social workers rated the *Framework for the assessment of children in need and their families* (Department of Health, 2000) as less relevant to their practice than the other documents, I also reviewed it in some detail. While the *Framework* describes itself as “the foundation for policy and practice for all those who manage and provide services to children in need and their families” (p.vii), it was not, at the time of my research, seen as of primary significance for practice by social workers in Southampton. This may be in part because the *Framework* also describes itself, explicitly, as “not a practice manual” (p.ix), and may in part be because social workers who are overwhelmed with the many manuals and guides that instruct their practice make instrumental choices about which are most relevant to their practice at a particular moment in time. It may also be that the *Framework* does not fit with what Scourfield (2002) has described as the ‘occupational

¹ Most ‘Commonwealth’ countries separate public and private law provisions regarding child welfare; this is the case in Canada, where ‘private’ provisions relating to children, such as custody, access and contact are handled exclusively and entirely under the provisions of the federal Divorce Act and provincial acts, such as the BC Family Relations Act, and matters relating to children in need and in need of protection are handled under provincial child welfare and social welfare statutes.

² See Appendix D for a copy of the document survey distributed to social workers.

discourse’ of current child protection social work in the UK; he also suggests that ‘occupational discourse’ may be more influential than government policy and practice guidance in instructing practitioners. Given that I interviewed Southampton social workers, and surveyed their document use two years after the introduction of the *Framework*¹, it may also be that it had not yet made its way into practice.

In selecting these documents, I did not set out to analyse the whole of child welfare or even child protection discourse embodied in the selected texts. Rather, I examined these documents specifically in relation to the concepts of ‘children witnessing’ and ‘mothers failing to protect’ as they are effected in child welfare policy, practice and discourse. While this to some extent necessitated that I refer to and examine some of the concepts on which ‘children witnessing’ and ‘mothers failing to protect’ are contingent, these related and sometimes foundational concepts were not the primary focus of my analysis. I have not, for example, considered in depth the discourse surrounding the private law provisions of post-separation and post divorce contact (The Children Act Part 11, Sections 8 through 14). This issue has been considered in depth by a number of other researchers (e.g. Hester and Radford, 1996; Smart and Neale, 1999).

The law: *The Children Act (1989)*

The Children Act 1989 is completely silent on the subject of violence towards mothers, children’s exposure to it, and men’s perpetration of violence. This may, in part, be a matter of timing. As noted earlier, feminist concern about the children of battered women (Roberts, 1984) only began its transformation into the concepts of ‘children witnessing’ or being ‘exposed to’ violence against their mothers in the child welfare literature in the mid and late 1980s (see, for example, Jaffe, P, Wilson, S, and Wolfe, D, 1988). The concept of emotional or mental ‘harm’, as opposed to demonstrable physical injuries or documented neglect, was also an emergent concern at this time.

It is important to note that the context of broadened ideas about what constitutes ‘harm’ to children in individual families occurs in concert with a narrowing of the scope of state

¹ The documents survey and interviews were conducted in late spring and early summer, 2002.

responsibilities towards children and families. As the ‘social safety net’ became smaller and more threadbare, a greater onus was placed on individual families to provide for their children. Thus, it is important to note that *The Children Act 1989* introduces a new concept in child welfare, that of ‘parental responsibility’, which will be discussed later.

The welfare checklist

The most significant instruction in *The Children Act 1989* is the injunction that “the child’s welfare shall be the court’s paramount consideration” (Part I Introductory, Section 1, p.178). This “paramount consideration” is reiterated in all related policy documents; for example, the Southampton guidelines, *Protecting our children*, note that “the interest of the child must be paramount” (p.8). Given that a ‘best interests’ standard might have a range of interpretations, the Act attempts to set some parameters for interpretation through listing the factors that must be considered in assessing this. The significance of what has come to be known as ‘the welfare checklist’ can be measured in two ways. One is that the list of factors in this section has become part of everyday discourse as “the welfare checklist”. The second is that all proceedings under the Children Act turn on whether or not the actions requested in the proceedings are in the child’s welfare. The factors in the ‘welfare checklist’ are (The Children Act 1989, Subsection (3)):

- (a) the ascertainable wishes and feelings of the child concerned (considered in the light of his age and understanding);
- (b) his physical, emotional and educational needs;
- (c) the likely effect on him of any change in his circumstances;
- (d) his age, sex, background and any characteristics of his which the court considers relevant;
- (e) any harm which he has suffered or is at risk of suffering;
- (f) how capable each of his parents, and any other person in relation to whom the court considers the question to be relevant, is of meeting his needs;
- (g) the range of powers available to the court under this Act in the proceedings in question.

The notion of ‘harm’ is a key one, and is repeated in many other sections of the Act, where it is modified by two further considerations. One is whether, in the absence of evidence of the child having suffered harm, there is the risk that the child might suffer harm, which is described in subsequent sections as the *likelihood* of harm. *The Children Act 1989* thus marks the first time that state intervention in the UK is codified in terms of

a prediction of future harm. The other is whether this harm is ‘significant’. I would note that these concepts appear in concert with calls for ‘evidence-based’ practice, and for the presentation of forensic ‘evidence’ from objective ‘experts’ to substantiate applications from social workers for various orders obtainable under the Act. The management of ‘risk’ thus moves child protection practice away from professional judgment and assessment and toward an allegedly (neutral) scientific legalism. These three linked ideas (harm, likelihood and significance) pose thorny problems for child protection workers, open as they are to interpretation. Further, because these concepts are contested, the understandings of them that child protection workers apply are, perforce, those that are linked to powerful hegemonic discourses and powerful institutions. Thus, as I will demonstrate, when a mother is being battered the ‘best interests’ standard has one interpretation when a mother’s failure to protect is being considered, and a much different interpretation when a father’s right to contact is being assessed.

Emphasising family

The *Guiding Principles* underpinning the Act, and the key operational principles, reflect these discourses and are relied on when there is conflict about interpretations of the Act. For example, whilst *The Children Act 1989* nowhere sets out any presumption either in favour of or against parental contact, the courts have taken the view that the child’s welfare following separation or divorce is best served by contact with both parents, even when there is a history of violence (Advisory Board on Family Law: Children Act Subcommittee, 1999). Such decisions rely on the emphasis on the importance of birth families that is outlined in the *Guiding Principles* and the key operational principles, where the importance of family, and of parental responsibility, is stated repeatedly. For example, all six of the ‘Principles underpinning *The Children Act 1989*’ emphasise the importance of family and families; the first principle states (Department of Health, 2001, p.17):

The primary responsibility for the upbringing of children rests with parents; the state should be ready to help parents to discharge this responsibility especially where doing so lessens the risk of family breakdown

The emphasis on family is repeated again throughout *'The challenge of partnership in child protection: practice guide'* (1995), which outlines in Part 1 several 'Principles of Partnership' and provides in Chapter two an extensive background to working in partnership. This emphasis can be analysed in a number of ways. A 'common sense' reading would suggest that it invokes a necessary reorientation of child protection social work, given the findings in the Cleveland inquiry (Butler-Sloss, 1988), to working together with parents rather than working arbitrarily. A 'progressive' reading suggests it is an effort to achieve the idealized balance between protecting children and supporting families, and thus offers an appropriate and necessary modifier to the foundational statement in *The Children Act 1989* that the child's welfare must be the paramount consideration. But the social workers in this study understand the embedded instructions as a reinscription of fathers' rights.

The Children's Act is really bad, "you should stay", "the children need fathers", "children need families", all that kind of stuff. [Social worker C]

Britain's absolutely terrible for thinking contact with fathers is a good thing no matter what they do - the children need fathers! [Social worker A]

Mothers were very much aware that the nuclear, patriarchal family embodies a valued subjectivity for women, and that they would step into a devalued, stigmatised subjectivity if and when they left the abusive relationship.

You talk about the pressures on mothers, you open a newspaper today, you'll see, all the people who are taking the taxpayer's money are the single women. The single parent mothers, they're the ones. [Mother C]

You've got your family values, you've got your marriage vows... [Mother B]

And there's the stigma of being divorced. [Mother A]

Given its implications for 'children witnessing' and 'mothers failing to protect', I would like to unpack the particular conception of 'family' established by *The Children Act 1989* and related policy documents in a way that challenges these readings. *The Children Act 1989* defines parental responsibility as "all the rights, duties, powers, responsibilities and authority which by law a parent of a child has in relation to the child and his property" (Section 3 (1)). Under *The Children Act 1989* parental responsibility rests automatically with the mother and, if married to the mother at the time of a child's birth, with the

father. If the parents are unmarried, the father does not automatically gain parental responsibility, but can acquire it through making a parental responsibility agreement with the mother or through an application to court for a parental responsibility order. As Butler (1993) notes, such applications are almost always granted, even in cases where “there is little or no prospect of the father having contact with the child” (cited in Standing, 1999, p.35-36). At the time of this writing, the UK government has also announced its intention to amend *The Children Act 1989* to automatically grant parental responsibility to an unmarried father who jointly registers a child’s birth with the mother.

The notion of parental responsibility, notwithstanding the emphasis in *The Children Act 1989* on the child’s welfare being the paramount consideration, entrenches the privacy of the family and by implication limits those cases in which the state might intervene to those in which there are extraordinary circumstances. Given its ubiquitous nature, men’s violence to women and children in families is difficult to read as extraordinary. The *Act’s* construction of parental responsibility also implies that parenting responsibilities are most usually joint or shared. While this may be the contention of fathers’ rights activists, it differs from the reports and experiences of most families. As Eekalaar and MacLean (1997) note, women are more concerned about men’s lack of involvement with their children than they are with men’s attempts to exert rights in relation to them (cited in Sheldon, 2001). Mothers’ concern about children’s relationships with their fathers constrained many of them from leaving, and most wanted some relationship between father and children to continue.

There’s really no choice at the end, it comes to a stage when you know you have to get out, you just have to leave, even though some of the children were willing and some weren’t, they still love their Dad. So I had to make the decision. And it’s hard. When they’re sitting there crying and saying, ‘I don’t want to leave’, what are you supposed to do? It’s not easy, is it? [Mother A]

For me, I felt, they’re boys, they need their Dad. How was I going to do it, you know? [Mother B]

The trouble with...losing the right to their family, the problem is, the children miss them. [Mother E]

The equalisation of legal status between mother and father and the gender neutrality embodied by the word ‘parent’ both masks substantive inequality and provides men with a ‘rights’ based claim to contact with their children. Finally, these descriptions of ‘family’, the use of the specific terms ‘mother’ and ‘father’ and the biological basis for relationship imply a preference for and a recognition of a particular family form: the heterosexual, procreative, two-parent nuclear family. These readings factor substantially into situations where children are witnessing their mothers being beaten; they are the foundation of social workers’ hesitation to intervene, and mothers’ reluctance to leave.

You read in the newspapers how bad single parents are, taking up housing, should be one mother and one father. You’re absolutely embarrassed...They should be working or be in a stable, one male, one female family...and it’s very hard, the stigma of all of that adds to you being embarrassed...maybe you had been someone who worked and paid her taxes and then suddenly, you’re in the position that, if I leave, you’re going to be the single parent, that everyone hates, loathes. I think that adds to it, your fears about ‘am I doing the right thing?’ and am I doing the right thing for my children...you can’t go to the newsagent without seeing that screamed at you from somewhere, someone debating it, why did they leave? So I think that can add to your own feelings, your own pressures about, ‘am I doing the right thing?’ [Mother C]

It’s hard to get out when everybody says the best family has a mother and a father. [Mother D]

There’s tensions really. That tension around the children, that parental rights, is a big difficulty. It’s a big difficulty. [Social worker B]

Harm and significant harm

The discursive shift from measuring ‘harm’ rather than investigating ‘abuse’ is significant for a number of reasons. One is that the assessment of whether or not to intervene becomes, through this discursive shift, focused on the consequences for the victim rather than the actions of the perpetrator. The question shifts from whether or not a parent has been abusive (or neglectful) to whether or not a child has been or might be harmed. The task of the investigating worker is about assessing and proving harm, or the likelihood of harm, to the victim rather than assessing the actions of the perpetrator. The child protection worker does not carry out what is essentially a moral assessment (this particular action or inaction is wrong, and warrants intervention) to a scientific and

morally neutral intervention (because the child is harmed or likely to be harmed, therefore the worker as the embodiment of the scientific state must intervene to ensure that it is not repeated). The shift to a medical-legal model of practice, orientated to identifying and predicting risk, as Parton and Otway (1995) have noted, began with the ‘rediscovery’ of child abuse in the 1960s.

As I will demonstrate, shifting the gaze to the victim and away from the perpetrator has particular effects in situations where men are battering mothers. Thus violence against mothers must be seen to be harmful, or potentially harmful, to children (rather than in and of itself) to warrant state intervention on behalf of children in these situations. As I discussed in detail earlier, considerable efforts by child welfare theorists, researchers, practitioners and feminist advocates have been expended in this regard, with result that violence against mothers is almost universally regarded as harmful or potentially harmful to children. Yet how it is that the mothers who are being beaten, rather than the men who are beating them, become responsible for this harm is a complex question.

Many sections of the Act make reference to the concept of ‘significant harm’, a descriptor that has considerable import for ideas about children witnessing and mothers failing to protect. For example, it is referenced in relation to child assessment orders (Part V Protection of Children Section 43, subsection (a), p.220-221): “the applicant has reasonable cause to suspect that the child is suffering, or is likely to suffer, significant harm”, and again in Section 47 (Local authority’s duty to investigate), where it instructs the local authority to investigate. Where it has “reasonable cause to suspect that a child who lives, or is found, in their area is suffering, or is likely to suffer, significant harm, the authority shall make, or cause to be made, such enquiries as they consider necessary to enable them to decide whether they should take any action to safeguard or promote the child’s welfare” (p.228).

I would also like to note that this section of the Act, as well as Section 26, 1, (d), (iii) and (iv) (p.203), gives local authorities both power and latitude to decide who should be consulted or questioned about a child’s welfare. Although, as I have and will demonstrate,

perpetrators of violence against mothers are rarely questioned, the Act clearly provides the power for local authorities to do so. *The challenge of partnership in child protection: practice guide* (1995) confirms the importance of working with families when child protection issues arise. Although it does not directly address the issue of violence against mothers, some sections offer direction for practice in these situations.

Instructions for child protection social workers to fix the gaze of surveillance on victimised mothers rather than perpetrating fathers is suggested by Section 2.14, which states that “[p]ossibilities for partnership may vary from family to family...For example, partnerships may be established more easily with those who are less implicated in the abuse or those who are more consistently stable” (Part 1, Chapter 2, p.12). Although Section 2.16, under “What do we mean by families?” includes “partners of a parent with parental responsibility” in its list, it is modified by the section immediately following (2.17), which advises that “Parents and children should be consulted before decisions are taken about who in the family should be involved in child protection decisions” (p.13). While this can be read as a means by which beaten mothers and terrified children can be spared further engagement with a perpetrator, it can (and, I would contend, is) read as directing workers to avoid perpetrators.

There is in Section 6.15 a clear opportunity to include interviews with perpetrators.

Under the heading “Who to interview”, the lead worker is instructed that she should see

- the child
- the caregiving parent or parents of the child
- any other significant adults in the child’s life
- any other children living in the household

As I will demonstrate, any requirement to interview perpetrators is de-emphasised in the policy documents that accompany the Act, and rarely occurs in practice. The definition of who is a “significant adult” in a child’s life, and/or a member of a child’s “family” appears to have a certain interpretive fluidity. When the issue is whether or not a perpetrator should be interviewed about his abuse towards a child’s mother, or subject to requirements under supervision orders, he is not considered a “father figure”. In the focus group at Southampton Women’s Aid, my question ‘*To the best of your knowledge,*

did anybody, Social Services or anyone else, ever speak directly to the person who committed the violence?’ was answered with a resounding ‘No!’ from every single woman present.

When the issue is the right to contact with a child under the provisions of Section 8 of *The Children Act*, the same individual qualifies for considerable attention as a “father figure”. For example, one of the mothers in the Southampton focus group related how her abusive former common-law partner, who had lived with her only briefly, was never interviewed by child protection social workers but was granted access to her children by a Section 8 order (an application she opposed) after she fled the relationship. Another mother noted that

My husband took me to court and got access even though they aren't his kids, 'cause he lived with me for four and a half years. [Mother F]

Part IV of the Act describes the statutory powers of local authorities for ‘Care and Supervision’, and I would like to consider these sections in some detail, as these are the sections that influence whether or not children who witness their mothers being beaten are seen as children in need of services or subject to child protection interventions. Section 31, ‘Care and supervision orders’ (p.207-208), outlines the court’s right to make such orders, and the bases on which they may be made.

- (1) on the application of any local authority or authorised person, the court may make an order-
 - (a) placing the child with respect to whom the application is made in the care of a designated local authority; or
 - (b) putting him under the supervision of a designated local authority or a probation officer.
- (2) A court may make a care order or supervision order if it is satisfied –
 - (a) that the child concerned is suffering, or is likely to suffer, significant harm; and
 - (b) that the harm, or likelihood of harm, is attributable to-
 - (i) the care given to the child, or likely to be given to him if the order were not made, not being what it would be reasonable to expect a parent to give to him; or
 - (ii) the child’s being beyond parental control.

Subsection (9) (p.208) provides definitions, similar to those in previous sections of the Act, for concepts related to ‘harm’, in its definitions specific to child maltreatment:

“harm” means ill-treatment or the impairment of health or development;
 “development” means physical, intellectual, emotional, social or behavioural development;
 “health” means physical or mental health;
 “ill-treatment” includes sexual abuse and forms of ill-treatment which are not physical

Subsection (10) (p.208-209) offers this further clarification:

Where the question of whether harm suffered by a child is significant turns on the child’s health or development, his health or development shall be compared with that which could reasonably be expected of a similar child.

Given that children are alleged to be harmed and developmentally damaged as a result of lack of contact with a father or father figure, interpreting these sections in situations where mothers are being battered is complicated for both mothers and workers.

If they’re good to your children, it’s harder to leave. [Mother A]

How can I take them away from him because he is a good father? He plays with them for hours, takes them shopping...[Mother E]

[M]aybe it’s safer by saying, “you can’t see that child”, [but] that could be more damaging for the child than actually allowing the situation to remain and for it to be monitored, maybe actually better for that child than actually moving that person. I think, again, it could have some positives but it could also be quite detrimental to the child. [Social worker B]

The powers of local authorities seeking supervision orders are outlined in Section 35 (p.212); these excerpts illustrate the extent of these powers:

- 1 (b) to take such steps as are reasonably necessary to give effect to the order; and
- (c) where [...]
- (h) the order is not wholly complied with; or to consider whether or not to apply to the court for its variation or discharge.

The extensive powers of local authorities to act in situations where children are or may be at risk are also made clear in provisions under Section 47, which concerns the local authority’s right to investigate:

the authority shall make, or cause to be made, such enquiries as they consider necessary to enable them to decide whether they should take any action to safeguard or promote the child’s welfare (p.228).

(8) Where, as a result of complying with this section, a local authority conclude that they should take action to safeguard or promote the child's welfare they shall take that action (so far as it is both within their power and reasonably practicable for them to do so) (p.229).

Given that this last provision clearly mandates social workers to intervene with perpetrators, their reluctance, or perceived inability, or refusal to do so, suggests other forces at work.

Nobody goes anywhere near him. I certainly feel that about social services. We're always working with women. The men are out, in the pub, in the shed, over at their mothers- they're somewhere else, aren't they? So working really hard to engage what are fairly scary blokes, they're not necessarily scary to professionals, but some of them are, and say to them that their behaviour is unacceptable and some work needs to be done is much harder than it sounds, considering that we do that all the time to women. [Social worker A]

From the foregoing, it would seem that concern about whether or not children have suffered or are likely to suffer harm is primarily related to child protection interventions (investigation, risk assessment and court actions). Interventions that are not necessarily protective in nature, but are more generally related to a child's welfare, are taken up primarily in Section 17 'Provision of services for children in need, their families and others' (Part III, Local Authority Support for Children and Families, *Provision of services for children and their families*, p.192), which outlines the obligation of local authorities towards such children as follows:

- (1) It shall be the general duty of every local authority (in addition to the other duties imposed on them by this Part) –
 - (a) to safeguard and promote the welfare of children within their area who are in need; and
 - (b) so far as is consistent with that duty, to promote the upbringing of such children by their families,
 by providing a range and level of services appropriate to those children's needs.

Subsection (3) would seem to provide a great deal of latitude in terms of which specific services may be provided to children 'in need', though it is important to note the use of the modifier 'may'. "Any service provided by an authority in the exercise of functions conferred on them by this section may be provided for the family of a particular child in need or by any member of his family, if it is provided with a view to safeguarding or

promoting the child’s welfare” (p.192). The use of the modifier ‘may’ diminishes the statutory obligation of local authorities to provide services. Notably, none of the mothers in the focus group had received services, and some of them pointed out that the perpetrators seemed to have more access to counselling.

Women don’t get counselling but the blokes do. [Mother D]

There’s nothing for women except for this women’s group at the shelter, but men get help. [Mother G]

We get help in housing, which is really good. But we don’t get in-depth counselling to teach you that you not to do it again...the next one comes along, you’re waiting for it to go wrong. [Mother B]

Subsection (10) (p.192)¹ provides a framework for deciding whether or not a child is ‘in need’:

For the purposes of this Part a child shall be taken to be in need if –

- (a) he is unlikely to achieve or maintain, or to have the opportunity of achieving or maintaining, a reasonable standard of health or development without the provision for him of services by a local authority under this Part;
 - (b) his health or development is likely to be significantly impaired, or further impaired, without the provision for him of such services; or
 - (c) he is disabled,
- and “family”, in relation to such a child, includes any person who has parental responsibility for the child and any other person with whom he has been living.

As can be seen, there is no specific or clear delineation in the Act between a child who is ‘in need’ and therefore requires (or whose family requires) services, and a child who is harmed or at risk of harm, which requires that the child (and the family) be subject to care and/or supervision proceedings. Which category the child (and therefore the family) will be placed in turns on the assessment and evaluation of a social worker, who, as I have and will demonstrate, must access the ‘regimes of truth’ implicit, but not explicit, in law and policy in order to make the ‘correct’ decision. As previously noted, social workers are further instructed in these ‘regimes of truth’ by policy documents, and I will now turn to an analysis of these documents as they relate to ‘children witnessing’ and ‘mothers failing to protect’.

The policy documents

The stated intention of *Working together to safeguard children* (1999) is to provide guidance on “how agencies and professionals should work together” (p.vii). In contrast to *The Children Act 1989* and *The challenge of partnership, Working together*, the Southampton local authority publication *Protecting our children* and the *Framework* contain direct statements about violence against mothers, although these situations are described throughout all the documents as ‘domestic violence’². *Working together* introduces for the first time in UK child protection policy documents the concepts of ‘failure to protect’ and ‘children witnessing’. As with *The Children Act 1989* itself, these documents attempt to straddle the dual obligations of protecting children and preserving families; the introductory remarks of *Working together* emphasise that “[o]nly in exceptional cases should there be a compulsory intervention in family life: for example, where this is necessary to safeguard a child from significant harm” (Section 1.5, p.2). Similarly, the *Framework* introduction notes that a “critical task is to ascertain with the family whether a child is in need and how the child and the family might be helped” (p.viii).

Failure to protect: measuring mothers’ failures

Although, as I will demonstrate, the phrase ‘failure to protect’ is absent from UK and Southampton policy documents, social workers were very aware of its existence and power as a concept, and simultaneously used the discourse of ‘failure to protect’ and ‘children witnessing’ and attempted to resist it. Their talk also reflects a sense of inevitability about ‘failure to protect’ becoming an organising principle in UK child protection.

I actually think that as this [failure to protect] takes over...the world is changing. I think that it is changing to a world where agencies require a woman to do something about it or leave in order to protect herself or her children. [Social worker A]

¹ Definitions of some of the terms in this section are provided at its end: “development” means physical, intellectual, emotional, social or behavioural development; and “health” means physical or mental health (p.192). The same definitions of these terms are repeated in other sections of the Act.

² See Chapter 2 for an extensive discussion of this contested term.

But one person's failure to protect might be - I mean failure to protect is a real judgment that somehow she didn't do what she should or could have done, and my bit of thinking might be that she did the best she could in the circumstances, now we have to see what we can do to help that be better...It's not being neglectful of the fact that those kids might be in a really bad situation. What women are telling us is that's better for them than feeling that we're coming from, "you didn't and you should have and you could have", although I think there are situations where women didn't and they should have and they could have--- we make those judgments. [Social worker B]

I think increasingly they're [mothers] going to be expected and required to. I think there is better support and recognition around, but I think women are expected to make use of it. If they don't or they can't or the timing isn't right for them, all of the things that Women's Aid understands so well, then they are going to have social services on their back. When you get to child protection involvement, every plan has to have aims and objectives and the aims and objectives inevitably are that children should no longer witness domestic violence, when you reach that scale of that level of concern. [Social worker C]

The concept of 'failure to protect' is introduced as part of the philosophical foundation laid down in the introductory remarks in *Working together*. First, the notion of 'protection' is introduced through a listing of children's entitlements. "All children deserve the opportunity to achieve their full potential. They should be enabled...to live in a safe environment and be protected from harm" (Section 1.1, (3) p.1). Soon after this, the notion of keeping children safe is introduced when agencies, working together with families, are enjoined to "contribute to whatever actions are needed to safeguard the child and promote his or her welfare" (p.3, 1.13).

The concept is elaborated in the section devoted to 'Abuse and neglect', when it is pointed out that the notion of 'harm' encompasses lack of action as well as action, in the statement that "Somebody may abuse or neglect a child by inflicting harm, or by failing to act to prevent harm" (Section 2.3, p.5). *Protecting our children* contains this definition of 'neglect' (p.11):

The persistent failure to meet a child's basic physical and psychological needs, likely to result in the serious impairment of the child's health or development. It may involve a parent or carer failing to provide adequate food, shelter and clothing, failure to protect a child from physical harm or danger.

Failure to protect is also alluded to in definitions of emotional abuse, such as that provided in *Protecting our children* (p.11), where a connection is implied between failing to protect and emotional abuse:

Emotional abuse is the persistent emotional ill treatment of a child such as to cause severe and persistent adverse effects on the child's emotional development...It may involve causing children frequently to feel frightened or in danger.

Protecting our children cites two sections of *Working together* (2.21 and 6.38) in making a more direct connection between exposure to violence, emotional abuse, and mothers failing to protect:

Exposure to domestic violence may have a serious impact on children's development and emotional well-being, despite the efforts made by many mothers to protect their children (p.11).

The need for a 'parent' to act protectively comes into play in the description of actions needed to secure the 'immediate protection' of children; I have highlighted the word 'parent' as an illustration of gender neutral language masking the gender specificity of 'failing to protect'. The ordering of options makes clear that there is a preference for 'a parent' to take the necessary protective actions; it also implies that the choice to take action is unfettered. "In some cases, it may be sufficient to secure a child's safety by a parent taking action to remove an alleged perpetrator or by the alleged perpetrator agreeing to leave the house" (Section 5.25, p.45). This section then goes on to discuss removing the child when these actions are not taken. I would also note that, in a separate box on the following page (p.46), a reference to 'Exclusion Orders' describes how the removal of a perpetrator can be brought about through state, rather than parental, intervention. But the onus on mother to act appropriately and protectively, and the implication that she is or ought to be able to act appropriately and protectively in the absence of societal or systemic supports constructs these actions as solely a matter of her choice.

[Social services intervention] does depend on the mother's response, whether she is trying to do something about it, which might include her own work with the bloke and her own views with him, that his behaviour will change. It also depends on her plans and whether she's staying there and it does depend, unfortunately, on how much she minimises it [Social worker A]

The favoured option of a mother removing a perpetrator from her home (or a willingness on the part of the perpetrator to leave) makes no reference to how dangerous and difficult it is likely to be for her to act in this way, how unlikely it is that the perpetrator will either accede to her wishes or initiate this course of action on his own, and how little protection she will receive from the police. Mothers were clear about the difficulties.

You can't really get out unless you take the children. They know you won't leave without the children...they get nastier...it gets more tense. [Mother B]

I was actually too scared to go...I wanted to leave, I had my bag packed, but the fear would just overwhelm me. I wanted to leave, but they said, wait till he hits you. I had no one else to turn to...the only family I had was this family and I couldn't see a way out. [Mother A]

The last time I called, it took the police 2 ½ hours to come. [Mother E]

A fellow came after his wife in the refuge last night, sliced his way through the porch, broke into two bedrooms, this is all after the police have been called, mind, and it was four hours before they came. [Mother D]

About two years ago, I called and the police wouldn't charge him because he hadn't hit my face. I had lumps and bruises but they wouldn't do anything. [Mother A]

Whilst policy documents present the perpetrator leaving the home as an option, mothers and social workers know that, given perpetrators' inability and/or refusal to acknowledge their behaviour or its consequences, such a course of action is unlikely. Mothers who contemplated leaving were acutely aware of dangers and difficulties. Many had been threatened: that the perpetrator would report them to social services as a 'bad mother'; that he would kill them; that he would kill the children or take them away.

They'll [social services] take the children away, he'll take the children. If you leave, they'll kill you. If you meet anyone, they'll kill them and you. [Mother A]

He began taking one child with him, even to work. Then more threats came as well, it got a bit nastier. [Mother B]

It's [fear of being reported to social services] probably one of the biggest fears, almost as much as they're going to find you and kill you. It's a huge fear. [Mother C]

Still, all of the mothers in this study left the perpetrator, at least temporarily.

You just don't have the strength to leave sometimes, you're not good enough, you're not worthy, or whatever...but you somehow have to find the strength to leave. [Mother B]

[E]very time I'd talk about leaving Daddy, they'd break down, so I had to do it without them knowing. I had to take control and say, 'this isn't good for all of us', and just go. [Mother C]

Social workers talk about the courses of action available to mothers revealed both their hopes for supportive practice and their understanding that, within the construction of 'failure to protect', a 'good mother' has only one acceptable option.

I think that's better understood too now and that we need to be much more proactive in helping her make good choices for her children and not just thinking there is one route that she must take and that is you must leave him now. I think there is a lot more sensitivity around that. [Social worker A]

Once the social worker says to the woman, "you need to discuss this risk to your children", that the next time she goes back she's deemed to be prioritising her need for that relationship, so called, over the safety of her children. Then it starts to get a bit more punitive. [Social worker C]

I think everybody thinks it's a good thing if women leave those situations. [Social worker B]

When I think of our more successful cases, the ones the social workers would be pleased with, they tend to be where the woman has been able to actually move and with support then change everything for herself and her children and that tends to mean separating from him. [Social worker A]

We would maybe do some work with mom around building her self-esteem and getting her to a stage where actually she may feel ready to end the relationship, but it would be her choice. [Social worker B]

Although it does not contain a specific reference to 'failure to protect', the practice directions provided in *Working Together's* discussion of *The Children Act 1989* Section 47, Enquiries and Core Assessment, note that the capacity of parents to ensure a child's "safety, health, and development" (Section 5.34, p.48) must be considered in the assessment phase. Similarly, the *Framework* lists "parenting capacity" (Section 1.29, p.9) as one of three critical components of an assessment, along with a child's developmental needs and family and environmental factors. The implicit link with 'failure to protect' is made later in *Framework*, when the ability to 'ensure safety' is the

second item in a list of the “Dimensions of Parenting Capacity” (Section 2.13, p.21).

Social workers made the link very directly:

[It's] about actually making sure that we recognize why that woman is not able to protect that child, and it would be for so many different reasons and that it's not about her making a choice that she wants to give up the children, it's just her only way of coping with the situation, and that [we] need to kind of help her make sense of that. [Social worker B]

Given contradictory hegemonic discourses of what it means to be a good mother, I am uncertain whether it is social workers, who are themselves caught up in and enacting these discourses, who might help mothers ‘make sense’ of what does not make sense. The UK state has shown itself committed to ensuring that fathers and father figures have rights to continuing contact with a mother’s children, regardless of past violence to her and in some cases to the children. The ‘regime of truth’ delineated in *The Children Act 1989* and enforced through policy and media is that the best family is an intact, nuclear, two-parent heterosexual family. Little support is available for mothers who leave, and police often fail to respond effectively to protect women. Yet social services, through the ideology embedded in ‘children who witness’, insists that it is not in the ‘best interests’ of children to be exposed to their mothers being beaten. The mothers in this study were, as all mothers are instructed to be, concerned with protecting their children from harm. But this commitment provided little guidance as they struggled to make sense of competing discourses.

If he goes to hit them, I would take them away. ‘You’re not hitting them’, I’d say, ‘there’s no way’. So I thought I was doing the right thing. He’s not hurting them, I’m in the way. I didn’t realise until afterwards... [Mother A]

She really believes that if she loves her children enough that she can make up for the situation they’re in. She does believe it. [Mother B]

The flip side of that is you can get Social Services saying if you don’t leave, we’re going to take your children away. You get it from both ends. It’s a double whammy, really. [Mother A]

Section 5.34 in *Working together* also supports the focus of attention being on whether or not, or to what extent, the child has suffered harm, rather than on whether or not an abusive or neglectful action or inaction has been perpetrated. It is “the child’s situation” (p.48) that is to be the focus of attention and assessment, and the child “who is the subject

of concern”, and it is proof of harm that must be established, preferably by professionals with greater stature than social workers (Section 5.34, p.48):

Enquiries may also include interviews with those who are personally and professionally connected with the child; specific examinations or assessments of the child by other professionals (e.g. medical or developmental checks, assessment of emotional or psychological state); and interviews with those who are personally and professionally connected with the child’s parents and/or carers.

Such provisions focus the social work gaze on either the inadequately protective mother or the damaged child but not on the abusive father/partner/boyfriend; how difficult it is to shift the gaze is illustrated in this exchange.

[W]e ought to be finding ways of working with her that make absolutely clear that she is not being held responsible. I think social workers are increasingly trying to do that. It's pretty subtle stuff, isn't it? It's really difficult when all of your training and all of the procedures and everything tell you to go out and be child focused. If you can see damage happening to a child, you look around and you find the handy adult who sat there and is responsible. I mean the mother is responsible. You hold her responsible.

In situations when a mother is being battered, how does it come to be that it's not the perpetrator who's seen as the adult responsible for that situation?

Because the woman is handy and because she is responsible for her children, isn't she? She does have the responsibility of a parent for her children. [Social worker A]

Another allusion to the importance of a mother acting protectively appears in *Working together*’s discussion of reasons to maintain or remove a child’s name from the child protection register. In measuring whether the risk of ‘significant harm’ is reduced, workers are instructed “...to review the safety, health and development of the child against intended outcomes set out in the child protection plan; to ensure that the child continues adequately to be safeguarded” (Section 5.91, p.61-62). In *Framework*, a similar inference is made in Section 1.15, which describes the two elements of safeguarding as “a duty to protect children from maltreatment; a duty to prevent impairment” (p.5). But, as social workers themselves acknowledged, existing child protection procedures are often of little help in situations where mothers are being battered.

[T]he court report would probably be about the mom’s inability to protect, rather than actually saying, ‘the reason why we had to remove the child is because that

person, that man's behaviour is so inappropriate, that child needs to be somewhere safe', and actually focusing the blame there. [Social worker A]

Families, parents and children, experience our involvement as punitive, experience going through the process of child protection procedures and children being placed on the register as punitive. I think that you inevitably compound that if you have to use those processes for women who themselves are victims. They can't be held responsible for the actual damaging actions that have been done. [Social worker C]

Mothers are instructed that a 'good' mother must act protectively, and continue to act protectively; she must make the right 'choice' as if those choices were obvious and free from constraints. She must be able to predict that harm might occur; she must prevent harm, and she must be able to divine whether it is more harmful to subject herself to continuing abuse or to deprive children of contact with their father/father figure. If she cannot sort out these contradictory and competing injunctions, she will have failed to protect her children from harm, and find herself caught up in child protection procedures that are likely to increase, rather than ameliorate, the danger and difficulty in her situation.

Thus it is not surprising that the mothers in this study constructed themselves as responsible for the violence that they had been subjected to in two ways. One was to posit the violence as their responsibility, an event that they could have or should have prevented.

Look what you made me do, you drove me to drink, which drove me to hit you. If you hadn't have done that, I wouldn't have hit you. [Mother F]

He's screaming at you, 'you're no good without me', 'you can't do it'. You just don't have the strength to leave sometimes, you're not good enough, you're not worthy, or whatever...but you somehow have to find the strength to leave...at the end of the day, the children are going to grow up without a father...I'm still not sure, I still sometimes wonder if I could have stopped it. [Mother B]

He'd say, 'if you'd keep your mouth shut'...so I had to live this way. [Mother A]

Social workers also sometimes implied that mothers were at least partially responsible for the violence they suffered, or would be constructed as responsible.

Within social work people's attitudes are genuinely very supportive of the woman and have looked at how both adults that are abused create that situation, but in terms of creating a situation where they've been violent to a woman or to abuse a child, how they create the dynamics where that violence can take place and also [being] aware of what can make an adult vulnerable to being able to be targeted by somebody that's violent. [Social worker B]

I was saying earlier on that I felt somewhat optimistic that things had changed, were moving in the right direction, but you still see women who get sentenced to life for murdering their husbands, and men who go down for a couple of years for manslaughter because they were provoked and every time I see it, I think, "I thought that was better, but obviously it isn't." Same old, same old...somehow, it still comes down to how women are seen. [Social worker C]

Mothers were also confounded by the failure of perpetrators to take any responsibility for the violence, and the seeming inability of perpetrators to notice that their violence had implications for the children who were witnessing it¹.

They talk about how it affected them...It always comes back to how it's affecting him. [Mother B]

I had a conversation with my ex, and it's all about how it's upsetting him, it all comes back to him. [Mother F]

Finally, women's responsibility for violence in relationships is illustrated by the stigma that is attached to women who have been victimised. Women were thus confounded by somehow having become the 'type of woman' who is subjected to violence; this created an additional barrier to leaving the relationship.

We also have the obvious issue, the whole stigma of the violence. Myself, as a professional woman, a confident woman, to have to admit - Because I didn't walk out the first time he hit me, because that's what you're supposed to do, I felt an absolute failure as a person – as a woman – that's not what a confident assertive woman is supposed to do. [Mother C]

Focus on consequences: significant harm

The aim is to really be looking at the impact on children and children's development in whatever the situation of need they're in. [Social worker B]

¹ During the focus group interview, the first response to my question 'Has the perpetrator ever talked about how his behaviour affected the children, either to you or the children?' was a chorus of laughter.

*It depends on the level of impact on the children, which is what's really important.
[Social worker A]*

Given that intervening in the private life of the family is only to take place where there is risk of significant harm, it is no surprise that *Working together* elaborates on this concept in some detail, and ties the discussion directly to *The Children Act 1989*. The section on harm also makes a critical link, in terms of mothers failing to protect, between a parent's care and the concept of harm. Because whether or not a child who witnesses is *by definition* suffering or is at risk of suffering significant harm is so critical, I will quote this section at length and then analyse it. Section 2.16, *The concept of significant harm*, states that

significant harm [is] the threshold that justifies compulsory intervention in family life in the best interests of children. The local authority is under a duty to make enquiries...where it has reasonable cause to suspect that a child is suffering, or is likely to suffer significant harm (s47) [reference to *The Children Act 1989*, Section 47]. A court may only make [an order]...in respect of a child if it is satisfied that:

- the child is suffering, or is likely to suffer significant harm; *and*
- that the harm or likelihood of harm is attributable to a lack of adequate parental care or control (s31) [reference to *The Children Act 1989*, Section 31];

and goes on to note, in Section 2.17, that “[t]here are no absolute criteria on which to rely when judging what constitutes significant harm” (p.7).

The *Framework* (p.7) does not expand on this description of significant harm, but it does emphasise the local authority obligations under *The Children Act 1989* (Part V, Section 47):

1.25 Some children are in need because they are suffering or likely to suffer significant harm

In such circumstances, the local authority is obliged to consider initiating enquiries

and later emphasises, in Section 1.27, that “assessment should concentrate on the harm that has occurred or is likely to occur to the child” (p.8).

Social workers often referred in the interviews to the ‘threshold’, and commented on both the general difficulty of establishing whether an allegation was above or below the threshold, and the particular difficulty of determining this when the situation involved a

mother being battered. The threshold is particularly significant because it impacts on the ability to access resources.

What we've got is Section 17 of the Children's Act, which requires us to respond to children in need. We've got Section 37, which requires us to investigate, if we've got any child at risk of significant harm. What we call the threshold is the threshold between those two and deciding whether, often on just the referral information from another agency, on whether something is significant harm. [Social worker B]

[T]he way that you get services and resources are by labelling things child protection, and perhaps the child protection industry then just grinds into gear ...a child protection specialist within health...teach[es] about domestic violence as if every child who's in a domestic violence situation is in a child protection situation. I've always argued against that. Of course, it is where the resources are. It is where children and mothers get priority for their resources. [Social worker C]

Like all but one of the documents under consideration, the *Framework* does not state that violence to mothers, or “domestic violence”, in and of itself constitutes a need for investigation or assessment. Section 2.20 discusses the need to analyse and understand “the complex interplay of factors across all three domains” (p.25). The last of the examples offered is that of “a child being traumatised by witnessing her mother being regularly assaulted by her father” (p.25), but no direction or suggestions are offered for when such a situation calls for intervention. *Protecting our children* is unique among the policy documents under consideration in providing specific direction to workers about when allegations of violence against mothers should trigger assessment procedures:

In acknowledging the child protection issues for children who are exposed to domestic violence, there is also a need to support women’s strategies to protect their children through the development of appropriate and accessible services. Normally, one serious incident or several lesser incidents of domestic violence where there is a child in the household would indicate that the social services department should carry out an initial assessment of the child and family including consulting existing records (p.12).

I would like to notice that this excerpt genders domestic violence; the victim is assumed to be a woman, and workers are instructed to support her. At the same time, they are instructed that a mother being battered is not necessarily a situation that warrants state intervention in the family, though it may be a situation that requires ‘assessment’. As in other policy documents, there is no possibility of directed and focused interaction with

the perpetrator, no moral position taken that abusing a mother is wrong and will be stopped, and no possibility of constructing support for mothers by directly confronting the men who beat them through institutional practices. Mothers can be confronted directly with their ‘failure to protect’ their children from being exposed to violence; confronting men, especially as a first intervention, is almost impossible.

It’s about helping them [mothers] manage the situation that they’re in, trying to reduce the impact as much as possible. It’s almost like harm-reduction work I suppose. [[Social worker B]

I think that the first work happens with the mother and I think that finding ways of doing that in ways that aren't punitive is the most important thing, though I do believe that the children need to be out of that situation as well. [Social worker C]

I think it would be a case of helping her. [Social worker A]

[O]f course...when you're responding to a referral, you often want to see the woman without the man present, so some of the effort in planning the work will go into making that happen. Then, of course, the next stage is needing to see the man. [Social worker A]

Although they are the reason, the basis, for child welfare’s intrusion into the family, men are constructed as being entitled to opt out of assessments and investigations.

[W]e do get men who say, “I need help, I’ve got a problem, I want to be involved with my children”, and there are certain situations in which, where we have a degree of co-operation like that and it’s safe to do so—and it does work—that can be offered for those blokes...If you’re talking about a whole group of men who may need more than encouragement, they actually need compulsion to do that, we don’t within child protection procedures - we can monitor, encourage and offer services and look at what’s out there, not that there’s loads, but if they choose not to...then at that point you have this kind of, “we want you to do this assessment, identify work that you should do as a guy”, but he doesn’t have to within those proceedings. He can’t be compelled to do any assessment for anything. [Social worker C]

Although mothers can be compelled, men must be engaged:

The other thing that we are trying to do more of is actually work with the man—unless you’re stopping them being violent, you’re not going to actually solve these problems. We’re trying to be much more aware that we actually need to engage these men in order to correct [the problem]. [Social worker A]

Working with men is constructed as ‘extra’ work; one worker attributed this to an absence of policy direction:

Is there anything in policy that provides you with some guidance right now about how to intervene with perpetrators?

Not really. Not that I'm aware of. It might be there, but I'm not aware of it. It certainly doesn't spring to mind. I think it's recognised in things like 'Working together', recognising that it should happen, it doesn't actually say how and who should be doing it and so on. In terms of how social workers are able to do that on top of everything else that they've got to do, and about whether we've got the skills to do that...[Social worker A]

Workers perceived engaging with perpetrators as work that required special skill or training:

[W]e can get the recognition that we needed to work with men where there was domestic violence within the family where it was directly impacting the children. I think it evolved. I think it's sort of much in its infancy because I don't think we know enough about how to do it, what we need to be doing. [Social worker C]

Some felt that it was important to focus on men as a way to reduce the responsibilities of mothers:

I think it's something we really recognise, that we want to do more with them and hopefully it's something that we could be trying to expand...we recognise that we don't do enough work with dads, we put far too much responsibility on the woman to do it all. [Social worker A]

Three “domains” of assessment are described in Section 1.29 in *Working together: a child's developmental needs; parenting capacity; and family and environmental factors* (p.9). Ten principles of assessment are also listed (p.10); I note three that are significant for my analysis. Assessment is to be ‘child centred’, ‘rooted in child development’ and ‘grounded in evidence-based knowledge’. *Protecting our children (2000)* which outlines procedural requirements for Southampton and area, offers some additional guidance based in *The Children Act 1989*:

Where the question of whether harm suffered by a child is significant turns on the child's health or development, his health or development shall be compared with that which could reasonably be expected of a similar child (p.10)

While these statements seem, on the surface, to be relatively straightforward and ‘common sense’, I would note that certain powerful discourses are embedded and referred to here. One is the discourse of ‘child development’ – the notion that all ‘normal’ children can be expected to go through certain developmental milestones at certain ages. Child development is understood to be normative and unproblematically measurable across a variety of financial, social, cultural and racial circumstances. But there are problems with this notion. These ‘normative’ measures of child development are based on two primary sources: laboratory observations of white, middle class, able-bodied male children; and theoretical models developed by white, male, European and American psychologists and psychoanalysts such as Adler, Bowlby, Freud and Erickson. These measures are therefore suspect along the lines of gender, race, class and ability.

The use of these measures in child protection also mandates that social workers defer to those professionals who can ‘prove’ differences in child development by referencing the ‘sciences’ of psychology and psychiatry to an acceptable evidentiary standard. The reference to ‘evidence-based knowledge’, and similar references in all of the documents to ‘evidence-based practice’, mark the shift in child welfare’s regime of truth from medical and social constructs to scientific legalism. Within this regime of truth, women and children’s right to be safe is undermined by positing contact with fathers as an essential component of ‘normal’, ‘healthy’ child development.

Because ‘a man’s home is his castle’, its walls can only be breached when significant harm has occurred or is at risk of occurring, and when intervention in this harm is ‘in the best interests of children’. The sanctity and privacy of the family requires that these two important linked concepts must be brought into play to rationalise the state’s intervention. The requirements of ‘duty’ and ‘reason’ must also be invoked, and the necessity of proof is implied through the requirement that the court must be ‘satisfied’ before statutory powers are invoked. Despite the invocation of reason, with its implied links to evidence, and thus to science and reason, there remains the admission that the constituents of ‘significant harm’ are a matter of judgement. This lack of specificity, even in this very specific practice guidance, opens the way, as does the lack of specificity in *The Children*

Act 1989, for workers and supervisors to rely on other resources in order to make judgments. I believe that these other resources are powerful, hegemonic discourses, regimes of truth, that have very particular ideas about which behaviours harm children, and who is to be held responsible for these behaviours. The specific instructions provided in policy documents directing practice in situations where mothers are being battered provide information about these discourses.

Domestic violence: gendered victim, genderless perpetrator

On nearly every occasion, when I've been in training or in discussion here, talking with people in the [local] authority, when the emphasis of my discussion would be around violence of men towards women and children, somebody will say, "What about women? Women are violent too". And so we have the debate in different places... That kind of whole tension around really naming the problem as overall, it's mostly men, is still around, and how it's being dealt with politically now is by having these kind of phrases which allow it to be seen as possible that the speaker is including violence from women or in same-sex relationships, because there continues to be a resistance, I think, to confront the issue that it actually is mostly men. [Social worker C]

'Domestic violence' is discussed in many sections of *Working together*. It is first mentioned in the section on 'Emotional Abuse': "There is increasing evidence of the adverse long-term consequences for children's development where they have been subject to sustained emotional abuse" (Section 2.12, p.7). The use of the word 'evidence' implies that the statements following have a rational, 'scientific' basis. The *Framework* also credentials itself through linking to science; reference is made in its preface to "evidence based knowledge" (p.ix) as the foundation of the document, and the point is made that the ten 'principles of assessment' are "grounded in evidence based knowledge" (p.10).

Working together contains a plea for the recognition of emotional abuse as a source of harm to children equal to that of more visible forms of maltreatment: "Underlying emotional abuse may be as important, if not more so, than other visible forms of abuse in terms of its impact on the child" (Section 2.12, p.7). This is significant for a number of reasons. One is that, as I have noted before, there is a refusal, either in this or any other

policy document, to make a simple and clear statement that violence against mothers is, in and of itself, wrong or unacceptable. This seeming inability to deduce that battering a child's primary caregiver is, in and of itself, harmful to a child constrains the state's interventions in these situations. Although, as I have demonstrated, there are policies in place that allow workers to interview men, it is difficult for workers to act on these; they wanted something more explicit.

Why don't we just go more straightforwardly straight to the man, because we do in a way but we don't straightforwardly. That's what the policy would need to say. [Social worker A]

Instead, what is positioned as troublesome and worthy of intervention are the possible *consequences* of violence. The link between 'domestic violence' and emotional abuse as possible rather than proven is indicated in wording such as that of Section 2.12: "Domestic violence, adult mental health problems and parental substance misuse may be features where children are exposed to such abuse" (p.7). Later in the document, the point is made that "some children [exposed to domestic violence] grow up apparently unscathed" (Section 2.21, p.25). Workers are thus put in the position of proving that harm has or may result to the child, rather than relying on the fact of the violence itself as a basis for intervention. It is through such discursive manoeuvres that men who batter mothers can be constructed as good fathers and acceptable father figures despite having battered a child's mother. These constructions are confounding for mothers as well as for social workers, as these excerpts from the mothers' focus group reveal.

I know me and him, we clashed, but he was a good father. Did things with them...[Mother D]

You want to hang on to something good about him, that there is something good about him. [Mother G]

I really thought that he was a good father. He'd always do things with them – he had money...I couldn't see anything else at the time...[Mother B]

For years I said, "Oh, they always had the best", "Oh, he's awful good to them". I carried on saying it for years...they always had the best... And then you sort of realise, he's not a good father. [Mother A]

I remember saying he was a good father, he played with them, he was a real good father...Even though he's not respecting their mum. [Mother E]

There are also two sections of *Working together* (2.21) devoted specifically to ‘domestic violence’; I will quote the first and therefore foundational section in its entirety (p.9).

Prolonged and/or regular exposure to domestic violence can have a serious impact on a child’s development and emotional well-being, despite the best efforts of the victim parent to protect the child. Domestic violence has an impact in a number of ways. It can pose a threat to an unborn child, because assaults on pregnant women frequently involve punches or kicks directed at the abdomen, risking injury to both mother and foetus. Older children may also suffer blows during episodes of violence. Children may be greatly distressed by witnessing the physical and emotional suffering of a parent. Both the physical assaults and psychological abuse suffered by adult victims who experience domestic violence can have a negative impact on their ability to look after their children. The negative impact of domestic violence is exacerbated when the violence is combined with drink or drug misuse; children witness the violence; children are drawn into the violence or are pressurised into concealing the assaults. Children’s exposure to parental conflict, even when violence is not present, can lead to serious anxiety and distress among children, particularly when it is routed through children.

A ‘common sense’ reading of this section might take it as given: a description of violence that draws our attention to the many ways that it may impact on children, in ways that illustrate the seriousness of such events. As a feminist, I might be grateful for such a detailed description and for the ascription of severity to these acts. But I would like to interrupt such a reading by noticing what is included and what is excluded. The text embodies a gender neutral reading of violence between partners, not just in the repeated use of the term ‘domestic violence’ itself, rather than ‘violence against women’ or ‘violence against mothers’ or even ‘men’s violence against women’, but in the repeated use of the word ‘parent’ to describe the victim. Secondly, a link is established between victimization and the impairment of a parent’s ability to care for children: “[b]oth the physical assaults and psychological abuse suffered by adult victims who experience domestic violence can have a negative impact on their ability to look after their children”. Witnessing in and of itself is said to exacerbate the impact of the violence on children; that witnessing itself is harmful is noted again, in a subsequent section describing the sources of harm in domestic violence situations (p.10). The impact of domestic violence on children is further referenced in a later description of the proper ‘scope of interest’ of Area Child Protection Committees, where they are directed to include in their responsibilities “children abused and neglected, including those so harmed in the context

of domestic violence” (Section 4.3, p.33-34). Finally, violence is related to and conflated with conflict, even though much violence against women in relationships is separate from conflict or attempts to resolve conflict. The *Framework* also allows ‘conflict’ to substitute for ‘violence’; in Section 2.15 (p.22), it notes,

Of particular importance is the quality and nature of the relationship between a child’s parents and how this affects the child. For example, sustained conflict between parents is detrimental to the child’s welfare.

The exclusions are many. The section, though lengthy, contains no clear and simple declaration that domestic violence is wrong, in and of itself, separate from its effect on children. Domestic violence is not gendered, excepting the reference to ‘pregnant women’, and thus issues of power and control are obscured, leading again to the notion that mothers have ‘choice’ about exposing children to these situations. That ‘domestic violence’ is usually a gendered event involving issues of power and control *is* noticed later in the text, in Section 3.80, which enjoins housing authorities to assist in cases of domestic violence and provides this illustration: “Examples could include situations where women and children become homeless or at risk of homelessness as a result of domestic violence” (p.28). I would also note that, as is true of all of the documents analysed, whilst the main body of the text maintains the gender neutrality of ‘domestic violence’, all of the examples of this violence are partially gendered insofar as a woman or mother is named as the victim. But while the victim sometimes appears, the perpetrator, except in one example in the *Framework*¹, does not. This inability to name men is powerfully reflected in workers’ discourse. In these examples, I have underlined instances of gender neutrality and agent deletion.

There are specialist police that work with victims of domestic violence, they can give advice on how to manage the situation and can put in panic buttons and provide mobile phones and give advice around the legal options that the woman would have in terms of keeping the violent person away from the home, get a non-molestation order and getting the partner out of the home as well because if it’s joint tenancy there are orders now in civil court that the woman can get the solicitor to have in place in order to help get rid of that person from the home. They’ll also have sort of an ambivalent relationship with the person that’s [violent], particularly if it’s their natural parent, they might have a confused

¹ From Section 2.20: “On the other hand, it could include a child being traumatised by witnessing her mother being regularly assaulted by her father” (p.25).

relationship with them because again, they really love that person and if they're well treated by that person but also struggle to understand their behaviour. If we begin by acknowledging that person's role, the perpetrator's role in the violence, and making sure that we're in a child-focused way helping the child make sense of the fact that actually what's wrong is not that adult, but that adult's behaviour and what we're helping is that adult to change their behaviour, asking them if they were naughty to try and help them understand that it's not them that's a bad person, so that they're left with being able to love that parent. [Social worker B]

Much of what I have observed also holds true in the document's second discussion of 'domestic violence', Sections 6.38 – 6.42 (p.71-72), which contains more explicit instructions for practice. The first section suggests that children exposed to 'domestic violence' may be thought of as 'children in need': "Domestic violence is likely to have a damaging effect on the health and development of children, and it will often be appropriate for such children to be regarded as children in need" (p.71). This would seem to orient practice towards the provision of services rather than a child protection intervention. But the remainder of this section, by highlighting the purported relationship between 'domestic violence' and child abuse and neglect, pulls practice towards a child protection intervention.

Everyone working with women and children should be alert to the frequent inter-relationship between domestic violence and the abuse and neglect of children. Where there is evidence of domestic violence, the implications for any children in the household should be considered, including the possibility that the children themselves may be subject to violence or other harm. Conversely, where it is believed that a child is being abused, those involved with the child and the family should be alert to the possibility of domestic violence within the family (p.71).

A similar link is made in the *Framework*. The second sentence of Section 2.22 states that "Research has shown a strong association between domestic violence and child abuse" (p.25). But the right of men to have continuing contact with the children whose mother they have battered obscures this link; workers' concern about this is evident in their talk:

If that were to happen [removal of the perpetrator], that actually may have a very damaging affect on the child. Maybe the man is not complying with the work, he's not at a stage where he's able to acknowledge what he's doing and engaging in work, and maybe it's safer by saying 'you can't see that child', [but] that could be more damaging for the child than actually allowing the situation to remain and for it to be monitored, maybe actually better for that child than actually moving that person. [Social worker B]

The *Framework* also introduces, without naming it as such, the theory that abusive behaviour is transmitted intergenerationally. Section 2.22 refers to the contention in the Department of Health's *Messages from Research* that "not all parents who have suffered significant childhood abuse or deprivation go on to maltreat their children, but a significant proportion of parents who harm their children have been abused themselves" (p.25). This idea is also referenced in an earlier section (2.14), where the point is made that "An adult's capacity to parent may be crucially related to his or her childhood experiences of family life and past adult experiences prior to the current difficulties" (p.22). Social workers had a range of views on this idea and why it has come to be so powerful in child welfare:

It's not causal, but on the other hand there is even some popular chat, there are links aren't there that people make. Mothers do constantly. [Social worker A]

Things start to come into fashion, without belittling it, in practice, then they're followed by research aren't they, often inspired by research as well. I don't know how those things happen, really, but both the effect and the cause, then, is a more sophisticated understanding that [these things] damage children. [Social worker A]

I absolutely don't believe in the deterministic view that if children grow up witnessing domestic violence they're going to either be abusers or victims of domestic violence because there will be as many who aren't. They're the ones that need researching. I think we are generally more concerned and more aware of emotional abuse and neglect. I think it's interesting, given that we're under more pressure. Sometimes I wish I had a better understanding of those trends. [Social worker C]

[W]hat we don't count is all the ones who have the same background and [are] out there perfectly successfully. It's the same that's happened with sexual abuse. It's implying that it's causal...when in fact it isn't, it's a fact that you find out after somebody's had problems, isn't it, when you look into their background. [Social worker C]

[A]ctually again there is a high link with experiencing difficulties in childhood and how you parent or form relationships. [Social worker B]

Mothers' discourse also reflected the popularity of the notion of intergenerational transmission.

You grow up with it, you think it's OK. They've seen violence all their lives...he'd beat them up, he'd beat me up as well. They look at life negatively, as if that's OK, but it isn't. [Mother D]

If my mum had got counselling, maybe I wouldn't have done this [been battered by her partner]. [Mother C]

Section 6.40 in *Working together* provides another example of the reluctance of policy documents to take a clear and unequivocal position about domestic violence: “Children who are experiencing domestic violence may benefit from a range of support and services, and some may need safeguarding from harm” (p.72). I would like to note here the use of the word “may”. What is excluded here is any strong direction to either provide all possible resources to the victimised parent, and/or to intervene conclusively with the perpetrator, though the *Framework* does note that “It is rarely possible to promote the welfare of children without promoting the welfare of significant adults in their lives” (Section 4.5, p.54). In the absence of clear policy direction (and, as Nixon (2001) noted, sometimes in defiance of it), social workers take their instructions from other sources, relying on occupational discourses and past agency practice, for example.

I would note again that although Section 6.38 and some subsequent sections present one-half of the gendered nature of ‘domestic violence’, in that women are presented as victims, men never appear as perpetrators. For example, Section 6.39 notes that “Any response by social services to such referrals [from police] should be discreet, in terms of making contact with women in ways [that] will not further endanger them or their children” (p.72). The section immediately following, however, returns to gender neutrality, and to suggesting support for the mother: “Often, supporting a non-violent parent is likely to be the most effective way of promoting the child’s welfare” (p.72).

Perpetrators: missing in action

The Children Act 1989 directs attention to measuring actual or possible harm inflicted on victims, being alert to whether mothers are protecting children, and away from the actions of those who perpetrate abuse. The intentions of *The Children Act 1989* are carried out through the absence of specific policy direction for working with perpetrators.

Although several sections of the policy documents under consideration mention perpetrators or abusers, intervening with them is never the focus, leaving workers uncertain about whether, and how, to intervene with them.

I do think there's still some muddle about exactly how and when to intervene and what is most useful. [Social worker A]

Most of our policy never talks to us very much about what services actually to provide or how to engage. Some of the 'Framework for assessment' stuff does but even then when I think about domestic violence I think it's mostly presenting research. [Social worker C]

I don't think there is very much in policy that tells us exactly how to work with women, let alone men, unless you get these little lines in that say you should try to support women rather than punishing them. [Social worker A]

While one reading of this situation is a 'common sense' one – after all, the name of the *Act* itself states that it is concerned with children rather than with those who neglect or abuse them – I also find myself persistently mystified by these acts of omission, especially as the child protection gaze does fix itself on mothers who fail to protect. My mystification leads me to ask what is from my perspective also a 'common sense' question: how can we successfully safeguard children exposed to their mothers being beaten without directing our attention to perpetrators? Yet social workers were ambivalent about the possibility of fixing the social service gaze on perpetrators.

We do have to prioritize the children, and whether prosecuting the woman for that is the way forward I don't know, or whether it's a better way to kind of learn from keeping that child focus but kind of keeping the blame and doing it in the right place, I don't know. [Social worker B]

I suppose what would be ideal would be if there were laws that meant that being violent towards an adult in front of the child meant that you could be prosecuted for that, would be a really good step forward because it would actually lay the blame where it should be. Wouldn't it? Whether we would ever get to that stage...[Social worker C]

There is only one specific mention of perpetrators of domestic violence in *Working together*, and I would note that it occurs not in a section concerned with services to children, but in a description of the duties of probation officers. Section 3.65 states that "probation officers will also be working with those who have children who may be in need and those whose convictions relate to domestic violence...The risk posed by such

offenders may relate to children in the community in general or to specific children with whom offenders are (or are likely to be) living” (p.25). Previous advice encouraged all agencies and professionals to “be alert to the risks which individual abusers or potential abusers may pose to children” (Section 1.1, (3) p.1), but provides no more specific direction. Given that most men who batter mothers are not charged, and, if charged, rarely convicted, few of them will come under the purview of probation.

Who is, then, in charge of monitoring the conduct of most men who batter mothers? Except in those rare cases where men are convicted, the answer appears to be no one. Social workers and mothers both spoke to this.

*When we had this training...specifically for social workers, one of the messages that was coming out is how often do we not speak to fathers. How often are the fathers who are physically abusive to their partners not around in the home? They come and go. How often do we neglect to try and find them to talk to them?
[Social worker C]*

I think often men in families continue to be on the periphery and we continue to keep them there for all sorts of reasons. [Social worker A]

If so few men actually get to court for the crimes of domestic violence that they commit, let alone any other behaviour, it's how that gets linked into their children and their families that we haven't really sorted at all. [Social worker C]

Some counselling programs exist, but attendance is not mandatory, even for men who have been court-mandated to attend such a program; as one mother stated:

Nine times out of ten they don't attend the group. Men aren't forced to attend the perpetrators' groups, it's OK for them to drop out or not attend the sessions...it's frightening, really. [Mother F]

In other sections, reference to perpetrators of domestic violence is most notable by its absence. Section 3.66, regarding interagency conferences, mentions conferences regarding sex offenders but makes no mention of domestic violence offenders (p.25). Section 3.67 allows social services to be notified “in any case where an imprisoned offender is considered to pose a risk to children” (p.25), but does not connect this with domestic violence offenders. In Section 5.89, ‘Intervention’, “support or therapy for a perpetrator of abuse” is the last of five items listed as possible interventions (p.61). The

Framework is even less specific, noting in Section 1.29 that “services may be provided to any members of the family in order to assist a child in need” (p.9); presumably, this would include services to perpetrators. The *Framework* also lists domestic violence as an example of a “parental problem” that “may adversely affect a parent’s ability” to parent (Section 2.21, p.25). This is a particularly interesting textual example of how a man hitting a mother can be transformed into a mutual act, while both obscuring the existence of a perpetrator and shifting the child welfare gaze onto mothers.

Similarly, there is no specific requirement in *Working together* that perpetrators of violence against mothers be interviewed or even spoken to, and while some sections of the text leave room for this possibility, it is nowhere mandated. Section 5.14, ‘Initial assessment’, which outlines the requirements of an initial evaluation, says only that the assessment involves “seeing and speaking to the child...and family members as appropriate” (p.42). Section 5.34, which describes practice in statutory enquiries, is similarly vague:

Enquiries should always involve separate interviews with the child who is the subject of concern and –in the great majority of cases- interviews with parents and/or carers...Enquiries may also include interviews with those who are personally...connected with the child...and interviews with those who are personally...connected with the child’s parents and/or carers (p.48)

Thus, although interviews with parents and ‘carers’ are mandated by the use of ‘should’, those who are not specifically designated as either ‘may’ be interviewed; research indicates that perpetrators who occupy this category will rarely be interviewed, and, as previously demonstrated, research makes clear that even when perpetrators are parents, they are frequently spared an interview (Edleson, 1998; Hester, Pearson and Harwin, 2000; Nixon, 2001; Scourfield, 2003).

In the *Framework*, workers would seem to be instructed in the importance of involving all family members, even when doing so is difficult; Section 1.47 advises that “however resistant the family or difficult the circumstances, it remains important to continue to find ways of engaging the family in the assessment process” (p.13). Later, workers are reminded that “The parenting tasks undertaken by fathers or father figures should be

addressed alongside those of mothers or mother figures (Section 2.12, p. 20). In Working together, Section 5.58 offers direction on “involving the child and family members” (p.53) in family group conferences, while simultaneously seeming to encourage the exclusion of perpetrators:

The involvement of family members should be planned carefully. It may not always be possible to involve all family members at all times in the conference, for example, if one parent is the alleged abuser or if there is a high level of conflict between family members...Exceptionally, it may be necessary to exclude one or more family members from a conference, in whole or in part. The conference is primarily about the child, and while the presence of the family is normally welcome, those professionals attending must be able to share information in a safe and non-threatening environment. Professionals may themselves have concerns about violence or intimidation, which should be communicated in advance to the conference chair. ACPC [Area Child Protection Committee] procedures should set out criteria for excluding a parent or a carer, including the evidence required. A strong risk of violence or intimidation by a family member at or subsequent to the conference, towards a child or anybody else, might be one reason for exclusion... (p.53).

Given this lack of clear instruction, it is not surprising that workers were uncertain about how to proceed.

I think there's still a lot of work to do in how we look at involving working with men in this situation [domestic violence]. We use [family] group conferences quite a lot to help families make decisions and to make plans for the children. How we manage those when there is a member of the family who appears to present a danger and how easy it is to exclude them because it's just too difficult to manage the risk of that sort of person. [Social worker B]

What are our own fears about talking to men who are violent towards women, bearing in mind that most social workers are women? Especially [here]. And actually, our worries about making things worse, about confronting, challenging violence and what that's going to do to us, bearing in mind all the other pressures that we've got on us. I think there are real challenges about involving partners who, a lot of them are in and out of their children's lives, but also how to manage it when they are there. What do we do with that? [Social worker C]

Men's involvement is persistently constructed as optional, rather than required:

One [piece of information] was about looking at the safety of everybody in the family, including presumably the offender and how would he be safe from getting into further trouble and perhaps being arrested or whatever, but he'd obviously have to show a willingness to be part of the family conference. [Social worker A]

We do have family centers here who do work with families as a whole and where that's a viable option, where you get some co-operation from the father and that's the wish of the woman, and often more often of the children, then that's something we'll look at. [Social worker B]

While there is no specific reference to domestic violence perpetrators in policy around family group conferencing, I would suggest that the specific steps that can be taken to protect the safety and well-being of professionals stands in notable contrast to the lack of specificity in sections that discuss the safety of mothers. In this regard, I would note that, whilst there has been a marked increase of care and supervision orders sought and granted since the implementation of *The Children Act 1989*, during the same period of time there has been a decline in applications for orders, such as 'Exclusion' and 'Prohibited Steps' orders, that allow local authorities to remove a perpetrator from a home, or keep him away (Beckett, 2001).

A final note: possibilities for resistance

Actually it's [men's violence to women] not that unacceptable in society. The little bits that are done by the Department of Health or domestic violence forums or Women's Aid or what Social Services believes is swimming against a huge tide of how men treat women in this society and nothing effectively is done to stop them really. I think that's what we're up against, which is why I'm saying that it's recent and it's new and scary stuff for us to be going straight to those perpetrators. Then you add in the thing that most social workers are women and the fear thing - all the same things that work with women to get them going backwards and forwards, so that every woman doesn't immediately leave every bloke who's violent the first time. If you had a different society, if every woman left every bloke when he raised his fist for the first time, then they wouldn't keep doing it, would they, because they wouldn't be getting away with it. They're getting away with it if they can maintain lives, women, relationships and families and everything else. [Social worker C]

Are social workers and mothers inexorably trapped by the discourse of 'failure to protect', the ancillary discourses that obscure men's responsibility for violence, and the institutional practices that deploy these discourses? The social worker's statement that I have quoted speaks to the weariness and despair that accompanies fighting dominant discourses surrounding men's violence to women. But despite the hegemony of these discourses, despite the institutional practices which abet and reinforce them, all of the

mothers in the focus group were, at the time I met with them, living relatively free from violence (though this was sometimes complicated by contact orders), and had custody of their children. All of the social workers that I met with were reflective about their practice in these situations, and intrigued by possibilities for change; their interest in my research is indicative of this. In my final chapter, I will explore the possibilities for changes in legislation, policy and practice that would better support the resistance that mothers and social are already demonstrating. Prior to that, I turn, in the next chapter, to an analysis of the BC situation.

CHAPTER SIX: DATA ANALYSIS – BC

Introduction

In BC, as contrasted with the UK, there are fewer documents that directly instruct child protection practitioners, and I therefore selected for in-depth analysis all of those texts directly relevant to child protection practice in BC during the period of my research:

Child, Family and Community Services Act (RSBC 1996), 2002 Unofficial Consolidation (CFCSA)

Child, Family and Community Service Policy Manual, Volumes II and IIA (1996)

Practice Standards for Child Protection

BC Risk Assessment Model

As with my analysis of UK documents, I have not analysed the entirety of child welfare or child protection discourse embodied in the texts. My analysis focuses on these documents specifically in relation to the concept of ‘children witnessing’ or being ‘exposed’ to violence against their mothers, and to the concept of mothers ‘failing to protect’ children from exposure, as these are enacted and deployed in legislation, policy and practice. From time to time this necessitated the examination of related or foundational ideas, such as the intergenerational transmission of abuse, but these ideas are not the focus of my analysis.

The law: *The Child, Family and Community Service Act (CFCSA)*

As is true of *The Children Act* in the UK, the *CFCSA* is essentially silent on the matter of violence towards mothers, ‘family’ and/or ‘domestic’ violence; the only direct reference occurs in a discussion of “Family support services and agreements” (2002, p.10), which, in listing services that may be provided to parents and families, lists “services to children who witness family violence” as the last of six items.

Paramount consideration

The *CFCSA* opens, as does *The Children Act*, by positioning children’s well-being as the first and most important consideration of the legislation; the ‘Guiding Principles’, which

are the first indication of the intent of the legislation and which follow immediately after a section of definitions, states that “[t]his Act must be interpreted and administered so that the safety and well-being of children are the paramount considerations” (Part 1, Section 2, p.9). This is followed by a list of seven principles (Part 1, Section 2, p.9), some of which echo and some of which are slightly different from those usually described as ‘the welfare checklist’ in reference to *The Children Act*.

- (a) children are entitled to be protected from abuse, neglect, harm or threat of harm;
- (b) a family is the preferred environment for the care and upbringing of children and the responsibility for the protection of children rests primarily with the parents;
- (c) if, with available support services, a family can provide a safe and nurturing environment for a child, support services should be provided;
- (d) the child’s views should be taken into account when decisions relating to a child are made;
- (e) kinship ties and a child’s attachment to the extended family should be preserved if possible;
- (f) the cultural identity of aboriginal children should be preserved;
- (g) decisions relating to children should be made and implemented in a timely fashion.

As I discussed in regard to *The Children Act* in the previous chapter, the notion of ‘harm’ and the likelihood of harm, embodied in this case as the ‘threat of harm’, have significant implications for the enactment and deployment of policy and practice in the area of violence against mothers. The positioning of ‘family’ as the location that is the ‘preferred environment’ for the raising of children embodies and reflects societal discourse. The word ‘family’ invokes the image of the intact, two-parent, middle-class, heterosexual family; given the proliferation of images of this family in cultural artefacts and its promotion as the idealised environment, the construct and the word are virtually inseparable. Although with effort it is possible to call other ideas of family into our consciousness, the intact, two-parent, middle-class, heterosexual family is the picture of family that will arise for almost all of us in western civilisation whenever the word ‘family’ is used. As was also evident in the UK data analysis, the power and enforcement of this construct influence BC mothers who are being abused:

I didn't want the kids to be without...I didn't want to be a single parent. I didn't want the kids to not really be a part of their dad's life. I didn't want...you know, it's like a lot of society's crap too that's put on us that made me stay. It wasn't just one day that I decided I can't take anymore, I've got to leave. I fought all kinds of demons in my head. Oh, what are your parents going to think or

what's this person going to think? It was stupid but...I didn't want to be a single parent, still don't want to be a single parent, but I'm to the point where I know that it's going to have to be that way. [Mother 1]

You start weighing the options, should I stay married for the kids or should I get them out of this because it's not really healthy? [Mother 2]

Although there are slight differences in wording and order, aside from the inclusion in the *CFCSA* of a specific reference to Aboriginal children (which reflects that the history and population of BC is different from that of the UK), the underlying principles of legislation in both jurisdictions are very similar. I would note that the notion of 'parental responsibility', which is key in *The Children Act*, is given less emphasis in the *CFCSA*. Its placement in *The Children Act* as part of the 'Introductory' section makes its importance clear. In the *CFCSA* 'Guiding principles', parental responsibility makes its appearance specifically in relation to protection; I note that the last clause of Section 2 (b) states that "the responsibility for the protection of children rests primarily with the parents" (2002, p.9). But 'Service delivery principles', which are listed immediately after the 'Guiding principles', could be read as de-emphasising family responsibility in favour of community responsibilities. For example, Section 3 (b) states that "aboriginal people should be involved in the planning and delivery of services to aboriginal families and their children", and Section 3 (e), the final section, states that "the community should be involved, wherever possible and appropriate, in the planning and delivery of services, including preventive and support services to families and children" (2002, p.9). This reading is consonant with BC government efforts to download state responsibilities for supporting families on to communities, and there is a significant demarcation between each jurisdiction's legislation in this area.

As distinct from *The Children Act*, which states clearly that the state, through local authorities, has "a duty...to (a) safeguard and promote the welfare of children within their area who are in need; and (b) so far as is consistent with that duty, to promote the upbringing of such children by their families" (Part III, Section 17, Subsection 1), the *CFCSA* contains no requirement, duty or obligation for the state to provide services which support children and their families. Although Part 2, Section 5 of the *CFCSA* is

devoted to “Family support services and agreements” (2002, p.10), these are services which ‘may’ but do not have to be provided. The only services which are mandated are those directly related to child protection, as distinct from the child welfare services required by *The Children Act*, though I would note that the modifier ‘may’ also occurs in *The Children Act* in restricting service provision to those services which are provided “with a view to safeguarding or promoting the child’s welfare” (p.192).

CFCSA takes a stronger position than *The Children Act* in limiting state responsibility. The use of the verb ‘may’ in all the support sections of *CFCSA* codifies the voluntary nature of state responsibility and support, as in the opening sentence of this section: “[a] director¹ may make a written agreement with a parent to provide, or to assist the parent to purchase, services to support and assist a family to care for a child”, and in the listing of services (Subsection 2), the opening phrase of which stipulates that “services may include, but are not limited to” various services. I would also like to note that this subsection includes the only direct reference to violence against mothers, in that the last in the list of services, (f), is “services to children who witness family violence” (2002, p.10).

At the time the BC interviews were being conducted, budget cuts had recently eliminated several services and supports related to violence against women, most notably legal aid funding for mothers involved in custody and access disputes. Mothers commented on long waiting lists for ‘children who witness’ programs; workers were distressed because they experienced their options for working with violence against mothers further limited by these cutbacks. Their experiences illustrate a familiar conundrum in child welfare work: pressure to meet policy standards without the resources that are essential to meeting those goals.

I really need more tricks in my tool kit. I need those other supports to be able to help me do my side of it correctly. I can be the big stick if you want it to be that way but I still want the softer side, the more caring, supportive, educated side to

¹ References to ‘the director’ in BC legislation and policy documents are to the Director (formerly Superintendent) of Child, Family and Community Services, or to those (such as child protection social workers) who are legally delegated to act in his place.

be there as well otherwise I'm not really doing my job very well because all I am is like a policeman. I'm arresting you and then I walk away. [Social worker 2]

So that's [cuts to legal aid] a problem cause that was also number one of our tools, right, "Go get custody". So that's going to be a challenge. I don't know how that's going to impact us. It takes one of our meagre tools out of our tool bag. [Social worker 1]

I don't think everything fits one family. You have to make sure that there are lots of options. So you could have creativity and the flexibility coming into it, but when the resources are depleted, you know you're going to have to be pretty damn creative. I think that it's not sufficient to just say he's out or the kids go. I don't think that's sufficient. I know I can only say one thing at the end of the day, but I would think that I'd have other things to back up that family too. [Social worker 1]

But as one worker points out, complaining about a lack of resources may sometimes mask an unwillingness to take on the difficult work involved in situations where mothers are being abused. Her comments also illustrate a characteristic of residual welfare provision, the division of clients as 'deserving' or 'undeserving' categories; those who are 'undeserving' are constructed as 'other'.

But it's [lack of resources] also a really good excuse for us to not try and do something. So a lot of people are saying, well, cause of the budget I can't do whatever. But if my staff came to me and said a woman needs three hundred dollars for a damage deposit without question we would write that check if that was the only...because it's probably when you think about it going to be our only intervention. [...] We don't spend a lot of money but we've shipped women across the country on the Greyhound [bus] with their kids or whatever. But every time I've done that I could have said, "Well, we don't have a budget for this, you'll have to sit and stew". So people are using some of these impositions as an inability to be creative when it's really important that we're more creative now. But it's real easy to say the fucking Liberals, now, look what they've done. We need to find a way. We're good at bitching and complaining, but we're not good thinking what concretely...you know, if this were my family, [if] that was my sister, I'd write her a check assuming I had the money. Well, let's assume we have the money. [Social worker 1]

The 'best interests of child' standard is outlined directly in the *CFCSA*, while *The Children Act* largely leaves such definitions and explanations to policy documents. In the *CFCSA*, this section reads as follows (2002, p.10):

(4)(1) Where there is a reference in this Act to the best interests of the child, all relevant factors must be considered in determining the child's best interests, including for example:

- (a) the child's safety;
- (b) the child's physical and emotional needs and level of development;
- (c) the importance of continuity in the child's care;
- (d) the quality of the relationship the child has with a parent or other person and the effect of maintaining that relationship;
- (e) the child's cultural, racial, linguistic and religious heritage;
- (f) the child's views;
- (g) the effect on the child if there is delay in making a decision.

As noted in my analysis of UK legislation and policy documents, the interpretation of standards relating to children's 'best interests' relies on dominant, hegemonic discourses, which offer contradictory ideas of what these 'best interests' may be. For example, the dominance of ideas that the 'best' family, the family that is most likely to produce healthy and self-actualised children, is an intact, two-parent, heterosexual middle class family or, failing that, that contact with a father or father-figure is essential for healthy child development, implicitly encourages mothers to remain with abusive male partners. The question of whether children witnessing or being exposed to their mothers being beaten is a safety issue for children themselves remains unresolved in legislation, policy and practice. Whether or not such exposure has a deleterious effect on children's development, and the extent of those effects, is also a matter of debate; I have questioned the evidence about these effects myself in Chapter two. These ideas, standards and interpretations are at issue in part because, as I noted in my analysis of UK legislation and policy, the disciplinary knowledges of psychiatry and psychology have infused child welfare with concern about the measurement of harm, especially as it may impact child development. These discourses are powerful, implicit and positioned as 'progressive'.

I guess probably there's the medical evidence. There's that part of it that people are beginning to realise, the psychologists and psychiatrists and all the people that do that kind of research, that can actually see that children who are raised in those kinds of homes are different than other kids, that there's stuff about how development is impacted. [Social worker 2]

Speaking in code: 'failure to protect' or fathers' rights?

Although the concepts of 'failure to protect' and 'children witnessing' never appear directly in legislation in either jurisdiction, in BC as in the UK the space for such ideas to

exist and to be deployed in policy and practice is created within legislation. In the previous chapter, I discussed how these opportunities are created in *The Children Act*. In Part 3 (Division 1 – Responding to Reports) of *CFCSA*, which is specifically concerned with child protection, two provisions are relevant. ‘Protection’ is needed “if the child has been, or is likely to be, physically harmed, sexually abused or sexually exploited by another person and if the child’s parent is unwilling or unable to protect the child” (13(1) (c), p.14). In order for allegations of ‘failure to protect’ to be operational in these situations, a clear link must be made between violence towards the mother and the likelihood of that violence extrapolating to the child/ren. A later section makes a more explicit case for intervening when children are exposed to violence in the home: “if the child is emotionally harmed by the parent’s conduct” (13(1) (e), p.14). The use of the descriptor ‘parent’s conduct’ is crucial to allegations of ‘failure to protect’; as my analysis of relevant BC policy documents will make clear, the focus of the assessing gaze is a mother’s ability and willingness to protect, rather than the perpetrator’s violence, and policy is considerably more explicit than in these sections of *CFCSA*. Section 13 (2) provides a framework for assessing whether or not emotional harm has occurred; it states that “a child is emotionally harmed if the child demonstrates severe (a) anxiety, (b) depression, (c) withdrawal, or (d) self-destructive or aggressive behaviour” (2002, p.15).

As I noted in Chapter two, and as attested to by the mothers and workers in this study, consequences for ‘failure to protect’ can be severe, including the loss or threatened loss of children. The possibilities for such enforcement are described in Division 4 of *CFCSA*, which is about child protection orders and hearings. Section 41.1 states that “[t]he court may attach to a supervision order terms and conditions recommended by the director to implement the plan of care, including [...] (d) the requirement that the director remove the child if a person does not comply with one or more specified terms or conditions of the order” (2002, p.34). The section immediately following (2002, p.34), which outlines enforcement provisions, states that:

- A director must, without any further court order, remove a child who is the subject of a supervision order...if either or both of the following apply:
- (a) the director has reasonable grounds to believe that the supervision order or interim order no longer protects the child;

- (b) the director has reasonable grounds to believe that a person has not complied with a term or condition of the supervision order or interim order and the director is required by that order to remove the child if the person does not comply with that term or condition.

Although *CFCSA* does not address matters of family law, which in BC are taken up through the provisions of other acts, such as the provincial *Family Relations Act* and the federal *Divorce Act*, there is a provision in *CFCSA* which is somewhat analogous to the ‘no contact’ provisions of *The Children Act*. Section 28 (Division 3, Section 1) (2002, p.22) of *CFCSA* addresses situations in which a child “needs to be protected from contact with someone” with very specific instructions:

If there are reasonable grounds to believe that contact between a child and another person would cause the child to need protection under section 13 (1) (a) to (e) or (I), a director may apply to the court for a protection intervention order [...]

(3) If satisfied that there are reasonable grounds to believe that contact between the child and another person would cause the child to need protection under section 13 (1) (a) to (e) or (I), the court may, in the child’s best interests, do one or more of the following:

- (a) prohibit the other person for a period of up to 6 months from contacting or interfering with or trying to contact or interfere with the child or from entering any premises or vehicles or boarding any vessel the child attends;
- (b) prohibit the other person for a period of up to 6 months from residing with the child or from entering any premises or vehicles or boarding any vessel where the child resides, including any premises, vehicle or vessel that the other person owns or has a right to occupy;
- (c) if the court thinks the other person may not comply with an order under paragraph (a) or (b), order that person to
 - (i) enter into a recognizance, with or without sureties, in an amount the court thinks necessary and reasonable;
 - (ii) report to the court, or to a person named by the court, for the period of time and at the times and places the court thinks necessary and reasonable, or
 - (iii) produce to the court, or to a person named by the court, any documents the court thinks fit;
- (d) include any terms necessary to implement an order under paragraph (a), (b) or (c).

Thus, in addition to provisions that exist under the federal *Criminal Code* and various other provincial statutes, such as those concerning restraining orders and peace bonds, *CFCSA* provides considerable legislative authority support for a social worker who wishes to remove a perpetrator from a home and keep him away. In this regard I would

also note that BC has recently (2002) made possible family group conferencing, a familiar child welfare intervention in the UK, by proclaiming Division 2 – Co-operative planning and dispute resolution of the *CFCSA*. Under Section 21, ‘Plan of care’ (2002, p.19), further provision is made for controlling the behaviour and access of perpetrators:

- (1) The plan of care developed by means of a family conference must include the director’s consent and may include provision for services to support and assist the family and to make the family safe for the child
- (2) The plan of care may include provision for one or more of the following:
[...]
- (b) a person, including a parent, to reside outside the child’s home

What I particularly want to notice by reflecting on these two examples drawn from the *CFCSA* is how legislative or policy discourse does not, by itself, either enable or prevent actions that run counter to hegemonic discourse. In the first instance, the possibility of a child protection intervention on the grounds of ‘failure to protect’ is merely hinted at – yet both workers and mothers in my research, and research from other Canadian jurisdictions with similar legislation (Neilson, 2001; Nixon, 2001) attest to the use of allegations that mothers ‘fail to protect’ their children from witnessing as a basis for child protection interventions. This accords with dominant discourse, which positions women as not only primarily responsible for children, and therefore liable to be held responsible for ‘failing to protect’ them, but also responsible for perpetrator behaviour (Lothian, 2002). Alternatively, both BC workers interviewed (who work in different child protection offices) could not recall a single instance in which a ‘Section 28’ order had been either sought or granted in instances where a mother was being abused. This, I would suggest, also accords with dominant discourse: that men must not be named or held responsible for their violence. Our attention, our gaze, must remain riveted on mothers.

Similarities and differences

As noted, there are many similarities between child welfare legislation in *The Children Act* (UK) and the *Child, Family and Community Service Act* (BC). One is the clear prioritising of children as the ‘paramount concern’ of legislation and intervention. As with the introduction and circulation of the concept ‘child poverty’, describing children

as the ‘paramount concern’ abstracts them from their context – the families in which they live, or into which they were born. Such abstractions may be related to ideas about individualism that are currently in popular circulation in the UK and in BC. What I would suggest is that this abstraction serves a primarily fiscal function: it removes from the state any mandated responsibility to support families.

The inability or unwillingness of legislators and policy makers to take a clear and unequivocal position about violence against mothers might also be read as a similarity between the laws. *The Children Act* makes no reference whatsoever to violence against mothers, even through the obscuring language of ‘family’ or ‘domestic violence’, whilst the *CFCSA* contains only one reference. Both use gender neutral language throughout, consistently referencing ‘parent’ rather than ‘mother’ or ‘father’. As I noted in the previous chapter, the gender neutrality of this language both masks substantial inequality and the existence of parenting relationships which are often divided by gender, and allows child welfare to avoid turning their gaze toward men – though these same men may be considered to be parents when their rights to contact, custody and access to children are considered.

The use of the term ‘harm’ throughout both laws, and in the UK, ‘significant harm’, and the measurement of harm through reference to the psychological discourse of ‘child development’ is indicative of the relationship between child welfare discourse and dominant discourses. As I and other commentators have noted, child welfare discourse is being moved away from any moral imprecations and more firmly situated within psychological and psychiatric discourse (Parton and Otway, 1995; Swift and Callahan, 2003). Given child welfare’s historical deployment in the service of racism, ethnocentrism and colonisation, it is tempting to see this manoeuvre as progressive and positive. Alternatively, I would suggest that psychological and psychiatric discourse is itself deeply racist, sexist and classist, and that the use of this discourse in child welfare legislation supports rather than challenges existing power relations.

A final unfortunate similarity shared by both jurisdictions can be found in language related to a parent's ability and/or willingness to protect. As is fitting for a discourse embedded in liberal humanist ideology, whether or not a 'parent' is able and/or willing to protect her child/ren is constructed as a matter of individual choice and ability. The clear implication is that it is an individual parent's poor choices, lack of will or absence of ability that result in state intervention. Thus questions about structural inequalities, power relations and state responsibilities can be conveniently obscured.

There are also three significant differences between the legislation in each jurisdiction. While *CFCSA* has a mandatory reporting provision, no corollary provision exists in *The Children Act*. This may be because some mandatory surveillance mechanisms that allow the state to monitor parental conduct, such as the home health nurse who visits all new babies, exist in the UK but do not exist in BC (Bell and Tooman, 1994). *The Children Act* Section 47 describes not just the power of the state, through local authorities, to investigate allegations, but also some specifics about how such investigations ought to be conducted. *CFCSA* (Part 3, Division 1) details how reports are to be responded to, but contains no specifics of how investigations are to be conducted; in BC, these are matters of policy rather than legislation, and thus can be more easily modified to fit political and/or financial agendas. Finally, 'parental responsibility' is delineated and emphasised in the introductory sections of *The Children Act*, while *CFCSA* limits its discussion of parental responsibility to the obligation of those parents who can afford to do so to pay maintenance costs while a child is in care.

The policy documents

The BC policy documents that I have analysed all exist in relationship to one another and there is considerable congruency among them in their approaches to children being exposed to violence against their mothers and their mothers 'failing to protect' them from this violence. The *CFCSA* provides a legislative framework for the *CFCSA Policy*

Manual, a weighty volume that runs to around three hundred pages¹ and covers all aspects of child welfare services provided by the province of BC. *Practice Standards for Child Protection* is a practice manual that “brings together in one document the standards, policy and procedures that direct child protection in British Columbia” (1999a, p.5), including legislation, policy and the *BC Risk Assessment Model*. The *Standards* and the *BC Risk Assessment Model* are solely concerned with the investigation and disposition of situations where children need or may need to be “protected from abuse, neglect, and harm or threat of harm” (1999a, p.7).

Legislation, policy and practice standards are all oriented around the same set of ‘Guiding Principles’, which are listed at the beginning of each of the documents under consideration:

- the safety and well-being of children are the paramount considerations
- children are entitled to be protected from abuse, neglect, and harm or threat of harm
- a family is the preferred environment for the care and upbringing of children and the responsibility for the protection of children rests primarily with the parents
- if, with available support services, a family can provide a safe and nurturing environment, these services should be provided
- the child’s views should be taken into account when decisions relating to a child are made
- kinship ties and a child’s attachment to the extended family should be preserved if possible
- the cultural identity of aboriginal children should be preserved
- decisions relating to children should be made and implemented in a timely manner

The first four items on this list have important implications for my analysis. The first point reflects the current position of child welfare legislation in most North American jurisdictions, and also in the UK, and is closely related to the ‘best interests of the child’ ideology. Children are in this construction abstracted from their context, as if children’s interests can and should be assessed, supported and protected separate from their familial attachments and connections. The *CFCSA Policy Manual* offers this illustration: “It is the child’s interests rather than the interests of the parent which form the basis for the assessment” (1999a, p.1.4-4). This discursive manoeuvre, which is also deployed in

¹ It is difficult to state the exact number of pages in *CFCSA Policy, Volumes II and IIA* for two reasons. The first is that the volumes are not paginated. The second is that because child and family services

discussions of ‘child poverty’, has several effects; I would note two. It supports diminishing state responsibility for supporting families, whether financially or through the provision of state-funded or state-run services, a position that is also implied by the fourth point, with its reference to “*available* support services” (italics added). Secondly, it lays a foundation for an adversarial and surveillance-based relationship between parents and the state.

In the second point, the language of ‘harm’ is introduced; as I noted in the previous chapter, and as I will discuss later in this chapter, the concepts of ‘harm’ and ‘threat of harm’ have particular implications in situations where mothers are being battered. The third point makes clear that parents have an obligation to protect their children, thus creating room for the concept of ‘failure to protect’. The final point, which directs our attention to the necessity of timeliness in decision-making, also has implications for situations where mothers are being abused, given that leaving an abusive relationship often takes considerable time and effort, and is often only achieved after several attempts (Davis and Srinivason, 1995; Magen, 1999).

Harm

As I noted in my analysis of UK legislation and policy, the concept of ‘harm’ is critical in terms of children being exposed to violence against their mothers and the notion that their mothers fail to protect them from this exposure. As noted previously, it is only within the last fifteen years that children have begun to be constructed as direct, rather than indirect, victims when their mothers are being beaten. We now ‘know’ that exposure/witnessing is harmful to children, first in the moment, secondly because of its alleged affect on child development, and finally because it is allegedly a determining factor for future adult behaviour. Thus, children must be kept safe from this harm. How we ‘know’ mothers to be responsible for keeping children safe from this harm, and why we must therefore target child welfare interventions at mothers, rather than the perpetrators of the violence, is less clear. But, as I will demonstrate, in BC, as in the UK, the child welfare focus in

policies change regularly and frequently in BC, based on political and fiscal concerns, policies are sometimes added and/or deleted a number of times during a year.

situations where mothers are being battered is clearly, and solely, on mothers as the source of harm.

Early in the *CFCSA Policy Manual*, children's entitlement to safety is constructed in terms of a 'right' that can and will be supported by state intervention: "The child's right to be protected from abuse, neglect or harm throughout the Act is supported by...requiring the director and the courts to act where a child needs protection" (1996, 1.2-4). The emergence of the discourse of 'rights' is a significant one in western democracies; as a number of feminist theorists have suggested (Razack, 1999a; Hill Collins, 2003), 'rights' discourse has been effective in directing our attention away from the structures of power relations to the management of individual moments where rights are violated. Smart and Neale (1999), in reference to the UK, and Mann (2003), in reference to Canada, have described how fathers appropriate and deploy the discourse of 'rights' in relation to custody and access disputes. That 'rights' discourse is culturally powerful can be illustrated in many other ways. For example, the existence and protection of human rights is often positioned as a distinction between western democracies (the best, superior, and most evolved form of governance) and governing systems in other countries. It is part of what entitles some countries to intervene in the affairs of other countries, either militarily or through embargoes and trade restrictions, to allegedly stop the perpetration of human rights abuses. Intervening in situations where 'rights' have been violated is valued, valorised and necessary. The necessity of state intervention when a child's rights have been violated is thus tied to powerful and hegemonic discourses.

What is most salient for my analysis are the discursive moves through which the violation of a child's rights to safety, to protection from harm and violation, come to be attributed not to the actual perpetrators of violence but to the acts and/or omissions of mothers who are battered. I would suggest that this is because, whatever 'rights' women and children may have, and whatever protections they may be entitled to in order to ensure those rights, no discourse (and no intervention that might flow from it) can be constructed or allowed to exist that would abrogate the rights of men, including the right of men to be

violent to women. The ‘harm’ that allegedly occurs in situations where children are exposed to their mothers being beaten must therefore be made the responsibility of mothers rather than perpetrators. If children’s ‘right’ to safety is being violated in these situations, then mothers are doing the violating, and are therefore the proper focus of child welfare interventions. The positioning, definition and construction of ‘harm’ in BC policy documents is a significant piece of this discursive construction because it links the occurrence or possible occurrence of harm to the acts or omissions of mothers rather than the acts or omissions of men. I would suggest that this link is made more strongly and explicitly in BC than in the UK.

Although ‘harm’ and ‘emotional harm’ are very significant concepts in allegations of ‘failure to protect’, they are not, on their own, explained or defined in the sections devoted to definitions in *CFCSA* and the *CFCSA Policy Manual*, sections that do define ‘physical harm’ and ‘neglect’. Still, in BC, a clear and direct link is made between mothers ‘failing to protect’ and children witnessing, even though the concept of ‘failure to protect’ is implied, rather than stated, in policy documents. Definition, and the direction to focus on mothers, are provided in the section devoted to “*Emotional harm by the parent’s conduct*”, which reads (1996, 3.1-13; references to relevant sections of *CFCSA* have been included):

A child needs protection if the child is emotionally harmed by the parent’s conduct (paragraph 13 (1)(e)).

For the purpose of subsection (1)(e), a child is emotionally harmed if the child demonstrates severe

- (a) anxiety,
- (b) depression,
- (c) withdrawal, or
- (d) self-destructive or aggressive behaviour (subsection 13(2)).

In the ‘Definitions’ section, which follows immediately on this, the instruction is provided that “ ‘Parent’s conduct’ includes the parent’s actions and omissions” (1996, 3.1-14); this section also includes definitions of severe anxiety, severe depression, severe self-destructive or aggressive behaviour and severe withdrawal. The necessity for intervention is made clear by the instruction in the subsequent section, “*Initial assessment*

of *emotional harm*” that “[a] child needs protection when emotional harm is both severe and caused by the conduct of the child’s parent (1996, 3.1-14, italics in the original). This section gives social workers the power to assess the severity of harm by noting that initial assessment does not require an “expert clinical opinion” (1996, 3.1-14). Still, uncertainty about whether or not ‘children witnessing’ is in and of itself damaging, and whether or not social workers are able to intervene, remains at issue. I would suggest that if it were not, it is possible that the child protection gaze would need to focus on the perpetrators of violence, rather than just on mothers. Workers are cognisant of the line of fault created by the absence of a definite position about ‘witnessing’ in policy.

Whatever the research is on sort of the emotional toll that children have by just being in a home or with parents who are abusive to each other - I don't know if that's really, really been pinned down. And why I say that is because in our Act (CFCSA), they say that I cannot act on domestic violence being a true child protection issue unless it comes under the heading of emotional abuse and they still make me identify a kid as having DSM [Psychiatric Diagnostic and Statistical Manual] issues, anxiety, sleep disorders, bedwetting, whatever some of the things are. I have to be able to have that analysed and proved by someone in the mental health field before I can actually say that child was emotionally abused by the domestic violence in the home. And I think that takes it too far. I think if that's where you will demand that I take it, then I can't prove that on every case, that's for sure. So in a sense it's not supportive of the intention, I believe, which is to protect children, because how many of them can actually fit in that category? Not very many. And if they could fit in there, they don't give us the resources to actually assess the kids properly. We don't have the money and I don't have the bodies to assess every child or to compel the parents to permit me to assess them to that degree. [Social worker 2]

Lacking the resources to assess every child, and lacking a policy directive that all instances of violence towards mothers are harmful to children, the worker’s assessment gaze is thus directed to a familiar and non-threatening target: mothers. “*Assessment of the parent’s conduct*” is to include, among other factors, “whether the parent has repeatedly...exposed the child to family violence or severe conflict” (1996, 3.1-14). I would like to note two points about this section. The first is that ‘harm’ is being linked to repetition. This link is also made in *Practice Standards*; Practice Standard 24 instructs workers that they must “complete a comprehensive risk assessment whenever you receive a third child protection report about a young child within one year” (1999a, p.37). The second is that the use of the word ‘exposure’ constructs the liability for ‘harm’ in a very

particular way, one in which the responsibility for this harm is continually attributed to the parent who has done the ‘exposing’, rather than to the person who has committed the violence.

Thus it is the parent’s (mother’s) ‘acts or omissions’ that are continually positioned as the source of harm. The following section, “*Subsequent assessment of emotional harm*” (1996, 3.1-15) repeats this positioning. It lists ten points, of which the seventh, eighth and ninth are particularly significant for my analysis:

- whether the parent’s acts or omissions caused the emotional harm;
- whether the child has been present at and exposed to incidents of violence or abuse in the family home; and
- whether the parent is able and willing to control or modify potentially harmful conduct including substance abuse, an abusive interpersonal relationship with another person or personal limitations that affect the parent’s ability to care for the child

These examples make clear that BC policy documents, as contrasted with UK policy documents, make a much more direct link between children witnessing or being exposed to their mothers being beaten, and mothers being responsible for failing to protect their children from this exposure. Despite the gender-neutral language of these sections, workers understand that they are to position mother as the source of harm, as these comments from workers indicate.

For me it’s on the balance of probabilities. Do we think this could happen, that’s what likelihood means to me. Do we have a mom who will continue to make poor choices for partners? A mom who will permit behaviour in her home to escalate to the point where her children are at risk? Who won’t co-operate with a safety plan? Those sorts of barriers. [Social worker 1]

It might come under more the unable or unwilling category, which maybe has just more comfort for me in not pigeon holing moms who, for whatever reason, haven’t been able to pull themselves out of the habit and the repetitive nature of the domestic violence. I haven’t used it (failure to protect) particularly and I don’t know if anybody else around me has. I suppose where it’s chronic and people actually have made a case for having made many, many, many numerous attempts to stop the cycle and the lifestyle and the choices that mom has made, maybe that is an appropriate choice. [Social worker 2]

I would also like to again notice that, as in the UK, our attention in matters of children witnessing is focused on the measurement of harm as the basis for intervention, rather

than the occurrence of the violence. In BC, the standard for child protection intervention is whether or not the harm is ‘severe’. In situations where witnessing has occurred but the harm is not severe, support services, if they are available, may be offered (1996, 3.4-8):

Support services that are available in the child’s community may be adequate to assist the child and the child’s family where, for example:
[...] the child has witnessed physical violence against a parent in the family home but the child has not suffered emotional harm as defined in subsection 13(2) of the Act.

As I noted in Chapter two, the contention that children suffer harm as a result of their exposure to their mothers being beaten is a relatively new one, but it has come to exercise a great deal of power in child welfare. BC policy is different from UK policy in how it takes up this notion of ‘harm’. As noted, and as workers state, repetition is suggested as a significant component in assessing the extent of harm children suffer through witnessing. A more significant difference lies in BC’s attempt to define and measure emotional harm, by offering and defining a list of behaviours that apparently indicate its presence, and by making clear, as in the section above, that not all witnessing requires child protection interventions. For workers, distinguishing between situations that require intervention and those that do not remains confusing.

Maybe it was a terrible assault that happened but maybe it was a minor assault and we don’t have the ability and I don’t know if we should [intervene] or not, I think that’s for smarter people than me to figure out but sometimes it’s really not as bad as we think. Or sometimes they think it’s not so bad because [there’s] been twenty years of it. [Social worker 1]

This position is elucidated further in the *BC Risk Assessment Model*, which is the only BC policy document that defines and describes ‘family violence’. The following description appears in a discussion of ‘Priority #3’ response priorities and categories (1999b, p.28):

This category refers to those situations where the child witnesses serious or repeated physical assault of a parent or other household member. Some children may also be at risk of being physically assaulted if the offender lacks self-control, or if the child attempts to intervene to protect a parent or other household member.

In this description, witnessing is not in and of itself constructed as a harmful situation; whether or not it is harmful is linked to the presence or absence of four additional factors: the seriousness of the assault; whether or not there have been repeated assaults; the offender's self-control; and whether or not the child has attempted to intervene in the assaults.

But, as in the UK, measuring the existence of harm is only one factor in determining intervention in witnessing situations. Workers are also required to predict the possibilities for future harm; in BC, the *Risk Assessment Model* offers a series of instructions for doing so. The discussion of 'family violence' in the *Risk Assessment Model* starts with the information that "This factor, in combination with other factors, is highly correlated with the likelihood of future child abuse/neglect" (1999b, p.54). In the *Model*, 'family violence' is one of twenty-three 'risk factors' that a worker is required to rate and analyse to arrive at a 'risk rating'; ratings above a certain standard mandate child protection interventions. Again, repetition is a significant factor: a parental history of 'family violence' is more significant than one incident. As the *Practice Standards* note, in reference to risk assessment, "the best predictor of future harm is past history; the greater the past problems, the higher the risk" (1999a, p.38). But, as these comments from workers indicate, policy provides no definitive direction about harm, leaving workers confused and frustrated.

We're having a really hard time pinpointing what the real level of concern is. For awhile we took the approach, well, if they're beating each other up while the kids aren't home, we're not going to worry about it - or when the kids are sleeping they didn't wake up, if they're babies and they're in the crib. We've tried a number of different kinds of things but we can't make the problem go away and once we've identified there's huge likelihood of harm...I'm not saying that there isn't but there's a huge likelihood of harm, which allows us to get into the family, which allows us to push the family around but there's no way to push them, aside from saying we've decided you're at risk and he should move out or I don't know maybe we should move in...like it's terrible. [Social worker 1]

We find it's such a futile situation and our legislation can be pretty specific and if there isn't a likelihood of harm then there isn't. If people are just beating the shit out of each other when their kids are sleeping, well, that's unfortunate and there's the potential for some emotional trauma for the kids when they see everyone black and blue in the mornings, but not a likelihood of emotional harm in our

legislation, right? So we're out...And we even take bed wetting, or whatever, but if the kids are coping with it, and some kids seem to, then we're done, we're not there. [Social worker 1]

As in the UK, the powerful psychological discourse of child development significantly factors into assessment. The *CFCSA Policy Manual* states that a “child’s safety is assessed by considering the child’s age and vulnerability...physical and emotional needs and level of development” (1996, 1.1-4). *Practice Standards* lists “child’s mental health and development” and “child’s physical health and development” (1999a, p.39) as risk factors. The *BC Risk Assessment Model* makes reference, in its description of various risk assessment scales related to children, to “age-appropriate behaviour” (1999b, p. 49-51), “age-appropriate emotional behaviour and intellectual development” (1999b, p. 52), “developmental delay” (1999b, p.52) and whether or not the child’s weight or height fall above or below the “5th percentile for age” (1999b, p.53). None of these factors are modified by reference to the possible influence of gender, racial or cultural differences. Research that suggests that witnessing impacts child development is an implicit influence in these assessments, as are the gender, racial and cultural biases of child development research and theory. The BC workers I interviewed, both of whom were dominantly located (white, middle-class, heterosexual), were aware of but resistant to these critiques of the risk assessment model.

The weaknesses, the standard weakness is that it's not culturally sensitive. I haven't really found that to be a barrier. That's the criticism that comes primarily from the First Nations community. I have found it to be culturally difficult in East Indian families. But around the First Nations piece, I think you can incorporate culture into it, and I guess the overriding response to that is that culture isn't a justification for child abuse. So if you apply good clinical judgement I think you overcome that. [Social worker 1]

Both workers and mothers referred repeatedly, in the interviews, to the concept of ‘intergenerational transmission of abuse’. Although there is no specific reference made, in any of the BC policy documents, to a link between witnessing abuse as a child and involvement in abusive relationships as an adult, the idea nonetheless figured powerfully in the thinking of both mothers and workers.

The biggest thing that we're concerned about and we try to educate the parents about is [that] we don't want another generation of people to grow up and to

communicate in that manner, resolve their differences that way. Of course we see a lot of kids who are growing up in families like that where they're also solving their difficulties with their fists on the playgrounds and that kind of thing. So we worry about their future that way. [Social worker 1]

[I was] concerned that they were witnessing what they were witnessing. I didn't want them growing up and going into the same type of relationship or thinking that this was okay [Mother 2]

My son didn't need to see that, he doesn't need to be hitting his partners when he gets older. [Mother 1]

One worker explained child protection's investment in the idea of the intergenerational transmission of abuse as a useful 'threat' in dealing with parents; her comments also suggest that workers are uncertain about how to effectively intervene when mothers are being battered, or believe that they lack the resources to do so.

We like to have good concrete threats when that's all we have. [Social worker 1]

But although workers use the concept of the intergenerational transmission of abuse when working with parents, they also note its deficiencies.

A lot of people say I grew up witnessing that, so I don't want to see it, but the reason that they're telling us that is because they're living that life right. The only people that grew up like that who are now abusing people are people who would come to our attention. People wouldn't call [us] and say, "I grew up in an abusive relationship - just want you to know that it's not going on". [Social worker 1]

Failure to protect

There are many similarities between how 'failure to protect' is constructed in UK and in BC policy documents. As in the UK, none of the BC policy documents under consideration directly use the phrase 'failure to protect', but, as in the UK, the necessity for a 'parent' to act protectively is made abundantly clear. The first allusion to 'failure to protect' in the *CFCSA Policy Manual* occurs in the 'Definitions' section, where neglect is defined as "failure to provide for a child's physical, medical, or emotional necessities including failure to provide food and shelter, basic health care, nurturance, supervision and protection from risks" (1996, 1.1-5).

As noted in my discussion of the ‘Guiding Principles’ in the introductory sections of the *CFCSA Policy Manual*, the responsibility for protecting children lies with parents. Despite the formally gender neutral language of legislation and policy, workers in BC, as is true of workers in the UK, understand and enact that it is mothers who are responsible for protection even when, as in these excerpts, the perpetrator is also the children’s parent.

I think that we’re holding women accountable and responsible for the entire family dynamic, not just child protection, protection of the kids ...because we want to hold someone accountable and we can’t trust him because he just beat his wife and kids and whatever. So we’re going to hold her [responsible], this poor helpless victim...I guess that’s what it is. We have a need to make someone take responsibility and it must be her. We don’t know what else that must look like. [Social worker 1]

The ministry got involved and slapped a lot of conditions on me...I don’t know, there was like fourteen conditions [on me] and nothing on [the children’s father]. Also [he] got a copy of mine so he knows the conditions himself. When it all started I was a little pissed that I had all these conditions. The social worker guy that I had, I’d say to him, “Why do I have all these things on me? What does [the children’s father] have to do?” [The social worker] told me I shouldn’t be worried about that. I should be worried about myself and the kids and not worry about what [the children’s father] has to do. But it’s like I’m being punished for this and what is he being punished for? [...] I’m totally treated like this is my fault. [Mother 1]

Although “[a] family is the preferred environment for the care and upbringing of a child”, this is so only “as long as the safety and well-being of the child are not at risk” (1996, 1.2-5). Whether or not a child is ‘at risk’ hinges almost exclusively on the actions of the parent/mother, as the section immediately following, “*Responsibility for a child’s protection*” lays out very clearly (1996, 1.2-5, italics in the original):

A child’s parents have primary responsibility for the child’s protection. The director’s role complements and supports the role of the child’s parents. The director assesses the child’s circumstances and, where possible, supports the family and recognises the role of the community in the continuing care of the child. Services and support are provided where they are adequate to protect the child and available and accessible within the community. If the director agrees to provide support services to assist with the care of the child in the family home or to contribute to the child’s support within the child’s extended family, there must be an agreement under the Act.

I have quoted this section at length for a number of reasons. Because it is placed in the very beginning of the policy manual, in the section devoted to ‘Guiding Principles’, it occupies a place of particular power in framing later interpretations. Secondly, I read within this description of responsibility many of the contradictions and conundrums of current BC practice and policy, not just in situations where mothers are being battered, but in child welfare in general under the aegis of neo-liberal economic policies.

The first few sentences capture the essence of the doctrine of ‘personal responsibility’ and the declining responsibilities of the welfare state. State support of families is not obligatory, but attached to several caveats: when and where it is possible, available and accessible, and then only under the terms of a legal agreement. This section implies that it is the community, as distinct from the state, that has the primary role in supporting families; this fits well with the move in many western democracies towards off-loading state responsibility on to charitable organisations (O’Connor et.al., 1999; Swift and Callahan, 2003). There is a flavour in this passage of a return to the very beginning of child welfare, at the turn of the last century, when most family support services were provided by religious and charitable organisations much concerned with separating those who were ‘deserving’ from those who were not. As I shall demonstrate, constructions of mothers who act protectively and those who do not can also be seen to divide along this line of fault: mothers who are deserving of support, and mothers who ought to lose their children because they are unable and/or unwilling to act protectively.

The phrase ‘the parent’s ability and willingness to protect the child’ recurs throughout BC policy documents, and is, I would suggest, intended as the orienting principle for assessments of ‘failure to protect’. The use of the word ‘willing’ plays into the construction that mothers have unfettered choices in these situations. As I will discuss, the concept of ‘ability’ is constructed along similar lines. ‘Ability and willingness’ are positioned as critical factors in assessing whether a child protection intervention, and which intervention, is to be deployed. These words occur in several sections of the *CFCSA Policy Manual*, and are first explained at length in the section devoted to how,

and if, child protection workers are to respond to reports that a child is in need of protection (1996, 3.1-5, 3.1-6, italics in the original):

Ability and willingness to protect the child

The director considers the ability and willingness of the child's parent and the child's family or community to care for and protect the child. Under paragraphs 13 (1)(c), (h) and (l) of the Act, a parent's ability and willingness are the primary factors that the director takes into account in assessing the child's need for protection. Under other paragraphs in section 13, the director considers ability and willingness when assessing the conduct of the child's parent or the circumstances of the child's family and community.

Factors in assessing ability

The director considers the following factors and any other factors that are relevant to a parent's ability to care for or to protect a child. The parent is unable to care for or protect the child if the parent:

- has demonstrated a previous ongoing inability to care for or protect a child;
- has a history of substance abuse that affects the parent's ability to care for or protect the child;
- is involved in an abusive interpersonal relationship with another person that limits the parent's ability to care for or protect the child;
- is unable to develop adequate parenting skills; or
- has personal limitations that affect the parent's ability to care for or protect the child.

Factors in assessing willingness

The director considers the following factors and any other factors that are relevant to a parent's willingness to care for or protect a child. The parent is unwilling to care for or protect the child if the parent:

- denies or expresses disbelief in credible statements made about risks to the child;
- refuses treatment for substance abuse;
- refuses to take action to eliminate risks to the child; or
- refuses to accept or fails to make full use of the services provided to assist in the child's care or protection.

Given that these are the primary factors deemed relevant in child protection assessments, mothers who are being abused are almost certain to be assessed as 'failing to protect'; I would suggest that most mothers who are being beaten are vulnerable on most of these factors. For example, previous incidents of children being exposed to their mother being battered would demonstrate a previous inability to protect a child. As I noted in my review of research in Chapter Two, women who are being abused may turn to substances, prescribed or not, as a way of coping with the violence. Since it is mothers and not

perpetrators who are persistently held responsible for ‘exposing’ children to violence, this may be read as evidence of inadequate parenting skills. When mothers stay with abusive partners, this inappropriate ‘choice’ of a male partner over their children is often assessed as evidence of a personal limitation.

But perhaps what is most significant and relevant in this section, and in subsequent sections, is that involvement in ‘an abusive interpersonal relationship’ is so clearly constructed as evidence of lack of parenting ability. This very clearly both permits and directs workers to assess a mother who is being beaten as a mother who is failing to protect. Given the ubiquitous occurrence of violence from men (husbands, boyfriends, and other male partners) in the lives of women (Dobash et.al., 2000; Johnson, 1996), a large number of mothers are vulnerable to such an assessment. What is also embodied in this particular construction of assessing ability is that the gaze of the worker is to be fixed on the mother, and not on the perpetrator of violence; she is to be the target of child protection assessments and interventions.

The factors that are to be assessed in terms of ‘willingness’ are also deeply implicated in constructing ‘failure to protect’ as a solely a mother’s problem. As I have demonstrated, most mothers who are being beaten actively engage in strategies designed to lessen the impact of the battering on their children. Many mothers also believe that they are successfully hiding both the battering and the effects of battering from their children. Mothers do understand that their children may also be at risk from the perpetrator’s violence, and intentionally place themselves in the path of his violence in order to protect their children. Such mothers might well deny or disbelieve a worker’s contention that their children are at risk. They might also refuse treatment for substance abuse because attending treatment might leave their children more vulnerable to the perpetrator’s violence, or precipitate the perpetrator’s violence towards themselves.

As the UK data from mothers indicates, and as the BC data confirms, most mothers are concerned about whether their children are being affected and take actions they believe will reduce or eliminate risks to their children.

*Anytime [he] was abusive to me beforehand I believe, and if I can remember most of them time, probably ninety percent of the time, the kids were not even awake. A lot of time I took his abuse was in the evenings when they were already asleep.
[Mother 1]*

I thought about it [leaving] all the time. It was very energy consuming and the bottom line was I had to leave for me...I just had to do it and for the kids...they couldn't keep witnessing what they were witnessing. [Mother 2]

Do you think the fact that children might be affected by being exposed to this is new information to moms?

Surprisingly, a lot of moms do know. There is something has informed them. I'm not quite sure what it is, but they are able to talk about it. They can say, "I see my son, he reacts to me in these ways, and I know he's been affected by this and this and this". I am amazed, not amazed, but I mean they do seem to recognise how it's impacting on their kids. [Social worker 2]

Mothers also understand and believe that ending the relationship with the perpetrator is unlikely to reduce or eliminate their vulnerability to his violence. As I noted in Chapter Two, violence often increases in both frequency and severity after the dissolution of a relationship; this was the experience of both BC mothers interviewed. The social workers who were interviewed also knew that danger increases after a mother leaves, and that they are implicated in these situations, though, as one of the mothers notes, not all social workers share this knowledge and understanding. Finally, given that leaving a perpetrator might result in single parenthood, and enduring poverty and its attendant risks, such as unstable housing, mothers may well decide that leaving is not the optimum choice for their children.

*Even when I left him it didn't stop. I was being followed around stores. He'd follow me out to the car, he wouldn't let me leave. I was too scared to ask for a stranger's help - you know, you don't want to involve anyone. I would now. Calling me at one thirty in the morning and three o'clock in the morning just really not necessary things. Showing up at my home unexpectedly and pushing his way in my house and things like that. So that carried on for awhile until I finally put my foot down and went to the police and...trying to get them to believe you.
[Mother 2]*

I don't know what the statistics are, but I know they're very high about how many women are killed in domestic violence relationships. I think the statistics rise just after they leave. When you ask people to leave and to put him out and then you're talking to these women weeks later, they are still living in fear and they say, "Is he coming through the door tonight?" Some of them have become a little self-

educated about what might happen to them. They can tell you exactly what their fears are and they're very real. Oh, my god, we push them into that. We propel or force them in fact. [Social worker 2]

My first social worker would say something like, "What is it with you women, you cry about, 'Oh, he used to do this and he used to do that to me'. Why would you put up with that, just get the heck out of it". I would just look at him. It wasn't that easy, you know. [Mother 1]

He swore that we [she and her children] would not be moving back into that house, he was not getting out of the house and he swore he would put us through bankruptcy. He followed through on that and did things like that and following me around and phoning me and anything that he can. [Mother 2]

The construction that the mother who is being abused is responsible, and thus that the child protection gaze is to be fixed on her is persistently repeated in subsequent sections of the *CFCSA Policy Manual*, and is also tied into *Practice Standards* and the *Risk Assessment Model*. Involvement in an 'abusive interpersonal relationship' is one of two specific factors, the other being substance abuse, linked to the likelihood of other types of harm occurring, for example physical harm or sexual abuse or exploitation by the child's parent, or physical harm or sexual abuse or exploitation by another person. 'Likelihood' and 'likely' are frequently repeated words in BC policy documents and in the *CFCSA*, as in UK policy documents, and are positioned as the threshold for intervention. In the 'Definitions' section of the *CFCSA Policy Manual*, 'likely' is defined as "a real chance or probability, more than a possibility" (1996, 1.1-4). But the definition provides little comfort or clear direction for workers, who understand that it is malleable.

We can all go around with our little ticky boxes but you know and I know that social work is mostly grey areas. But where you want me to be definitive in choosing a child protection issue I would say likelihood is a real good catchall category and I can maybe make a case for just about anything in there if I go about it the right way. But I'm not always confident we play fair, that we haven't debilitated the person who's being hit in some way in that process. [Social worker 1]

The *Practice Standards* do not use these words, although the words do appear in the *Standards* where the *CFCSA* is cited (1999a, p.18). Instead, reference is made to the necessity to investigate a report about a child's need for protection (1999a, p.17)

- whenever you have reasonable doubts about
- a child's safety and well-being

- a child's need for protection
- the ability and willingness of a child's parent to care for and protect the child

and where there are “reasonable grounds” (1999a, p.17) that a child needs protection under Section 13 of the *CFCSA*.

Standards of ‘likelihood’, ‘reasonable grounds’ and ‘reasonable doubt’ are illustrative of the difficulties that child protection workers face on a regular basis, given that their work requires them to make either/or decisions, and that whether or not a particular decision is right or wrong will only be revealed at some future point. None of the legislation or the policy documents under consideration state clearly that workers must find a child in need of protection in situations where their mothers are being beaten. I would also like to note that there is no clear declaration, anywhere in BC policy or legislation, that witnessing or being exposed to their mothers being battered causes children harm, although a child being “present and exposed to incidents of violence or abuse” (1996, 3.1-7, 3.1-9) or “being present and exposed to incidents of sexual abuse or sexual exploitation” (1996, 3.1-9, 3.1-12) is tied to the ‘likelihood’ of various forms of harm and abuse. But I would suggest that the necessity of *acting* when a mother fails to act ‘protectively’ is made explicit in BC policy documents, and particularly in the *CFCSA Policy Manual*.

I would like to detail how this is made to occur. As I noted previously, the first step is describing involvement in ‘an abusive interpersonal relationship’, in several assessment categories (physical harm or sexual abuse or exploitation by the child's parent, or physical harm or sexual abuse or exploitation by another person), as “potentially harmful conduct”. Secondly, workers must assess whether the parent is “able and willing to control or modify” that conduct (1996, 3.1-7 – 3.1-11). The third step is the injunction that workers assess “whether the child's parent is able and willing to protect the child” (1996, 3.1-7 – 3.1-11). Fourthly, in measuring physical harm due to neglect by a parent, workers are instructed to assess “the actions or omissions of the parents in providing for the child's safety and well-being” (1996, 3.1-12), and to assess the parent's conduct in terms of both whether a parent “is able and willing to protect the child from risks and hazardous environments” and whether a parent “demonstrates the ability to accept and

use services to help provide for the child’s safety and well-being” (1996, 3.1-13). Finally, in a section headed “Assessment of the parent’s conduct”, workers are asked to specifically consider, in addition to whether a parent has “proven to be unable or unwilling to control or modify potentially harmful conduct including...an abusive personal relationship with another person”, among other factors, “whether the parent has repeatedly...exposed the child to family violence or severe conflict” (1996, 3.1-14).

The requirement for workers to intervene, and instructions on how they are to intervene, are also provided. Protective intervention will occur unless the worker is “satisfied that the parent is able and willing to protect the child” (1996, 3.4-8). But policy implies, and practice indicates, that the worker can be ‘satisfied’ only if and when a mother terminates an abusive relationship.

Probably [mother leaving] is the bottom line. So even if it isn't said quite that way, that certainly is the desired outcome. You know: this family will be fine if he's gone. I don't believe that to be true but that's what my job forces me to say. [Social worker 2]

They are trying to work with me and they're worried that I'm just going to let him move back in with me and that I'm going to have a relationship with him. That's what their biggest worry is, that I would go back out with him. [Mother 1]

Because how we're trained is to get rid of the guy. I think if we can think about repairing the family dynamic rather than getting rid of somebody we might think differently, but we find whatever way we can get rid of him. [Social worker 1]

The worker who is dissatisfied with this prescription has two alternatives. If she believes that “the child has witnessed physical violence against a parent in the family home but the child has not suffered emotional harm as defined in subsection 13(2) of the Act”, and if she believes that “the child’s parent is able and willing, with available support services, to protect the child” (1996, 3.4-8), she can offer the mother support services. Given the lack of available support services, this alternative is possible but unlikely; also, workers are warned that, even where support services exist, at best they “*may* be adequate to assist the child and the child’s family” (1996, 3.4-8, italics added).

The *Practice Standards* contain another explicit warning to workers: “In any child protection case, any doubts about...the ability and willingness of a child’s parent to care for and protect the child must be resolved in favour of protecting the child” (1999a, p.7). The *BC Risk Assessment Model* adds an explicit instruction for workers to intervene: reasonable doubts must be resolved not only in favour of the child but “in favour of intervention that will protect the child” (1999b, p.18). Further, the *BC Risk Assessment Model*, cited in the *Practice Standards*, instructs workers to consider the “parent’s response to identified needs” and the “parent’s co-operation with intervention” (1999a, p.39). As previous data excerpts make explicit, the only parental response that can forestall a protection intervention is termination of the ‘abusive interpersonal relationship’. If and when mothers fail to take this action, child protection workers can and will intervene, even while recognising that their interventions are problematic.

We abuse the mom’s rights again when she’s already been victimised. I don’t know if that’s always true, but I think in some circumstances we have a mom who is already so far down in so many ways that when we put those kinds of expectations on her we are denying her the opportunity to be a better parent because we’re just another power authority over her. When I look at those situations I think you have to wait a good long time and be really, really supportive. You can’t expect instantaneous change, sometimes you can but I think that’s where we’re remiss. Some moms need way more time to bring themselves out of the victim and the domestic violence cycle than others. Basically we’re just blaming them again for having been a victim. [Social worker 1]

A worker could seek a ‘Protective intervention order’ under Section 28 of *CFCSA*; for reasons I will discuss in the next section, and as I noted in relation to interview data, this is an almost unheard-of action. Alternatively, a worker might seek a ‘Supervision order’, intended to force a mother to terminate an abusive relationship or lose her children; this had happened to one of the BC mothers interviewed. Where the worker deems the risk great enough, children will be removed, either voluntarily or through court action.

I would suggest that these examples are evidence of how BC policy, in comparison with UK policy, establishes ‘failure to protect’ as a necessary category of child protection intervention. Further, as I will discuss in the next section, the gaze of child protection in BC is clearly fixed by the stringency and specificity of these expectations on mothers, while men who initiate and perpetrate abuse and violence remain invisible.

The case of the missing perpetrator

As noted previously, BC policy documents differ from UK policy documents in that there exists only one, rather than several, discussions of violence against mothers, either directly or through the language of ‘domestic violence’ or ‘family violence’. Domestic violence is not mentioned in any of the policy documents; family violence is mentioned only three times, once in relation to assessing a parent’s conduct in the *CFCSA Policy Manual* (1996, 3.1-14); once in its appearance as one of twenty-three risk factors in the *BC Risk Assessment Model*; and once in the description of the third of four “response priorities”, where it is the last item in a list of “damaging but not life-threatening or dangerous situations” (1999ab, p.22). The *BC Risk Assessment Model* is the only BC policy document that defines and describes ‘family violence’. The following description appears in a discussion of ‘Priority #3’ response priorities and categories (1999b, p.28):

This category refers to those situations where the child witnesses serious or repeated physical assault of a parent or other household member. Some children may also be at risk of being physically assaulted if the offender lacks self-control, or if the child attempts to intervene to protect a parent or other household member.

I would note that this brief description fails to ascribe gender to any of the participants, and that it implies a curious understanding of perpetrator behaviour. Having posited in the first sentence that family violence is a situation in which a parent or ‘other household member’ is being assaulted, the risk to the child is set in terms of whether or not the offender lacks ‘self-control’. This leads to some simple but significant questions about this construction of family violence. Is not an offender who has already assaulted someone by definition an individual who ‘lacks self-control’? Can an individual who exercises ‘self-control’ perpetrate violence? The language of this excerpt would seem to suggest that these readings are not only possible, but are in fact the readings that a child protection worker is to bring to bear in her assessment. She is to ‘understand’ that men who beat women are often ‘in control’, and therefore this kind of violence is, in the child welfare assessment process, violence that does not contain a risk to children. That a mother is in danger, and that this danger might, on its own, warrant intervention, is an interpretation, and basis for action, that is discouraged. ‘Family violence’ is thus presented as a normative and acceptable form of interaction, only of concern to child

protection when it is ‘serious’, ‘repeated’, or when a child ‘attempts to intervene’, as illustrated in this excerpt.

Dad’s hitting mom, the kids get in the way and certainly when they’re older, they feel like they should intervene, they should save and protect mom and they get hit. Then they suddenly become the focus for the dad, because how dare you, how dare you think that you have a right to intervene? If a person can act that out of control with another adult, they are usually acting out of control in other circumstances and if the kids are not compliant, trying to be invisible or whatever the category is for kids who manage stay out of the way...I wouldn’t say it’s every kid necessarily but I think kids have certain roles in the family and certain kids would be a target. [Social worker 1]

A lengthier description appears under the heading ‘Family violence’ in the category ‘Family influence’. Like all categories in the *BC Risk Assessment Model*, the measuring scale ranges from four (most serious) to zero (no risk). Given that this is the only lengthy discussion in BC policy documents, I will quote the scales in their entirety (1999b, p.54-55, bold in the original):

4 Repeated or serious physical violence or substantial risk of violence in household

- A household member required medical treatment for injuries, or medical attention was needed but not sought.
- There are unexplained injuries.
- There are recurring or frequent requests for police to intervene. A restraining order may exist.
- A household member has threatened or used weapons against another member.
- One member has absolute domination of emotional, financial, and sexual spheres, while the other member is submissive.
- The parent is pregnant and incidents of physical violence have occurred since becoming pregnant.
- The parent has a chronic or protracted history of violent relationships.

3 Incidents of physical violence in household; imbalance of power and control

- One household member physically assaulted another member but no medical attention was required.
- Threats (e.g., to kill or seriously injure) have been expressed between household members.
- Previous requests have been made for police assistance.
- One member maintains emotional and financial control.
- One household member is possibly sexually abusing another member.
- Violent incidents occur in the presence of children.

2 Isolation and intimidation; threats of harm

- A household member controls other members through limiting access to financial resources, intimidation, and/or isolation.

- A household member attempts to control other member's activities, movements, and contacts with other people.
- A household member is put in fear by another member through looks, actions, gestures, or destruction of property.
- A household member threatens harm and/or pushes and shoves another member.

1 Verbal aggression

- A household member's activities are constrained through verbal aggression.
- A household member may exhibit anxiety or apprehension in the presence of another member.
- The parent has experienced prior abusive relationships.

0 Mutual tolerance

- There is mutual communication in the household.
- The conflicts between household members are handled without physical threats, intimidation, or violence.
- There is one adult in the household, and there are no domestic violence issues.

Household membership can include adults in the household, as well as siblings and any other individuals who may be included in the family constellation, regardless of residence. This would include an individual with a history of violent acts who may be in and out of the home over a period of time.

In discussing this section, I would like to first draw attention to how this excerpt illustrates the powerful but implicit cultural instruction to not gender violence, and most especially to not name men as perpetrators of violence. In order to accomplish this, gender neutral language is used throughout, including, in a particularly telling illustration, the refusal to acknowledge that only women can be pregnant. This suggests that the injunction to avoid naming men as perpetrators may be even stronger in BC than it is in the UK, as gendered constructions of violence do occur from time to time in UK policy documents. Also, the enactment of violence is in a number of instances presented as an act without an agent, through the use of constructions such as 'violent incidents occur' and 'threats have been expressed'. Such constructions make it difficult to ascribe responsibility to anyone. Other constructions, such as the description in BC policy of situations in which a woman is being beaten by a man as 'an abusive interpersonal relationship', imply mutuality of participation and responsibility.

Finally, I would note that mothers are repeatedly, though subtly, positioned as the focus for intervention through, for example, the way in which this section draws our attention to whether there is any history of experiencing, rather than perpetrating, violence in previous relationships. As I noted earlier, in BC policy documents past history is

presented as the most salient predictor of future risk; as *Practice Standards* note, “the greater the past problems, the higher the risk” (1999a, p.38). Since it is a mother’s responsibility to ‘control and modify’ her involvement in ‘an abusive interpersonal relationship’, clearly it is mother, and not the perpetrator of violence, that workers must notice. As this worker illustrates, it is important to avoid the perpetrator in practice and avoid gendering him in speech.

I know that our treatment plans are to cut that person out of the family’s life [...] We’ve acknowledged the problems that it causes when we remove that person but haven’t really, in child protection, found a way to include that person in the whole risk assessment, the risk reduction plan. Even the way that we record our information [is] all on the mother’s name and [...] we interview mom and the kids and not the dad. [Social worker 1]

Adopting this stance in policy and practice is not protective of children or mothers; workers noted that abusers often had past histories of violence, and were aware that, even if a perpetrator left one family, he would soon make an appearance in another. As the following excerpts indicate, workers both know and are reluctant to acknowledge this information. Further, they perceive their own hesitation about noticing men’s violence as supported by policy.

I’d just as soon write him a letter as talk to him anyway. His criminal record is huge and - you know what I mean. It’s not good practice. It’s not practice I’m particularly proud of, but it’s there.

Perhaps you’ve run into the situation, maybe several times, where the guy’s out of one family and he’s in another family and he’s doing the same thing. *Yeah, we don’t want to hear about that [laughter]. We do hear about that frequently from the ex with big concerns about the new partner or the new children or something. Yeah that’s, yeah, I guess you’re right I don’t... again you know I’m trying to think of cases where we have talked to the fellows. They know what to tell us too, frequently. We have had guys go through anger management programs and they’ve been ... I mean we’ve had probably a success or two somewhere I just...(trails off) [Social worker 2]*

*Most of them walk away and go off to find new families. There’s lots of times I meet the mom and she’ll say he did the same thing to his last family. She’ll even have a copy of the restraining order that he brought with him from the other relationship. So they find other women. And just the same way that we can’t put sex offenders or whatever on the system to identify them, we’re not **allowed** to put those guys on the system either. I would love it if we had open information sharing about who these guys are. [Social worker 2] (emphasis added)*

Given these constructions in policy and practice, it is not surprising that all of those interviewed, both mothers and social workers, described the consistent failure of social workers to contact, interview, or intervene with perpetrators. This practice stance is maintained even though in BC, as in the UK, policy allows for the possibility of direct intervention with perpetrators in a number of ways. For example, Practice Standard 7, regarding the assessment of reports that a child may be in need of protection, has a commentary advising workers that “Your purpose in assessing a report is to gather enough information to determine whether the child is safe and whether to proceed to an investigation” (1999a, p.12). In cases where the source of the need for protection is a perpetrator battering a mother, it would seem critical for a worker to interview the perpetrator. Such an approach would be consonant with the need to assess whether, for example, a perpetrator has ‘self-control’. But the use of the word ‘may’, and the positioning of mothers as gatekeepers, allows workers to avoid this course of action. For example, the *CFCSA Policy Manual* instructs workers that they “may”, in determining if a child needs protection, “with the parent’s consent, speak with anyone else who is able to assist in the assessment” (1996, 3.4-7). Workers may feel that they are supporting mothers, who for reasons such as their personal safety and that of their children, may be reluctant to have the perpetrator contacted.

Practice Standard 14, which lists the steps required to complete an investigation, can also be read as encouraging workers to contact perpetrators directly through three instructions. Workers are advised that “In all child protection investigations, you must...see and interview the parents/caregivers...interview the alleged offender [and]...interview any other people who may have relevant information about the child and family” (1999a, p.24). Practice Standard 19 instructs workers to carefully examine “all the information obtained during the investigation, including...any statements made by the alleged abuser” (1999a, p.29). It may be that positioning the source of harm as a mother’s ‘failure to protect’, rather than a perpetrator’s violence, effects mother’s transformation from victim to abuser – she becomes the alleged offender. Since the focus of child protection attention is riveted on whether mother is protecting, any information that might be gleaned from the perpetrator of violence can thus be deemed irrelevant. The worker’s concern, as I

noted earlier, is directed to whether the mother is ‘controlling and modifying’ harmful or potentially harmful conduct, such as her involvement in ‘an abusive interpersonal relationship’.

It's up to the mom to protect the children. So we talk to her only. We believe it's the mom, the custodial parent, it's up to her to be protective - or frequently he's a stepparent. So it's up to her to protect her children. That's why, which isn't good enough, but that's why. [Social worker 1]

If we go to the mom and the kids and all they say is this big scene happened and the mom said yeah it happened and it's terrible and he's gone forever, I don't love him anymore and all his belongings are on the lawn...then we believe she's going to act appropriately so we don't need to talk to this guy anymore...I guess. [Social worker 1]

Workers cited other reasons for avoiding and failing to interview perpetrators. As I noted in my UK analysis, workers are justifiably afraid of perpetrators; a perpetrator had threatened one of the BC workers I interviewed. That this fear is so salient for workers, whose interactions with abusers take place within the protection of their state-sanctioned role, makes it particularly troubling that they expect vulnerable mothers to confront and control violent perpetrators.

He was assaultive to everyone in his life and he did threaten me...he said he would get me. He said I was this evil incarnate person who brought all this nastiness down on him. It felt very uncomfortable for me to have to phone the police and make statements and to watch where I was and that I didn't come out of the office too late at the end of the day, that sort of thing. It wasn't a comfortable place for me to be. She [his wife] had fled and look how zealous he was to make a point, to travel across the continent and risk injury to all kinds of people in order to do whatever he wanted to do because he felt he was right. He was capable of anything and she...you had to admire how much strength that took. [Social worker 2]

Workers also saw engaging with perpetrators as futile, a position that was supported by the experiences of mothers.

I guess we kind of go into defeatist [mode], well, why would we bother talking to him anyway cause he's just going to lie to us? [Social worker 1]

You said that his family is with you on this. They're concerned about his behaviour and they think that it's been harmful. Your family is with you on this. Has anybody ever spoken to him and said that to him?

He's the type of person you can't confront with that - he will openly deny it. I've confronted him lots of times when I was with him but I didn't get anywhere, so as for other people confronting him like that...I really don't know. [Mother 2]

Workload pressures were another significant reason for workers to avoid perpetrators, leading to workers constructing excuses for failing to interview them.

Especially on our team, our intervention is at crisis and all of that, hey, don't want to think about having him spoken to or involved. [Social worker 1]

Certainly [in] some cases we talk to everybody, but if he's leaving the home and we're believing that, that's where we stop talking to people. And it's usually after that that he comes back two or three or four times. It's different when caseloads are smaller because we can be more thorough, but when caseloads are big, which they usually are, we look for outs and that's an easy one. [Social worker 1]

Although, as noted in the UK analysis and in previous BC data excerpts, workers felt free to be confrontational and demanding with mothers who are being beaten, they alternatively constructed perpetrators, even when they were parents and thus well within the purview of existing legislation and policy, as having the right to refuse to talk to them.

Some of them just outright refuse to come and speak to me, because I want to talk to them about how whatever has happened has impacted on their kids. I'll make that real clear but they won't show up. [Social worker 2]

But it's just not often that they come in and talk to us or want to. If they've been removed from the place by the police, there's a restraining order, there's all that kind of stuff. They head for the hills and anything that brings them back to the community or maybe to this, well, "You guys have already just discarded me" is what they'll say. "I'm not allowed to do this and this and this, so I'm not talking to you. Why should I? What's it going to get me? There's no payoff for being co-operative and nice to you". They don't believe there's a point in it. [Social worker 2]

Both workers I interviewed believed that existing legislation and policy simultaneously allowed them to talk to perpetrators and supported men's refusal to co-operate; thus, they wanted more stringent legislation to elicit the involvement of perpetrators.

There's certainly lots of reason to speak to him. And we don't need any special permission to talk to those guys. [Social worker 1]

We're supposed to [interview everybody in the home] and to complete audit expectations, we should be able to explain why we weren't successful in talking to

the offender or the abuser or the alleged abuser. I think we are supposed to be accountable for that. [Social worker 2]

It would have to be legislation. Something that would compel them to talk to us. I wonder, what if there was something that we had the ability to control and to hook them. "I'm sorry, it's compulsory that you work with MCFD" and attend an anger management or a men's support group on the cycle of violence or whatever it was that had been created in terms of a program...that they had to come and play ball with us. I'm not aware of anything, unless for some reason you can hook them in because they want to keep their family and reunite at some point. [Social worker 2]

I would also note that workers offered these reasons for avoiding perpetrators speculatively; more than anything, they seemed to be at a loss as to why child protection does not directly confront or engage with perpetrators, as these excerpts indicate.

I guess if we started talking to the guy we might have to start working with him, right? (smiles). We might have to accept that he's here for good, or for a period of time anyway, and maybe we don't want to do that. I don't know. As we talk about it I think our only intervention is to get rid of him and he should just be gone and a lot of that I know it's our values but yeah I don't know...(trails off) [Social worker 1]

I don't know why as professionals we don't include the offender or the husband in there. [Social worker 2]

Finally, as I noted in my discussion of UK policy, child welfare's interpretation of who is a 'parent' may exclude men living in the household from this consideration, even as family law constructs these men as having rights and entitlements, such as the right to contact, which are parental. Thus, risk reduction service plans, which require a worker to describe "the steps or actions for which each family member is responsible" (1999a, p.41), can exclude perpetrators on the basis that, although they may be 'household members', they are not 'family members'.

I know policy tells us to talk to both parents, but if he's a stepparent that's our out. [Social worker 1]

As in the UK, where 'Exclusion' and 'Prohibited steps' orders can be sought by workers seeking to protect mothers and children, BC child welfare legislation and policy provides a similar possibility for intervening directly with perpetrators. As I noted previously, in addition to the provisions that can be brought into play through supervision orders and

ancillary risk reduction service plans, Section 28 of the *CFCSA* and Section 3.16 of the *CFCSA Policy Manual*, ‘How children are protected: child who needs to be protected from someone’, instructs workers how to obtain a court order, known as a ‘Protective intervention order’, to protect a child from another person, including the ‘other parent’.

The intention of the order is to (1996, 3.16-5):

protect a child from another person if contact with the person would likely result in harm to the child under section 13(1)(a) to(e) of the Act, including:
 physical harm to the child by the child’s parent or another person;
 sexual abuse of the child by the child’s parent or another person;
 sexual exploitation of the child by the child’s parent or another person; or
 emotional harm to the child caused by the parent’s conduct.

In situations where a mother is being battered, it is under the final policy clause that a worker can decide to make a direct intervention. Given the definitions of ‘emotional harm’ provided in the *CFCSA* and policy documents, workers are essentially being instructed that the degree of harm must be significant before they act. I would suggest that workers are also subtly constrained from intervening directly with perpetrators through reference in the *CFCSA Policy Manual* to three ‘Underlying principles’ of the *CFCSA*, (1996, 3.16-5):

a family is the preferred environment for the care and upbringing of children;
 responsibility for the protection of children rests primarily with the parent; and
 continuity in a child’s care is important

Instruction to workers to fix their gaze on mothers is reinforced by the warning that the parent must show “consent and cooperation” (1996, 3.16-5) with the application for the order. Further, the mother must be “able and willing to protect the child if contact with the other parent or person is restricted or prohibited” (1996, 3.16-5). Prior to applying for an order, consideration must be given to many factors, including (1996, 3.16-5 – 3.16-6):

- the child’s views;
- the child’s sense of safety;
- the nature of the relationship between the child and the other person;
- the nature of the relationship between the child’s parent and the other person;
- whether the director has previously supplied support services to the child or the child’s parent;
- the effectiveness of previous support services;
- the likelihood of harm, exploitation or abuse by the other person;
- the ability and willingness of the child’s parent to monitor and comply with the terms of the order; and

- the likelihood the order will be effective in protecting the child.

The much briefer summary of these instructions that is provided in the *Practice Standards* provides a lens through which to read the policy and legislation (1999a, p.43):

You may apply for a protective intervention order where:

- a person who is a threat to the child's safety or well-being is outside the home or will leave the home
- the parent is able to provide care and protect the child
- you, the parent and the child agree with the plan to provide for an order

Thus, although policy would seem to suggest that a protective intervention order could be sought in almost all cases where mothers are being battered, the *Practice Standards* make clear that the perpetrator's rights (to his home, to access to his wife and children) must not be breached. If he does not live outside the home, or is unwilling to leave it, a worker is unlikely to seek an order, even if policy contains more permission to do so than the *Standards*. Mothers are still put in the position of being responsible for 'protection', including enforcement of the order and monitoring its effectiveness. In short, workers are encouraged, by policy and legislation, to seek a protective intervention order only in a situation where it is least likely to be needed: where there is a cooperative perpetrator, and a mother who is not only 'protective', but feels secure and assertive enough, in the face of the perpetrator's threats and/or past violence, to enforce a court order that restricts his access and behaviour. One of the BC workers had never applied for a protective intervention order and was hesitant about ever doing so; her comments illustrate worker reluctance to shift focus from mother to perpetrator.

The specifics of [applying for a Section 28 order] have to be that the mom won't go for a restraining order and we're going to impose our right to keep certain people away from the kids. I don't know if philosophically I agree with that, because it's the mother's kids, and if I want to take over, if I want to be the protector of her kids and take over the parenting then I should remove them. Do I really have that right? I never really thought about it too much, but ... I don't know...I would agree it might take the pressure off her... The social worker can actually articulate that to the guy, and sometimes they don't get that. [Social worker 2]

Workers also recognised that any intervention that abrogates a perpetrator's sense of entitlement, even a state-sanctioned and supported intervention, might precipitate violence, and that this violence would most likely be aimed at vulnerable mothers.

Dads don't seem to recognise that there's authority sitting within my position - that if you don't do things a certain way I can intervene way more intrusively. There's that bit of denial or something on their part. The social worker's meddling and blah, blah blah. But if you don't play right, play nicely then you can summon up these delegated authorities to become more supportive to the kids and keep them safe. It's the same with the Family Maintenance [Enforcement] Act. There's this other body that can step in for [mothers] and hopefully it diffuses some of the anger that men might have. I've heard that it still occurs anyway, because she still went in there. There's still the legacy left that the men are mad because that woman brought these people down on them somehow. The abuser will still focus on the woman no matter who actually is the person signing the order or not...I fear that. [Social worker 2]

This section also instructs workers to avoid placing themselves in danger; they are advised that they “may use a process server to give notice to the other parent or the other person” (1996, 3.16-6). This statement implicitly acknowledges the hazards of confronting perpetrators around their behaviour, and thus makes the state's position – that it is reasonable to expect mothers to protect themselves and their children from violent perpetrators – untenable. Further, the lack of systemic support that women in these situations often experience is implied by the statement, in the section instructing workers how to monitor the effectiveness of the order, that “when requested by the director, the police must assist in enforcing the order” (1996, 3.16-7). I would suggest that the use of the word ‘must’ in this section is directly related to the documented reluctance of police to intervene in situations where mothers are being battered (Burton, 2000; Dumont-Smith, 1995; Neilson, 2001) else why codify this instruction in this way? Both mothers and social workers were explicit about the lack of police and legal system support when mothers are being battered.

There is a no contact order - he is not supposed to be in contact with you?
Yeah, but he does. Since he went to court he's never listened to it. I started keeping a log and after that last time with the police, they're still looking for him I think. After that particular incident when the police took forever to get here, and they said, “Oh, this isn't an emergency, dial the non-emergency number”, I've had it. I'm not going to bother writing down when he calls. I've just had it. I'm giving up. Maybe that's a bad attitude but I have no faith in the law really anymore. [Mother 1]

We're supposed to work in partnership with police, who will report to us if children are in an area where domestic violence occurs. I know that doesn't happen as a regular thing. We have to either count on certain members to be very attentive to that kind of an issue and they will take it on to make sure that they do report it or it has to become an issue where the supervisor steps in at the police station and mandates their co-operation and compels them to call over to us. [Social worker 2]

I'm still trying to find out how that's [restraining order] enforced because if he does bother me, like the harassment, it's still his word against mine or my word against his and that's really hard too... You know [it's hard] to make people understand, unless you have witnesses, but these fellows work so there's no witnesses... I did that [kept evidence of harassment] and it still came back at me that, "Oh, the guy cares for you, he's just showing his feelings".

That's what the police said to you?

Yes. "It just looks like he's trying to get back together with you". I lived with him for fourteen years, I know what it's about. [Mother 2]

It is possible to read the protective intervention order sections of law and policy as the state taking a strong interventionist position, and one that is supportive of mothers, in situations where mothers are being battered. As my analysis indicates, I believe the opposite to be true, and would suggest that the reluctance, refusal, or inability of workers to use this intervention in practice substantiates this. An alternative reading is that the existence of the provision for obtaining a protective intervention order, and the related provision, Section 21 (2), which allows for a plan of care in which "a person, including a parent, [will] reside outside the child's home" (2002, p.19), 'stands in' for action. These policy declarations create a pretence of state concern about mothers being battered, but, as I have demonstrated, not only permit but encourage workers to continue to avoid dealing directly with perpetrators.

While the state is reluctant to intervene with violent perpetrators, it clearly expects mothers to do so. Implicit in this is the continued positioning of women/mothers as responsible for and able to control men's violence, and solely responsible for protecting their children from being exposed to it. Mothers who are unable to do so can and do lose their children.

They [MCFD] put conditions on me that [the children's father] can't be around the kids. I have to follow them or else the kids are gone [...] I'm supposed to basically keep the kids away from [him].

It sounds like the ministry's concern with you was that you were failing to protect your kids from either seeing you being abused or...

Yeah, but I didn't know when he was going to be abusing me...come on. If I had known he was going to beat the crap out of me that day I'd have made sure [my son] wouldn't have opened up the damn door. I didn't know he was in that frame of mind or that mood. I'm not a mind reader. [Mother 1]

The [first worker] told me that I was lucky to even be keeping the kids because I let [the children's father] do that [break down her door and beat her] and the kids could have been killed. [Mother 1] (emphasis added)

It is difficult to determine the precise reasons that workers avoid perpetrators; I have speculated about a number of possibilities. Given a perpetrator's violent history, workers may be reluctant to directly engage with him because they are afraid of becoming targets. As I have demonstrated, child welfare policy in the UK and in BC implies and sometimes directs workers to focus on mothers and not on perpetrators. Scourfield (2003) has noted the existence of a gendered 'occupational discourse' in child welfare that supports this focus on mothers. In this gendered discourse, women are responsible for the effects of their behaviour on children but men are not. As the UK data suggests, this stance is complicit with the perpetrator's own constructions. In accord with dominant discourse, he positions himself as not responsible for his violence, because the mother caused it.

Did he blame you for making him violent?

Yeah. Actually he said that just not too long ago. If I wouldn't have been in his face or something like that I wouldn't have hit you or something like that. [...] If it's [his violence] ever brought up, he doesn't seem to want to take the responsibility of his actions. [Mother 1]

Do men take responsibility?

Usually it's qualified. "Yeah, I did it but it was because"...and there's some justification coming after that. We were drinking too much or if she wouldn't be such a bitch to me or she has her ways of getting at me too. There's usually some excuse connected to that they appear to be sorry that it got that far. They appear to be really sorry they got caught. They appear to be really sorry that there's some other consequence for this but genuine regret? I doubt it. [Social worker 2]

Do you think the ministry made anything clear to him about his behaviour not being okay?

I don't know. I really don't know about that.

His behaviour hasn't changed?

No. I don't think he's even gone to counselling or anything to try and change - mind you, I don't know that as fact, but I'm pretty sure he hasn't. He's the type,

and I know this from living with him, that it's usually everybody else's fault and not his. [Mother 2]

When I've received a call about domestic violence, I'll call everybody, the mom and the dad, and he'll say, "Well, she's got a nerve! She was hitting me too, you know". The best defense is a good offense. And maybe they won't be coming in here about their violence, but they'll tell you about mom being a bad mom or whatever. I've had people do these pre-emptive things, call and say "She's going to call you and say I was beating her". They're really quite up front about it and that's very strange. "She started it". They'll want to explain their side of the story. He's going to great lengths to show me how good he is and how she's wrong and he's right. Very few of them want to see me beyond that first or only contact. He's going to prove to me how good he is and he's not a problem in the house, it's the wife's problem. She drove him to hitting her and he doesn't remember all this stuff and he doesn't recall some of the events. [Social worker 2]

Secondly, the perpetrator has no concern that his violence towards the mother of his children will in any way disqualify him from being perceived as a 'good father'.

I'm curious whether you think that your ex has any kind of perception that anything has ever been wrong with any of his behaviour?

I honestly believe that he feels he has done no wrong.

You're kind of smiling while you're saying this?

I'm not the only one who's said this, that even comes from his mom...And his own family as well. I truly believe he just feels that things were fine...And still thinks that.

Do you think he thinks he's a good father?

I think he thinks he was or is. [Mother 2]

Finally, both mothers and social workers perceived perpetrators as having rights that must not be interfered with; this construction was evident when a perpetrator's right to ongoing contact with his children were in question.

The dad still comes and goes [...] I did write him a letter that my expectation is that [violence] never occur in the presence of the children again. That he could have visitation with the kids - I can't really get too involved with that [Social worker 2]

[my daughter] had been with her dad during visitation and there was an incident where he had pushed her down and kicked her or pushed her or hit her or something...I'd have to re-read the notes. But when she came back from visitation she told me about this. It just wasn't right, I didn't feel comfortable with that. The law says he has the right to see the kids and it's really hard to fight that. [Mother 2]

The court, the law or whatever seems to look more at his right as a parent to see the kids rather than the rights of the kids to be protected. [Mother 2]

Concern about men's rights was particularly evident during discussions regarding whether a 'perpetrator tracking system' might facilitate child protection's response to men who beat mothers. In BC, child protection cases are tracked via the mother's name and identity, rather than through the child's name and identity, as they are in the UK. While one worker acknowledged that mothers are often tracked and recorded for very minor events that fall outside definitions of abuse or neglect, she expressed grave concern about tracking men who batter mothers.

I struggle with that. I struggle with...I would have to get my head around that. The social workers would tell you that's a great idea without question [...] I think that people can make mistakes that can make a huge impact on their life forever and that impact can be unnecessary. So I would worry about the whole civil liberties kind of concern about a tracking system. I worry about it in our system with parents who have made a mistake or two. Some of the stuff that we record is stupid, like "I heard this mom yell at her child to get in the car" and we type it in. We might not do anything but there's a record forever [...] Maybe it was just pushing and shoving and maybe they weren't in a common law relationship or maybe they...I don't know what kind of condition. I would worry about that because I would just worry about it. You know, I worry about my son or my husband or my brother or all of that kind of thing. [Social worker 1]

Other writers have speculated about the existence of counter-transference reactions among child protection workers (O'Hagan and Dillenburger, 1995; Sayers, 1991; Yoshihama and Mills, 2003); perhaps workers, many of whom have their own histories of abuse, are seeking the corrective emotional response of having a mother stand up to an abuser. Some comments from research participants are suggestive of this interpretation.

These women are letting us down. They keep letting the men back. [Social worker 1]

I have to be able to make that judgement and I'd be pretty bad at my job if I didn't. On the other hand, you know some of it's not professional judgement either. [Social worker 1]

For some reason they put this other [worker] on. She didn't look at the previous file to see what was going on or anything and I felt like I was being attacked for what was happening in my home. I just felt personally attacked. And I've been doing everything...I've had lots of help from the counsellors with suggestions about what to do with my home, with suggestions for myself, things like that. I've

been doing everything and to be treated like that I just thought was really unfair. She asked if there had been abuse towards the children, something to that effect, and I said yes, there has been. She said well [your daughter] denies that and I looked at her and said, “Well you guys investigated it”. She didn’t even look at the file and I found that really frustrating. I was kind of staying calm as much as I could and I was crying and I was defensive, yes, I agree. But I felt like I was being attacked too and I felt like I wasn’t believed.

I’m always curious about the use of the word defensive because it seems to me that...

I was sticking up for myself.

Yes.

They didn’t like that.

[Mother 2]

Subjectivity

I have described how the dominant discourse about violence against women and mothers, as reflected in my analysis of legislation and policy and as reflected in the interviews, continues to obscure the primarily gendered nature of this violence, continues to imply mutuality when violence occurs, and continues to position women as both largely responsible for violence and able to control the behaviour of the perpetrator. Equally important with any of these factors are the cultural and social imperatives that are constructed in discourse and enacted through female subjectivity. As I have illustrated in my data analysis, the discourse surrounding men’s violence towards mothers is a particularly rich site for the examination of women’s subjectivity, because it is a juncture where the power relations embedded in discourse coalesce. Further, as Foucault (1995) has suggested, ‘helping professions’ such as social work play a crucial role in disciplining populations through the creation, promotion and deployment of acceptable forms of subjectivity.

As I have noted, mothers’ efforts to avoid the devalued subjectivity of ‘single mother’ were a powerful factor in keeping many women in violent relationships. Wallbank (1998) has suggested that this may in part be because mothers who leave are “attempting to secure maternal autonomy in a socio-political climate which valorises the traditional nuclear family” (p.361). Further, although they were the victims of violence rather than the perpetrators of it, mothers perceived that most of the stigma in a situation in which a

man batters a mother accrues to her. This encompasses not only the notion that women are somehow responsible for precipitating men's violence, but also the belief that only certain 'types' of women get hit. Hence one woman's confusion about her identity when she, as a self-described 'strong, confident, assertive' woman, was battered.

Although it is fraught with contradictions, 'mother' is often a valued subjectivity for women, and the idea that a mother will 'naturally' seek to protect her children constructs 'good mothers' and 'bad mothers' in situations where mothers are being beaten. As I have noted, men can enact violence in the home without disturbing their sense of themselves as good fathers, and judicial decisions about contact and custody suggest that there is widespread support for this position. Alternatively, 'good mothers' are mothers who take all necessary steps to protect their children. Kopels and Sheridan (2002) have suggested that the ascription of 'maternal instinct' to women constructs them as so powerful that they *can* protect their children, no matter what the odds. Thus it is 'natural' that mothers are held responsible for failing to do so in situations where children witness, and thus they become 'bad mothers', mothers who require a corrective intervention from child protection professionals, as a result of their failure. But, as I have described, 'protective mother' is a valued subjectivity only so long as a mother's efforts to protect do not abrogate a man's rights. If she is perceived as interfering with his rights, she is likely to be reconstituted as wilful, implacably hostile or psychologically disordered (Hester and Radford, 1996; Wallbank, 1998).

In this regard, I would like to notice again that social workers and mothers, in both jurisdictions, repeatedly constructed men as having rights but did not in a single instance construct mothers in this way. The pervasiveness of this construction was particularly evident when I raised with workers the possibility of a 'perpetrator tracking system', through which men who are violent to mothers could be tracked as they moved from family to family. All of the workers but one in both jurisdictions expressed concern and sometimes alarm about this idea, and the concern centred on whether such a system might abrogate men's rights and civil liberties, even though the BC workers acknowledged that the child welfare system routinely tracks mothers for minor

allegations. In their discussion of disputes over contact and access, Smart and Neale (1999, p.163) note that these constructions place mothers at a

discursive disadvantage. The person who claims their rights is seen as the good citizen who merely demands what is fair and just...she [mother] is discursively constructed as the obstacle to the legitimate rights of the good citizen.

As Bancroft and Silverman (2002) discuss, in their description of the batterer as parent, this accords with how men, mothers, and the judicial system construct men's and mother's subjectivity. As the following and previous excerpts illustrate, workers and mothers were much concerned about being 'fair' to perpetrators.

I don't get a chance to really investigate their truer more honest or in depth or long term feelings and understandings about the situation. I would like to be fair to them, it's just I don't seem to get to work with them much. [Social worker 2]

He's the type, and I know this from living with him, that it's usually everybody else's fault and not his. That sounds terrible saying that and...

I'm curious about why you would say that sounds terrible?

I guess because, me saying that, people make a judgement on me for saying something like that. Would I be saying that if it were someone else? I'm not one for saying bad things about people, but I do believe he feels he's done nothing wrong. [Mother 2]

I just...here I go again, it's probably not fair to say it but I'm going to, back to the old saying, the guys, they look out for each other. You know, it doesn't matter what's been done.

That when you've been dealing with other men there's a kind of protective attitude towards your ex?

That's how I perceive it and if that's actual fact, I don't know, but that's how I perceive it. [Mother 2]

Earlier, in my discussion of the literature, I suggested that most women are loath to gender violence against women, and thus comply with the obscuring language of 'domestic' or 'family' violence for two reasons. One is that attributing responsibility to men, either to specific men or to men generally, can and does sometimes carry material consequences for women. Another is that gendering violence requires a woman to assume a devalued subjectivity: man-hater, feminist, dyke. In this regard, I would note that workers were somewhat more reluctant than mothers to gender violence, as illustrated by their efforts to de-gender violence even when describing specific acts perpetrated by specific men. This difference between workers and mothers may reflect

the difference in their social locations; workers may feel they have more to lose and/or that their location as professionals requires them to produce a simulacrum of ‘neutrality’. Although these are discursively constituted choices, workers’ reflections on their language use suggests that they are also conscious choices. These choices reflect, I believe, an understanding that acting protectively towards men is an important constituent of acceptable female subjectivity.

As I have illustrated, the protection of men is constituted in and through discourse, enacted by legislation and policy and deployed by workers and mothers. The barriers I encountered when attempting to contact potential male participants are, I believe, also indicative of the importance that protecting men is accorded. I would offer this final illustration of the power of women’s need to produce an acceptable, and therefore protective, female subjectivity. In this exchange, a worker takes a position contrary to her own experience in order to suggest that women who are violent to their male partners face few consequences. She then moves to acknowledging that men’s violence is acceptable, while women’s is not.

I think women get off scot-free when they beat up their men.

Statistics Canada would disagree with you about women getting away scot-free by the way.

Is that right?

Yes. Women who beat their spouses in fact have a much higher conviction rate and get much heavier sentences.

I actually worked in corrections and I would agree with that. I guess I shouldn’t say they get off scot-free. I would imagine that once they’re charged they’re treated differently because they’re some kind of weird aberration that needs to be taken care of cause these are violent women which we can’t have.

But violent men we’re used to.

Exactly. We can handle that. [Social worker 1]

Conclusion: compliance and resistance

While much of what I have written in this chapter details how legislation, policy and practice comply with dominant constructions of violence against women, I would note that, as in the UK, there are also places of resistance. For example, Section 28 *CFCSA*, which allows a social worker to request a restraining order or remove a perpetrator, was both written and proclaimed as legislation, even if it is, as yet, rarely used. The social

workers that I interviewed were aware of and concerned about the contradictions in their practice, and the extent to which child protection can and does further victimise mothers who have been battered. Finally, and perhaps most importantly, both of the BC mothers that I interviewed had managed to leave violent husbands.

CHAPTER SEVEN: DISCUSSION AND CONCLUSION

Introduction

In this chapter, I summarise my analyses of the particular ways in which the discourse of ‘children witnessing’ and mothers ‘failing to protect’ is constructed, enacted and deployed in child welfare. I also discuss how we might better resist this discourse through making different choices about legislation, policy, practice and language, and notice where and how it is already being resisted. Earlier in this thesis I suggested that the transformation of a situation in which a man is beating a mother into a situation in which a mother is failing to protect her children is so thorough and profound that it seems like a conjuring trick, one in which male perpetrators disappear, and all that we notice, and are allowed to notice, is the mothers who are their victims. But the most frightening aspect of this trick is that we no longer notice the mothers as victims. Instead, they are transformed into abusers, and the particular abuse of which they are guilty is their apparent choice to wilfully, against the imprecations of child protection workers and society, expose their children to violence.

In my data analysis I delineated how this trick is accomplished. By revealing the mechanisms that facilitate this magic act, I hope to contribute to resisting complicity in its accomplishment because, I would contend, this trick cannot be performed without our involvement as accomplices. If social workers, whether they are line protection workers, supervisors, policy analysts, or social work educators, refuse to play the role of sorcerer’s apprentice, I believe that we might effect a transformation: a movement towards reducing, rather than servicing, violence in the lives of women and children. At the same time, as my discussion of our existing ‘regime of truth’ about violence against women described, such resistance is complicated by the constitution of women’s subjectivity in discourse.

Transforming men’s violence: constructing coherence

The transformation that is effected by the concepts of ‘children witnessing’ and mothers ‘failing to protect’ is fundamentally related to other transformations that obscure the

material realities of violence against women. It is my contention that these realities have been so thoroughly obscured in discourse that we risk incoherence, we stop making sense, when we attempt to speak outside of or in opposition to the dominant discourse, either inside or outside of child welfare. For example, a man hitting a woman is persistently constructed as an act without an agent, a woman being battered by a non-existent perpetrator, as illustrated by the existence of the concept of ‘battered woman’ without the existence of the corollary concept of ‘battering man’. We cannot say ‘battering man’, because such a concept does not ‘make sense’. We are allowed to understand violence against women through women’s victimisation, but we are not allowed to understand it as men’s perpetration. When it is understood as violence at all, it is understood through the neutral descriptors of ‘family violence’ or ‘domestic violence’. These terms are used even when, as the research participants noted, those who use them believe that they are inaccurate.

Similarly, as Penelope (1990) has pointed out, violence against women is commonly presented as an agentless passive: for example, we can know that ‘women are raped’ but we cannot know that ‘men rape women’. The linked concepts of ‘children witnessing’ and mothers ‘failing to protect’ function together to ensure that we also understand the abuse of mothers as events that occur without an agent. The only actor in the construct ‘failing to protect’ is the passive mother who is unable or unwilling to protect her child/ren. I would suggest that concern about children witnessing is only coherent to us when it is about mothers/women, and it stops making sense when it is about fathers/men. If mothers weren’t allowing themselves to be abused in front of their children, then children wouldn’t be seeing it. The linked concepts direct our gaze, and particularly the surveilling child protection gaze, on to mothers and away from men, so that the risks of children being exposed to their mothers being battered come not from men’s violence, but from women’s failure to protect children from this violence. Further, we internalise this gaze, and self-discipline in order to discuss and act about these situations in accord with dominant discourses.

As I have noted, this is accomplished partially through agent deletion; violence is an event that happens, rather than an act with a perpetrator. It is also accomplished by all of us knowing better than to ask what, precisely, children need to be protected from in these situations. Thus, we can think about mother's failure to protect, but not about how men's violence makes this protection necessary. Although it is theoretically possible that men as well as women could be accused of 'failure to protect', men are not, in practice, subject to this accusation. I would note that in the United States, where the notion of 'failure to protect' has been most vigorously deployed, researchers could not find a single instance in which a man had ever been prosecuted for his failure to protect his children from an abusive mother (Davidson, 1995, cited in Kopels and Sheridan, 2002; Fugate, 2001). Lothian (2002), in her research about how ideas of failure to protect are used in Canadian criminal prosecutions, also failed to find a single instance in which the concept had been deployed against a man. 'Failure to protect', as its enactment and deployment makes clear, is a fundamentally gendered concept.

It is not just, as I have described, that it is dangerous in many ways to notice, much less call attention to, men's violence towards women. The concepts of 'children witnessing' and mothers 'failing to protect' are constructed as coherent and sensible only when they are understood as gendered. Because the discourse of men's violence to mothers is constructed in child welfare, and elsewhere, as the problem of mothers 'failing to protect', we are required by this construction to agree that the locus of the problem is not men's violence to mothers, but the failure of particular mothers to protect their children from witnessing the violence. Thus, although it is clear to us what mothers are doing in these situations (they are failing to protect), we do not have any language, any ability, to describe what men are doing in these situations. It only 'makes sense' to think about what the mothers are doing. Since we have no name for what he is doing, we cannot think about what he is doing, else we might become incoherent.

As I have noted in this regard, there is no reference in any legislation or policy in either jurisdiction to mothers being beaten as a circumstance that might be bad for children, separate from a concern about children witnessing such beatings. Thus, part of the

construction of coherence is that it is only problematic for mothers to be battered if and when children might witness or be exposed to this violence. Child welfare cannot as yet, because it does not make sense to do so, be concerned with a mother being beaten in and of itself. A mother being battered only becomes coherent as a matter of concern if/when children witness it; we cannot say that it is wrong or bad to hit a mother, in any circumstance, and stop there. Similarly, none of those interviewed, including mothers themselves, presented a mother being beaten as a problem in its own right. Further, that a man had beaten a child's mother in no way disqualified him, either in his own perception (as reported by others), or in the view of mothers and social workers, from being a 'good father'.

How is it possible to be constructed as a 'good father' if you have abused a child's mother? How can it be that beating a child's mother is not in and of itself child abuse? Is there any possible way that beating a child's mother makes a positive contribution to her ability to parent? If not a positive act, is abusing a child's mother a neutral act, one that has no impact on her parenting? Are children only affected by their mothers being abused when they witness or are exposed to the violence? Although the answers to these questions may seem obvious, there is another question that precedes them: why do we neither ask nor answer these questions? We are reluctant to ask these questions, I would suggest, because the answers to these questions might lead to some interference with men's rights: their right of ownership in regard to children, which entitles them to access and contact; their right to have rights without responsibility, which transfers the responsibility for their violence onto the shoulders of women; and their right to abuse women with relative impunity. If we ask these questions, we risk marginalising ourselves.

As I discussed in regards to the genealogy of 'children witnessing' and mothers 'failing to protect', one of the major contributing factors to the construction of coherence lies in how 'risk' structures current child protection practice. Who or what is the 'risk', the source of dangerousness, in situations where mothers are being beaten? As I noted earlier, the deployment of risk as a central organizing concept in child welfare results in

practice being primarily structured around attempting to avoid bad results. When risk is positioned as non-protective mothers rather than abusive men, it will not be the (female) social worker who is at fault if the children suffer psychological or emotional damage, or physical damage through becoming a target, but the non-protective mother, the mother who failed to protect. If the source of risk were positioned as the (male) perpetrator, workers would be forced to intervene with him. In the heteropatriarchy, women understand that it is sometimes necessary to sacrifice other women in order to keep themselves safe from the wrath of men. Thus, although workers acknowledged that the preferred and promoted course of action, leaving an abusive man, is both dangerous and lacks systemic supports, it is the only coherent position for workers to take so long as the 'risk' is positioned as the mother who is failing to protect. Risk, in these situations, cannot be positioned otherwise because that would involve naming and intervening with men as perpetrators of violence. Intervening against mothers in these situations is not the right choice, but it is the prudent choice in a culture in which child death inquiries ignore structural factors and power relations, and position 'bad' mothers and weak, untrained or incompetent workers as at fault (Swift and Callahan, 2003). Thus, both mothers and workers play their parts "in the strategy of reducing risk and minimising harm under threat of sanction and within the disciplines imposed by a plethora of practices of blame" (Rose, 1996, p.18).

Obeying the rules of the discourse

As I have demonstrated, the discourse of 'children witnessing' and mothers 'failing to protect' draws our attention to mothers, while simultaneously rendering men both invisible and innocent. I have noted that the naming of policies, and the gender-neutral language in which policies and legislation are written, make a significant contribution to this. I would also note that the language practices of workers reflect this gender neutrality even though workers acknowledge that their practice experience of violence in families is gendered. I believe that there are three critical rules that the discourse requires us to obey in order to facilitate the disappearance of men: men must not be named as being responsible for violence; men must not be the focus of intervention; and men's

rights must be protected. As I have pointed out in my data analysis, these rules rely on certain processes and rhetorical devices. I summarise these here.

First are processes of inclusion and exclusion. The concept of ‘failure to protect’ includes mothers (and therefore women), ideas about mothers’ responsibilities and duties, and about mothers’ failures. The concept of children witnessing includes children and, implicitly, the notion that childhood experiences shape adult behaviour – the theory of the intergenerational transmission of abuse. Both concepts imply that mothers and children are appropriate foci for child welfare interventions. What these concepts exclude are men (and therefore fathers), ideas about men’s and father’s responsibilities and duties towards children and in the family, and the existence of men as perpetrators of violence. Also excluded are men as an appropriate focus for child welfare interventions, alternative causal explanations and antecedents of adult behaviour, especially as related to violence, and other factors that might be part of children witnessing – for example, what children witness in terms of the systemic response to men’s violence towards their mothers.

Among the specific exclusion procedures I have noted in my analysis are the operation of prohibition or taboo, that is, information that is not said because it cannot be said. This prohibition exists both when men’s violence to women is spoken about in general terms and when particular situations are discussed. Thus, at a general level, any allusion to men’s responsibility for violence is prohibited from appearing in legislation and policy. Workers were aware of this prohibition and had accommodated it in various ways. For example, while they sometimes used the language of male violence towards women in ‘private’ settings, such as in the research interview or in discussions with like-minded colleagues, they understood and obeyed the unspoken injunction that any public musings about this must in terms of ‘domestic violence’ or ‘family violence’. Workers in the UK particularly spoke explicitly about making this accommodation in the face of negative consequences they had experienced for speaking otherwise in public forums or in meetings with other agencies. At the individual or case-specific level, workers used two primary rhetorical devices: gender-neutral language, for example, references to ‘the

person' who commits the violence; and descriptions that either implicitly or explicitly constructed a mutuality of participation.

Legislation, policy and discourse also reflect another powerful taboo: that no mention can be made that some women may not protect or want to protect their children – that some mothers can and do actively 'choose' their male partner over their children. While these 'unnatural' or 'bad' mothers may well be the focus of child protection investigations in cases of failure to protect, child welfare discourse operates on the unwritten, unspoken understanding that mothers 'naturally' want to protect their children, and that their failures in this regard are accidental, rather than intentional. This, I would suggest, shows how deeply entrenched hegemonic ideas such as 'maternal instinct' continue to infect child welfare. Despite the ubiquitous nature of male violence towards women, and despite the dangers mothers face if they leave, workers see women as being imprudent through first choosing violent men, and then choosing to stay with them (Scourfield, 2003). Mothers' incorrect choices are variously attributed to their poor parenting skills, and/or lack of awareness of impact of abuse, and/or their enactment of the intergenerational transmission of abuse. The worker's task is to detect and correct these individual failings, even though mothers and workers often realised that these failings did not exist, and both mothers and workers spoke of the lack of societal and systemic supports for mothers attempting to make 'correct' choices.

This particular and powerful prohibition, the inability to acknowledge that some mothers might choose their man over their child, means that workers, and policies, can and do ignore three important and salient factors in the decision-making of abused mothers. The first factor is the increase in both the frequency and severity of violence that occurs when women leave abusive partners. I would note in this regard that the workers in this research were simultaneously aware of this information and usually unable to operationalise it in their dealings with mothers. The second factor is the influence of dominant discourse about the family. As I have noted before, the notion that the intact, two-parent, white, middle-class, heterosexual family is the best family, the family that is most likely to produce healthy children who are appropriately meeting developmental

milestones, is pervasive in the culture and in child welfare. The hegemony of this discourse is illustrated through the biases explicit in legislation and policy in both jurisdictions, and through the interview data. The desire to achieve or maintain this preferred family form powerfully influenced the decision-making of abused mothers. Legislation, policy and the discourse of both workers and mothers are steeped in dominant ideas about appropriate family formation, and it is mothers' attempts to maintain or emulate this form that lies at the foundation of mothers appearing to 'choose' violent men over their children. Most mothers believed that they were choosing *for* their children when they stayed in an abusive relationship. Finally, as I note in my discussion about men's rights, we are all instructed in the ideology that men must come first, and thus it is curious that we find it surprising when any women, including mothers who are being abused, enact this societal instruction.

In my analysis, I also noted two critical instances of logocentricity. That witnessing or being exposed to their mothers being violated inevitably results in children being harmed is presented as scientifically, empirically proved fact. Secondly, witnessing is linked to the idea that abuse is transmitted intergenerationally. These connections were made explicit in policy to differing degrees in each jurisdiction, featured prominently in the talk of both UK and BC mothers and workers, and often referenced 'research' as their foundation. Thus, anyone who questions the existence and operationalisation of concepts such as 'children witnessing' and mothers 'failing to protect' can be easily dismissed. At best, such a person is ill informed, if they are not cognizant of this important knowledge. At worst, such a person might be seen as 'mad', or 'crazy' for questioning information that has the status of scientific fact.

Hegemonic and oppositional discourses

The rhetorical devices I have described operate in the service of hegemonic discourse. When policy fails to contain explicit directions, workers rely upon and draw upon hegemonic and dominant discourses in order to know how to proceed 'correctly'; Scourfield (2003) has also illustrated this in his recent discussion of UK child protection practice. I have suggested that dominant discourse is operationalised, in this area of child

welfare, through the presentation of men's violence towards women as domestic or family violence, with all of its related absences and exclusions. Hegemonic discourse is also operationalised through the notion of the intergenerational transmission of abuse: we can account for and understand people's behaviour in the present in terms of their childhood experiences. Social work is significantly influenced by the disciplinary knowledges of psychiatry and psychology, which have played the primary role in the construction and deployment of this idea.

Although the disciplinary knowledge that most informs child welfare is ostensibly social work, there is a tension in social work disciplinary knowledge between explanations and understandings that are based in social conditions and those that are based in psychological explanations. The requirement that UK social workers understand and demonstrate anti-oppressive practice, as part of their professional certification, could lead to the supposition that structural and sociological explanations would be more prominent in UK practice and discourse than in BC. I would contend that such is not the case. The language reflected in UK policy and the talk of UK workers provides evidence of the infiltration of psychological/psychiatric discourse into prominence in social work. Further, workers presented these influences as indicative of progress; as I noted in the analysis, one worker characterised UK social work as 'about five years behind' American social work. Given that clinical and psychiatric concepts dominate social work in the North America, and given the movement towards 'evidence-based practice' in the UK, I would suggest that psychiatric and psychological ideas are becoming dominant in UK child welfare. Such is already the case in Canada. This is particularly significant in situations where mothers are being beaten, because the internal allegiance of the discourse of 'failure to protect' is to psychological interpretation and not structural explanation. Thus, attention is focused on the notion of the intergenerational transmission of abuse and the assessment of mothers' choices, abilities, and willingness and not on the power relations that underpin these. The influence of psychological and psychiatric discourse is also evident in the emphasis on assessing mother's mental and emotional health, and the extent of emotional damage suffered by children. Finally, Bancroft and Silverman (2002) note that the antecedents of abusive behaviour in men are frequently

assumed to be psychological even though most research with perpetrators suggests otherwise.

As I have noted, there are oppositional discourses to the discourse of ‘children witnessing’ and ‘failure to protect’ in circulation, but these discourses are marginalised. In the US, where the concept ‘failure to protect’ has been most vigorously deployed, a number of critiques have emerged (Edleson, 1998; Fugate, 2001; Kopels and Sheridan, 2002; Magen, 1999; Miccio, 1995). In New York state, mothers who lost children because of ‘failure to protect’ policies in child welfare recently initiated a successful class action suit against authorities (In re Sharline Nicholson, et al, 2002). In Canada, Lothian (2002) critiqued the use of ‘failure to protect’ in criminal prosecutions and Nixon (2001) studied how the concept is deployed in Alberta child welfare practice¹. In the UK, there has been little specific attention to the concept of ‘failure to protect’, though there are a number of critiques of child welfare policy and practice in situations of violence against mothers (e.g. Hester et. al., 2000; Humphreys, 1999; Mullender and Morley, 1994).

It is difficult to circulate an oppositional discourse in this area because disputing the dominant discourse can easily position one as not caring about children. My observation is that the declension usually operates in this manner. Questioning child protection intervention in cases where children are exposed to their mothers being beaten is interpreted or constructed as a lack of concern for children who witness. A lack of concern for children who witness is constructed as, alternatively, not caring (sufficiently) about children, and therefore being willing to allow children to die, or as inappropriately putting children ahead of adults. These positions run counter to the current insistence, in child protection legislation, policy and practice, that children’s interests must come first; children’s well being must be the ‘paramount consideration’. Given that the prioritisation of children’s interests in law and policy resulted primarily from recommendations made by high-profile child death inquiries in both jurisdictions, it is exceedingly dangerous to mount or circulate an oppositional discourse when children who witness and/or mothers

¹ The province of Alberta has recently amended its child protection policy to make it mandatory that workers remove children from their mother after two substantiated instances of ‘children witnessing’.

failing to protect are under consideration. As Swift (2001, cited in Swift and Callahan, 2003, p.19) notes, “media coverage is a crucial part of the process through which discourse is narrowed and ‘reasonable’ options legitimized”. Now that the damage done to children through witnessing their mothers being beaten has been ‘discovered’ and scientifically substantiated, the discourse instructs child welfare to take up this concern vigorously. What is confounding, as I have demonstrated, is that the child welfare gaze is uni-directional, focusing solely on mothers in these situations, and seemingly unable to see men.

Rights and responsibilities

The second wave of the women’s movement in the twentieth century, like the first, attempted to raise awareness about the extent of male violence towards women. These attempts to make the private public were met with various forms of backlash, including the contention that women were as violent as men in relationship, and that women were perhaps more violent to children than were men. Feminists quickly learned that there were serious consequences for attempting to attribute responsibility to men, and I would suggest that fear of these consequences is part of the reason that feminists began to emphasise women’s victimisation rather than men’s behaviour. As I noted earlier, the essentialising tendencies of a feminist movement that was dominated by white, middle-class heterosexual women also led to overlooking important class, race, and gender complexities in these situations. Feminism’s focus on male violence has declined for these and other reasons, including the recent tendency for high-profile women to attack feminist ideas about male violence. At present, most feminist work in the area of violence against women, in both the UK and BC, is about the provision of social services. As these services become increasingly professionalised and therefore detached from their grassroots, feminist analysis of violence becomes further marginalised (Proffitt, 1996).

Over the last two decades, the major sources of information about men’s violence to women and children have come from outside feminism, primarily from psychology. In both the UK and BC, child death inquiries and the circulation of statistical information produced by governments might have contributed to support for feminist concerns about

male violence. But neither the inquiries nor the statistical data are presented in the context of the power relations of gender, race or class, and these factors are generally disregarded in psychological discussions; Bograd's (1999) work is an exception. Further, these developments have taken place in tandem with the rise of fathers' rights movements in both jurisdictions. These movements, some of which have visible support from members of parliament both in the UK and in Canada, continue to suggest that any gendered reading of violence is biased, subjective, and unfairly injurious to men. Thus, while these movements have made men, especially men as fathers, much more visible, they have simultaneously managed to disappear much of men's role in violence in the family. Women have been repositioned as either responsible for or at least implicated in violence, or as doing violence themselves by interfering with father's rights. In the UK, much concern has been expressed about the 'implacable hostility' of some mothers towards a man's rights to contact with a child (Wallbank, 1998). As I discussed in the Chapter two, North American mothers who raise issues related to men's violence are often accused of 'parental alienation syndrome'. According to Gardner (1992), this syndrome is found almost exclusively in mothers attempting to exact revenge on innocent fathers through false accusations of violence and abuse. Although Gardner's ideas have been widely critiqued (see, for example, Bancroft and Silverman, 2002), they have influenced practice in contact, custody and access disputes in both jurisdictions.

I would suggest that these particular discourses are being circulated at this time not just because of the backlash against feminism, but because of the resurgence of a conservative ideology that is repositioning women first and foremost as mothers. As women are repositioned as mothers, they are increasingly under surveillance, both by those who are concerned about women's interference with men's rights, as in custody and access disputes, and by child welfare authorities. Thus, any interference with men's rights, including the rights of men who have been demonstrably violent to mothers and sometimes to children, is characterised as detrimental to children, especially through the notion that a lack of contact with a father or father figure has an inevitably negative impact on a child's development. Although men's access to these entitlements has racial and class dimensions, all men are constructed as having rights to their children, while

women continue to be constructed as responsible for children and for the family. When culture and ethnicity are noticed as factors, they are likely to increase rather than decrease men's entitlements. Women are therefore positioned as responsible when things 'go wrong'. In child protection interventions, where men's rights to custody and access could be made contingent on their behaviour, it seems impossible to get men involved.

Workers avoid men in general, and men who perpetrate violence in particular, and although policy and legislation do not necessarily facilitate this avoidance, other parts of the system are complicit with it. For example, as I have noted, men (including biological and stepfathers) apparently have a 'right' to not be interviewed by child protection workers. Alternatively, in proceedings about men's rights to contact, custody and/or access, men have become omnipresent. They must always be considered, and those who work with contact and access matters facilitate their involvement. Men assume they have a right to contact with women and children that they have beaten, and are outraged at any hint that this right might be abrogated (Bancroft and Silverman, 2002; Smart and Neale, 1999). Thus, men have rights but few responsibilities; women have responsibilities but few rights.

Rather than challenging such constructions, the gender-neutral language of legislation and policy, which is reflected in workers' talk, reinforces these divisions. Prior to gender neutral language and policy, men's responsibilities were more clearly spelled out, and while these were usually monetary rather than parental, they implied some duty of care towards children, even if only financially. The 'duty of care' that currently exists within families, especially those families that come to the attention of child protection, seems to devolve entirely on mothers – else how could a concept such as 'failure to protect' come to exist? Advocates for fathers' rights, both in Canada and in the UK, often mount their campaigns under the guise of promoting 'equal parenting'. But this equality fails to extend to responsibilities for avoiding, eliminating or controlling men's violence, the burden of which continues to fall on mothers.

I mentioned earlier how the discourse of risk and dangerousness, which so dominates current child protection work, means that the goal of practice, therefore the goal of a

worker, must be to distinguish those situations which are risky and dangerous, and therefore require intervention, from those situations which are no-risk or low-risk and therefore do not require intervention. Making these distinctions is tied into two significant trends in child welfare: enshrining the protection of children as the paramount consideration; and the move away from state support of families. But making these distinctions must also be tied into the gendered division of rights and responsibilities that I have described. Instructions to social workers to respect parental rights have come to be interpreted, in practice, as respecting the rights of men and especially of fathers. As I noted, both mothers and workers felt unable to interfere with or sometimes even comment on the rights of violent men to have contact with children. Alternatively, the doctrine of personal responsibility, as it is enacted through ‘failure to protect’ seems to be solely directed at mothers.

Resistance

Whatever influence all other constituents of the discourse exercise in ‘children witnessing’ and mothers ‘failing to protect’, I believe that the most significant and powerful is women’s subjectivity. Women’s efforts to enact acceptable female subjectivity, whether as mothers or workers, lie at the root of why this discourse is both so powerful and so difficult to resist. I have noted that few critiques of the discourse of ‘children witnessing’ and mothers ‘failing to protect’ exist; Edleson (1998), Lothian (2002), Magen (1999) and Nixon (2001) are notable exceptions. Those who criticise policy and practice in this area have generally limited their suggestions for change to three main areas. Some critics have suggested that the problem lies with education and awareness, and propose as a solution that all those who work with women experiencing violence, both in social services and in criminal justice, must become more knowledgeable about violence against women. Others, including mothers and workers in my research, have pointed to inadequate supports and services for mothers who are in or who are attempting to leave abusive relationships. Ideas for change in this area range from reforming the justice system response to providing more counselling. Finally, some have suggested changes to child welfare legislation and policy that would facilitate intervening directly with men, both as potential dangers and as potential assets (Daniel

and Taylor, 1999). Any or all of these efforts might make some small positive alterations in how we take up the problem of mothers being abused. But I would contend that whatever other efforts might be made to alter the circulation and deployment of the discourse of children witnessing and mothers failing to protect, no significant change will ever be made in this area unless and until we are willing to break the discursive prohibition against naming men's violence and holding men responsible for it.

Thus far, women have failed to engage in these acts not because they lack courage. In the course of conducting this research, I was struck over and over again by the many acts of courage that both mothers and workers had engaged in. As I noted, all of the mothers in this study, whether in the UK or in BC, had, at the time of the interviews, left abusive relationships. All of them had suffered as a result. Most had been forced to leave their homes. Many were living in poverty. Some had experienced an increase in violence. Most lived in a continual state of fear. Many of them were forced to provide violent men with access to their children. Although they were generally physically and financially safer than mothers, workers also were called upon to act courageously. Some workers who had dared to challenge abusive men had been threatened. Others who had found innovative ways to support mothers worried about whether their employers would consequence them, but continued to do what they could. Some faced social sanctions and disapproval for working in child protection at all; this was especially painful for those who identified as feminists.

But challenging the discursive prohibition against naming men, and holding them responsible for their acts of violence, requires different and perhaps more difficult acts of resistance. Engaging in these acts of resistance requires that we perform an unacceptable female subjectivity – that we put ourselves 'beyond the pale'. As Foucault notes, "it is always possible that one might speak the truth in the space of a wild exteriority, but one is 'in the true' only by obeying the rules of a discursive 'policing' which one has to reactivate in each of one's discourses" (1981, p.61). It is difficult to make this choice for many reasons, some of which I have already enumerated. One is that the discourse of children witnessing and mothers failing to protect is so thoroughly in circulation that it

has achieved the status of ‘common sense’. Thus, to speak counter to this discourse is to be nonsensical, or perhaps even mad. To paraphrase Weedon (1997), if ‘we are all the reasonable, moral individuals for whom the discourse speaks’, we can easily be positioned as both unreasonable and immoral if we suggest that the discourse of children witnessing and mothers failing to protect does not speak for us. As I have noted, it can easily seem both unreasonable and immoral to question concern about children being exposed to violence, because surely we all agree that children witnessing violence is a ‘bad thing’. Similarly, if we do not insist that mothers ought to be protective, we are left in the position of apparently advocating a kind of unnatural mothering, in part because although, in the carefully gender neutral language of legislation and policy it is ‘parents’ who are supposed to protect children, ‘parent’ is, as my data analysis demonstrated, read to mean and understood to mean mother.

As seen through the lens of the interviews, women’s subjectivity embodies the ‘duty of care’: care for children and men, responsibility for the family, and, in the case of workers, a responsibility to make the correct, protective choice in child protection interventions. Mothers portrayed themselves as responsible for the family. They were much concerned about doing the ‘right’ thing, which suggests an understanding that they can and will be judged for their choices. Further, both mothers and workers wanted to be ‘fair’ to men – both particular men, and men in general. Mothers were fearful that they might be seen as selfish and, even when they were discussing egregious acts of violence, they wanted to be non-judgmental and not hurt anyone’s feelings. In the discourse of children witnessing and mothers failing to protect, the mother who ‘fails to protect’ is selfish. She hasn’t got her priorities right and therefore all other aspects of her mothering become suspect.

I would suggest that women’s ‘duty of care’ is also implicit in workers’ desire for legislation and policy explicit and compelling enough to force perpetrators to engage with them. I have pointed out that existing policy and legislation in both jurisdictions already provides both permission and instruction to workers to engage directly with perpetrators. I would suggest that workers’ reluctance to use what already exists, and their expressed wish for more explicit legislation, stems from their awareness that confronting men is an

act not favoured by existing constructs of acceptable female subjectivity. Thus, the situation in child welfare mirrors other problems of men's violence towards women and children. For example, child prostitution could be ended or at least significantly reduced immediately, if clients were arrested, but they are not. This is another situation in which the issue is not the absence of law or policy, but whether or not existing laws will be enforced. Enforcement is not about what law or policy states, but about how the power/knowledge foundation underneath it mandates its deployment in certain ways.

Workers want more explicit direction because they understand that they will face difficulties if they try to act based on existing policy: perpetrators will ignore them because they see themselves as having the right to ignore (women) social workers, and the police and judicial system are unlikely to co-operate in enforcing existing policy, given their refusal or seeming inability to enforce existing policies and laws, such as no contact orders and restraining orders. From the beginning of child welfare's concern with 'children witnessing' and mothers 'failing to protect', it has focused on the allegedly non-protective mother to the exclusion of the perpetrator. While it may be reasonable to expect mothers to protect their children, we cannot seem to notice that so many children need to be protected from so many men. We cannot name what this is that men are doing. We cannot think that men are doing anything in these situations; we can only notice what women are doing. We are reluctant to speak specifically about men's violence, and thus it is difficult and problematic to act against it.

Conclusion: positive possibilities

While I have demonstrated in this thesis how and why the concepts of 'children witnessing' and mothers 'failing to protect' have come to dominate legislation, policy and practice in situations where men beat mothers, I also believe that my examination of how these concepts are deployed and enacted provides insight into how they might be resisted. I believe that the methodology and methods that I employed were particularly useful for analysing and complicating dominant discourse in ways that can be useful for social work practitioners, by focusing attention on how power relations are played out at the micro-social level of practice.

As I have noted, despite the risks and the consequences, some theorists persist in their efforts to create and circulate oppositional discourses about men's violence. In the UK, writers such as Daniel and Taylor (1999), Dobash and Dobash (1998), Dominelli (1999) and Humphreys (1999) have challenged dominant constructions of violence against women in social work. In Canada, social work theorists such as Callahan et. al. (1998), Krane and Davis (2000) and Swift (2001) have integrated their concerns about how violence against women is constructed and taken up with their ideas for changes in policy and practice. Even as scientific managerialism introduces increased scrutiny and control of social workers and clients, these researchers, and others in the UK (e.g. Farmer and Owen, 1995) are focused on building collaborative, rather than conflictual relationships with clients. I hope that this work will come to stand alongside these others in contributing to emancipatory and anti-oppressive approaches to social work.

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APPENDICES

APPENDIX A
Calls for Participants
Correspondence related to Participants

Call for participants – social workers

VOLUNTEERS NEEDED TO PARTICIPATE IN A RESEARCH PROJECT ABOUT CHILD WELFARE PRACTICE IN CASES OF DOMESTIC VIOLENCE

My name is Susan Strega. I am a researcher at the University of Victoria currently completing my PhD research at the University of Southampton. My research is about child protection policy and practice in cases where mothers have been abused – situations where children have witnessed or been exposed to ‘domestic violence’.

As part of my research, I would like to interview a few Ministry of Children and Family Development social workers who have been involved in such situations. I would like to hear your thoughts, feelings and opinions: how and why did the Ministry of Children and Family Development get involved? what policies and legislation did you rely on in your response to the situation? what are your feelings and thoughts about your involvement? what, if anything, would you like to see in the way of changes in policy, legislation and practice?

If you might be interested, you should know:

- Participation is entirely voluntary and confidential. I do not need to know any identifying information about you or the situations in which you were involved.
- You will be asked to sign a form consenting to the interview, and that form will be placed in a sealed envelope in your presence.
- The interview will take approximately 1 – 2 hours and will, with your consent, be taped.
- The interview can take place at the University of Victoria or at another place where you feel comfortable and where confidentiality can be maintained (i.e. you can't be overheard).
- You are free to end the interview and your participation at any time.

I can interview volunteers individually or in a small group, depending on how you would feel most comfortable.

If you would like more information, or would like to volunteer:

- Please read the Information Sheet and Confidentiality Information Sheet.
- You can e-mail me, or ask the transition house staff to e-mail me: sjstrega@uvic.ca
- You can call me at home (xxx-xxxx) or at the University of Victoria (xxx-xxxx). If I am not available, you can leave a message on my confidential voice mail. Please remember to give your first name and some good times to return your call.

Sample correspondence soliciting participants - men

Probation Office
Southampton

11 June 2002

Dear -----,

Re: Research project about child protection in cases of domestic violence

I am writing to you as a follow-up to my contact with [-----] regarding the possibility of interviewing some men who have battered mothers. I believe that [-----] has already written to you regarding my research.

First, let me say that my direct approach to was not in any way intended to disregard protocol in this situation. I was unaware that the correct procedural route was through Probation, and I ended up contacting [agency serving perpetrators] at the suggestion of a colleague in the Department of Social Work Studies when I was unable to make contact through the Southampton Probation Office as no one returned my phone calls to that office.

It would be very helpful to me if you could let me know how I might obtain permission to approach these men to see if they might be interested in voluntarily participating in my research. I would like to tell you a few things about my research that might be useful to you in deciding if Probation can and will help me in this.

My research is a cross-national (Canada and England) study of child protection discourse, practice and policy in cases where mothers have been battered. Over the past approximately two decades, there has been an increasing amount of concern expressed in both jurisdictions about children witnessing domestic violence, and also some concern expressed about mothers 'failing to protect' children from such witnessing. My research is primarily an analysis of the documents related to the development of these policies, but I am also conducting a small number of interviews, in both jurisdictions, with those who are most involved in these situations: child protection workers, mothers, and perpetrators.

The interviews are not the focus of the research but are intended to supplement my textual analysis. Hence, I want to interview only a small number of men, and, as I mentioned to [-----], I am happy to interview men individually or in a small group – whichever way the men themselves would feel most comfortable. I am looking for men who have been involved in situations of domestic violence where child protection services were also involved. It is not necessary for the men to have been charged or convicted. I have enclosed information and consent forms for prospective interview volunteers, a statement on the protection of research subjects, and a copy of the 'Call for Volunteers' that I had been hoping that [agency serving perpetrators] might distribute for me.

The questions that I want to ask are quite broad rather than particular. I am interested in hearing about the men's experiences from their perspective, and especially interested in their experience and perspective around the involvement of child protection services. I would like to know if they were ever interviewed by or involved in conferences with child protection services, and what their experience of this was like. I would like to know their thoughts and feelings about the concepts of 'children witnessing' and mothers 'failing to protect'. I am also interested in anything else that the men would like to tell me that seems important to them about their experiences.

I would like to say a few things about myself to help you assess whether Probation would be willing to help me. I am an experienced social work practitioner, having worked more than 20 years in child welfare, drug and alcohol counselling and in mental health. For the past two years I have been an assistant professor of social work at the University of Victoria in Victoria, BC, Canada. While there, I have conducted other research projects, including a recently completed study of the experiences of young women who become mothers whilst in care. The research that I am currently conducting is my PhD research. My PhD supervisor is Lena Dominelli, Department of Social Work Studies, University of Southampton. Her e-mail is ld@socsci.soton.ac.uk, and her telephone number is 023 8059 3054.

Once you have had a chance to consider my request, I would very much appreciate if you could get in touch and let me know whether and how I might proceed. You may contact me at anytime through the research students' office at the University of Southampton: 023 8059 2739. I am always available by e-mail, and my permanent e-mail address is sjstrega@uvic.ca. My mailing address in Canada is xxxxxxxxxxxx, Victoria, BC, Canada. My university telephone number is (250) xxx-xxxx, and my university fax number is (250) 721-6228.

Thank you for taking the time to read this information. Please get in touch if you require any further information or have any questions.

Sincerely,

Susan Strega

Call for participants – men

VOLUNTEERS NEEDED TO PARTICIPATE IN A RESEARCH PROJECT ABOUT CHILD WELFARE PRACTICE IN CASES OF DOMESTIC VIOLENCE

My name is Susan Strega. I am a researcher at the University of Victoria, currently completing my PhD research at the University of Southampton. My research is about child protection policy and practice in cases where mothers have been abused.

As part of my research, I would like to interview a few men who have been physically abusive towards their female partners, where these acts led to the involvement of the Ministry of Children and Family Development. I would like to hear the thoughts, feelings and opinions of men involved in these situations: how and why did the Ministry of Children and Family Development get involved in your life? was the involvement of social workers helpful or not helpful or both? what are your ideas about how the Ministry's response to these situations could be improved?

If you might be interested, you should know:

- Participation is entirely voluntary and confidential. I do not need to know any identifying information about you or the other people involved in the situation.
- You will be asked to sign a form consenting to the interview, and that form will be placed in a sealed envelope in your presence.
- The interview will take approximately 1 – 2 hours and will, with your consent, be taped.
- The interview can take place at the Xxxx Non-Violence Society or at the University of Victoria.
- You can be paid \$20. for your participation.
- You are free to end the interview and your participation at any time.

I can interview volunteers individually or in a small (2 – 3 men) group, depending on how you would feel most comfortable.

If you would like more information, or would like to volunteer:

- Please read the Information Sheet and the Confidentiality Information Sheet.
- If you are involved with the Xxxx Non-Violence Society and you have the consent of the staff, I can come to the office and meet as many of you who are interested and answer questions about my research.
- You can e-mail me, or ask the Project staff to e-mail me: sjstrega@uvic.ca
- You can call me at the University of Victoria (xxx-xxxx). If I am not available, you can leave a message on my confidential voicemail. Please remember to give your first name and some good times to return your call.

Sample correspondence soliciting participants - mothers

Victoria Women's Transition House
Victoria, BC

10 March 2002

Dear -----:

Re: Research project about child protection in cases of domestic violence

I am writing to you as a follow-up to our telephone conversation regarding the possibility of interviewing some mothers who have been victims of physical abuse, and who have had some involvement with the Ministry of Children and Family Development.

I am hoping that, once you have read this e-mail and the attached documents, you could let me know how I might obtain permission to post or distribute a request for research participants to clients or former clients of Victoria Women's Transition House to see if they might be interested in voluntarily participating in my research. I would like to tell you a few things about my research and myself that might be useful to you in deciding if Victoria Women's Transition House can and will help me.

My research is a cross-national (Canada and England) study of child protection discourse, practice and policy in cases where mothers have been battered. Over the past approximately two decades, there has been an increasing amount of concern expressed in both jurisdictions about children witnessing domestic violence, and also some concern expressed about mothers 'failing to protect' children from such witnessing. My particular concern, which prompted my interest in this project, is that the concept of 'failure to protect' may be forcing mothers to be responsible for men's violence while allowing the perpetrators to remain invisible. My research is primarily an analysis of the documents related to the development of these policies, but I am also conducting a small number of interviews, in both jurisdictions, with those who are most involved in these situations: child protection workers, mothers, and perpetrators.

The interviews are not the focus of the research but are intended to supplement my text analysis. Hence, I want to interview only a small number of mothers, and I am happy to interview these women individually or in a small group – whichever way the women themselves would feel most comfortable. If mothers who volunteer are most comfortable being interviewed at Victoria Women's Transition House, I hope that might be possible. I would like to interview mothers who have been involved in situations of domestic violence where the Ministry of Children and Family Development became involved. For your information, I have enclosed sample information and consent forms for prospective interview volunteers, a statement on the protection of research volunteers, and a copy of the 'Call for Volunteers' that I hope your agency might post or distribute for me.

The questions that I want to ask are quite broad rather than particular. I am interested in hearing about the women's experiences from their perspective, and especially interested in their experience and perspective around the involvement of the Ministry of Children and Family Development. I would like to know if they were ever interviewed by or involved with the Ministry of Children and Family Development in regard to the abuse, and what their experience of this was like. I would like to know their thoughts and feelings about the concepts of 'children witnessing' and mothers 'failing to protect'. I am also interested in anything else that the women would like to tell me that seems important to them about their experiences. If it would be helpful, I could come to Victoria Women's Transition House and speak to prospective research participants, and/or to your agency's staff, to give folks a chance to ask questions about my research prior to deciding to participate.

I would like to say a few things about myself to help you assess whether Victoria Women's Transition House would be willing to help me. I am an experienced social work practitioner, having worked more than 20 years in child welfare, drug and alcohol counselling and in mental health. For the past two years I have been an assistant professor of social work at the University of Victoria in Victoria, BC, Canada. While there, I conducted other research projects, including a recently completed study of the experiences of young women who become mothers while in care. The research that I am currently conducting is my PhD research. My PhD supervisor is Lena Dominelli, Department of Social Work Studies, University of Southampton. Her e-mail is ld@socsci.soton.ac.uk, and her telephone number is 023 8059 3054. If you would like some Victoria references, either from the University of Victoria or from the Victoria social services community, I would be pleased to provide them. For example, my work is well known to Leslie Brown at the School of Social Work (xxx-xxxx) and to Jannit Rabinovitch (xxx-xxxx), with whom I serve on the PEERS board of directors, and they will vouch for my integrity as a researcher.

Once you have had a chance to consider my request, I would very much appreciate if you could get in touch and let me know whether and how I might proceed. I am always available by e-mail, and my e-mail address is: sjstrega@uvic.ca. My university telephone number is xxx-xxxx, and my university fax number is xxx-xxxx. You can also contact me at home: xxx-xxxx. I will be available throughout August and September, except from August 16-23, when I will be on holidays.

Thank you for taking the time to read this information. Please get in touch if you require any further information or have any questions.

Sincerely,

Susan Strega

Call for participants – mothers

VOLUNTEERS NEEDED TO PARTICIPATE IN A RESEARCH PROJECT ABOUT CHILD WELFARE PRACTICE IN CASES OF DOMESTIC VIOLENCE

My name is Susan Strega. I am a researcher at the University of Victoria currently completing my PhD research at the University of Southampton. My research is about child protection policy and practice in cases where mothers have been abused.

As part of my research, I would like to interview a few mothers who have been victims of physical abuse, where these acts led to the involvement of the Ministry of Children and Family Development. I would like to hear the thoughts, feelings and opinions of mothers involved in these situations: how and why did the Ministry of Children and Family Development get involved in your life? was the involvement of social workers helpful or not helpful or both? what are your ideas about how the Ministry's response to these situations could be improved?

If you might be interested, you should know:

- Participation is entirely voluntary and confidential. I do not need to know any identifying information about you or your children.
- You will be asked to sign a form consenting to the interview, and that form will be placed in a sealed envelope in your presence.
- The interview will take approximately 1 – 2 hours and will, with your consent, be taped.
- The interview can take place at the transition house, or at the University of Victoria or at another place where you feel comfortable and where confidentiality can be maintained (i.e. you can't be overheard).
- You can be paid \$20. for your participation.
- You are free to end the interview and your participation at any time.

I can interview volunteers individually or in a small (2 – 3 women) group, depending on how you would feel most comfortable.

If you would like more information, or would like to volunteer:

- Please read the Information Sheet and Confidentiality Information Sheet.
- If you are involved with a transition house and you have the consent of the transition house staff, I can come to the transition house and meet as many of you who are interested and answer questions about my research, and about myself.
- You can e-mail me, or ask the transition house staff to e-mail me: sjstrega@uvic.ca
- You can call me at home (xxx-xxxx) or at the University of Victoria (xxx-xxxx). If I am not available, you can leave a message on my confidential voicemail. Please remember to give your first name and some good times to return your call.

APPENDIX B
Participant Information Sheet
Confidentiality Sheet
Consent Form

INFORMATION SHEET for INTERVIEW VOLUNTEERS

TITLE OF PROJECT: Child protection practice and policy when mothers have been battered: a cross-national study

RESEARCHER: Susan Strega, MSW

INTRODUCTION

I am researching how child protection work is carried out, and thought about, in situations where male partners have physically abused mothers. There are two main parts to my research. In the first part, I have been looking at child welfare policy documents in both the UK and Canada. In the second part, I am talking to the people who have been involved in these situations: child protection workers, mothers who have been abused, and men who have physically abused mothers. In doing so I am trying to find out what people such as you think and feel about your experiences. I hope that this will help to piece together a much bigger picture about the development and nature of child protection policy and practice in these situations.

As part of the research, I would like to talk to people like you in more detail about your understanding, perceptions, and feelings about your experiences.

WHAT WILL AN INTERVIEW INVOLVE?

The interviews will be quite informal and will take in an office at the University of Victoria or at the place where you are receiving services (transition house or family violence project). I will be conducting both individual and small group [2-3 people] interviews. I will ask a number of general questions regarding your thoughts, experiences and feelings about your involvement. If those participating give their permission, I will be tape recording the interviews. Interviews will last approximately one to two hours, depending on how much you have to say. However, if you become tired or do not wish to continue with the interview, you are free to end it at any point.

Sometimes talking about personal feelings and experiences can bring up a range of emotions for people. If you find this happening, you can stop the interview at any point for a break or withdraw completely.

WHAT HAPPENS TO THE INFORMATION AFTER THE INTERVIEW?

After the interview the recording will be typed up and any names or references to you and other people will be removed from the transcript, so that you and other people mentioned in the interview cannot be recognised from it. Everything you say to me during the interview will be treated as strictly confidential. I will, if you wish, provide you with a summary of the transcript to check and change. If you wish to withdraw part or all of what you said you will be able to do so. The tape-recording of the interview will be kept in a locked filing cabinet and destroyed once my research is completed. In the final report

some details of what you said may be used, but it will be impossible to identify who you are. Please see the 'Confidentiality Statement' for further information.

WHAT TO DO IF YOU WANT TO TAKE PART

It is important to know that taking part in an interview is entirely voluntary. If you decide to take part, you are free to withdraw from the research at any point, and without giving a reason. If you would like to take part please let me know. You can do this by contacting me directly. I can then discuss with you about any other concerns you may have, and arrange a time and a place to interview you.

WHERE CAN YOU GET FURTHER INFORMATION?

If you would like additional information, please contact me directly. My phone number at the University of Victoria is (250) xxx-xxxx. If I am not available when you call, please leave a message on my confidential voice mail, or call me at some other time.

You can also contact me, or ask a staff member to contact me, via e-mail:
sjstrega@uvic.ca

Thank you for taking the time to read this and for considering taking a part in the research.

Susan Strega
Post Graduate Research Student
Department of Social Work Studies
University of Southampton

If you would like to receive a copy of your transcript to review, or if you would like to receive a summary of the research results, please fill out the following, and I will mail or e-mail a copy of the transcript of your interview to you:

Name _____

I would like to receive: my transcript____ results summary____ both____

I would like to receive this by (check one): mail____ e-mail____

Address _____

E-mail address _____

(Please note that all information will be sent as WORD documents.)

CONSENT FORM FOR INTERVIEW

**TITLE OF PROJECT: Child protection practice and policy when mothers
have been battered: a cross-national study**

RESEARCHER: Susan Strega, MSW

Please read the following statements, and if you are in agreement with them tick the box at the end of each statement.

1. I confirm that I have read and understood the Information Sheet for the above study

2. I confirm that I have had the opportunity to ask questions and find out more about the study

3. I understand that my participation is voluntary and that I am free to withdraw from the study at any time, without giving any reason.

4. I understand that all the information I give to the researcher will be kept strictly confidential.

5. I give permission for the interview to be tape-recorded for the purposes of research in the knowledge that all identifying information, both about myself and about others who are mentioned in the interview, will be removed from the written transcript.

6. I agree to take part in this study.

7. I agree that the transcript of my interview can be used by the researcher in other research projects that might take place after this study is completed.

Signed (Name of participant)

Name (in block capitals)

Date

Signed (Researcher)

Date

Copies to: Participant with information sheet

Researcher [in sealed envelope]

CONFIDENTIALITY INFORMATION SHEET

The protection and privacy of those who volunteer to be interviewed for this research are assured in a number of ways. Only adults are interviewed. Participation is entirely voluntary, and volunteers may cease their participation at any point in the process without consequence or penalty. There are no consequences attached to a failure to participate. Prior to participating, volunteers read and sign a consent form that briefly describes the research and the research process.

The possibility that the interview may raise some difficult or uncomfortable feelings is also discussed, and participants referred to appropriate resources that they can access if they wish to do so. Also, the consent form asks participants if they are consent to the future use of the interview material or if they wish to limit their consent to its use in my dissertation research. Consent forms are stored separately from audiotapes and transcripts in a locked filing cabinet.

Interviews are conducted in an office at the University of Victoria or at the agency that is providing services to the volunteers. All interviews are audio taped, and the tapes stored in a locked filing cabinet to which only I as the researcher have access. The name of the participant does not appear anywhere on the tape. I transcribe the tapes myself and eliminate any identifying information from the transcripts in the course of transcription. Tapes and transcripts are stored in a locked filing cabinet when not in use. A copy of the transcripts will be provided to participants if they wish to receive it. Participants are encouraged to read the transcripts carefully to ensure that all information is accurate, and to inform me if it is not.

Access to the audiotapes is limited to myself as the principal researcher. Members of my PhD supervisory committee at the University of Southampton may review transcripts, which as noted contain no identifying information. At the conclusion of the research process, all audiotapes will be destroyed, as will the consent forms and transcripts of those who consented to the use of the interview material only in my dissertation research. The consent forms and transcripts of those who consented to the possible future use of the interview material in other research projects will remain in a locked filing cabinet.

APPENDIX C
Document Rating Sheet
and
Related Correspondence

Sample correspondence – UK social workers

30 May 2002

Social Services - Child Protection Team
Southampton

Hello xxxx and xxxx:

Thank you very much for agreeing to participate in my PhD research. I wanted to send you a bit more information, and some of the inevitable forms that are associated with the research. I hope I have sent along enough copies – if not, please feel free to make additional. Please find enclosed:

- Information sheet for interview volunteers
- Confidentiality protection information
- Consent form for interview

I have also sent along a ‘rating sheet’ of what I understand to be the major policy documents that shape child protection practice in cases of domestic violence. If it is possible, please could you look this over and rate the documents, as per the instructions, before we meet and then bring the sheet with you to our meeting?

I am very much looking forward to talking with you (and perhaps with some of your colleagues). We will be meeting in Room 4001 (Research Fellows office) of the Murray Building at the University of Southampton at, as we agreed, 2 pm on Friday June 7. The social work office is working on arranging parking for you both, and I will call and let you know when this is arranged. In the meantime, if you have any questions, please get in touch with me via e-mail (sjs4@soton.ac.uk) or at 023 8059 2739 (research students office).

Susan Strega

Rating Sheet: UK policy documents

The following is a list of the major UK policy documents related to child protection and domestic violence. Please rate these documents as to their impact on the practice of child protection workers. By 'impact', I am meaning which, in your estimation, most shape and influence daily practice and decision-making. Documents may share the same rating.

- 1 = most influential
- 2 = moderately influential
- 3 = minor influence
- 4 = no influence

___ Making and Impact (book)

___ Making an Impact (training manual)

___ Domestic violence: a resource manual for health care professionals

___ The challenge of partnership in child protection: practice guide

___ Multi-agency guidance for domestic violence

___ Working together to safeguard children

___ Framework for the assessment of children in need and their families

___ The Children Act (1989)

___ Local Authority Child Protection Procedures ('Protecting our Children')

___ Guidelines for Good Practice – Parental Contact

___ Research in Practice – Children and Domestic Violence

Please list and rate any other policy documents that you believe influence practice but which are not on the above list.

APPENDIX D
Interview Topic Areas

Sample Interview Topic Areas and Questions– Mothers

What I would like you to do is tell me your story. Start wherever you would like to start, and tell me as much as you would like to tell me.

I want to ask a few questions about your story but before I ask these questions I want you to keep in mind that you should only answer questions that you feel comfortable answering.

What is your understanding about *how* (Social Services) (Ministry of Children and Family Development) became involved?

What is your understanding about *why* (Social Services) (Ministry of Children and Family Development) became involved?

What seemed to you to be (Social Services) (Ministry of Children and Family Development)'s biggest concern about your situation?

What were (are) your feelings and thoughts about how (Social Services) (Ministry of Children and Family Development) acted in your situation?

To the best of your knowledge, did anyone from (Social Services) (Ministry of Children and Family Development) ever meet with or speak to your former partner (husband, boyfriend)?

What ideas do you have about how (Social Services) (Ministry of Children and Family Development) involvement in situations like yours might be improved?

I'm wondering if you could tell me more specifics about (your relationship) (the violence) (your relationship with (Social Services) (Ministry of Children and Family Development)).

How do you think your former partner (husband, boyfriend) might describe or explain the situation?

Has your former partner (husband, boyfriend) ever expressed to you, or to the children, or to anyone that you know of, any concern about the effect of his behaviour on the children? How would your former partner (husband, boyfriend) describe himself in terms of his relationship with the children (as a father)?

Ask about language usage, e.g. use of domestic violence, family violence, abuse, etc., to describe experiences: why she uses that language, where she hears that language, whether she perceives that language to be an accurate reflection of her experience, etc.

Is there anything else that you would like to share with me, about anything that we have talked about or about anything else?

Sample Interview Topic Areas and Questions– Social Workers

Maybe we could start with you telling me about your practice as a social worker, in child welfare and child protection, for example how long you've been doing this and what you do now.

I'm wondering if you could talk specifically about situations you've been involved with where there has been violence directed at mothers – perhaps you could describe your practice, and how you think legislation and policy guide that practice?

The concern about 'children witnessing' – does that arise in your practice, and, if so, how? I'm wondering if you could describe your sense of where that comes from and what that's about.

The concept of 'failure to protect' – does that arise in your practice, and, if so, how? I'm wondering if you could describe your sense of where that comes from and what that's about.

How you see legislation and policy taking up 'children witnessing'?

How you see legislation and policy taking up 'failure to protect'?

Could you describe your practice involvement with perpetrators of violence against mothers?

What are your perceptions about how legislation and policy directs you in working with perpetrators of violence against mothers?

What ideas do you have about how (Social Services) (Ministry of Children and Family Development) practice (policy, legislation) in situations where mothers are being beaten might be improved?

Ask about language usage, e.g. use of domestic violence, family violence, abuse, etc., why she uses that language, where she hears that language, whether she perceives that language to be an accurate reflection of her practice experience, etc.

Is there anything else that you would like to share with me, about anything that we have talked about or about anything else?