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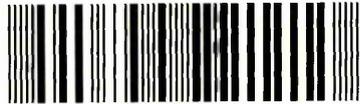
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# **A Comparative Investigation of Policy Responses to Homelessness in England and Australia**

**Angela Spinney**

**A thesis submitted in partial fulfilment of the requirements of  
Sheffield Hallam University  
For the degree of Doctor of Philosophy**

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## **Thesis Abstract**

This thesis uses a social constructionist epistemology against a comparative background in order to examine and compare policy responses to homelessness attributed to domestic violence in England and Australia. This is done with an intention to fulfil three specific objectives: to explore and understand how these responses have developed as products of culture and attitudes towards welfare and state provision, to explore if, why, and how, differences in conceptions and discourses surrounding homelessness have developed in two nations with similar language, legal systems and rates of owner-occupation, and lastly to investigate and interpret the policy context, and actual provision for homeless people, in the light of these differences by making links between cultural/historical discourses and their impact on provision.

The research involved detailed reading of research and policy documents, and media articles from the time of the emergence of the feminist refuge movement in the 1970's, to 2005 when the research period ended. Interview questions to policymakers, homelessness practitioners and clients at both research sites were directed by the discourses that were revealed through the interrogation of these relevant historical policy documents and media articles. The interviews sought to identify how narratives become established and consistent, and the ongoing struggles that occur below the surface of policy responses.

Existing theories and methodologies have been utilised and applied to my own data and analytical framework, in order to inform our understanding of the dynamic relationship between discourse and policy. It is the linking between different aspects of the research that makes it innovative and distinctive. The central argument, and contribution to knowledge, of this thesis is that we cannot ignore how cultural and historical context lessens or adds to the power of a discourse. There is also a broader contribution, as the same theoretical and methodological approach could be used to analyse the development of policy in any field.

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# Chapter One

## Introduction to the Research

This thesis uses a social constructionist epistemology against a comparative background in order to examine and compare policy responses to homelessness attributed to domestic violence in England and Australia. The research area was chosen in order to question why two countries with similar language, legal systems and rates of owner-occupation have defined homelessness differently, and why although both have accepted that they have to do something about homelessness, what they have chosen to do is different. The research concerns a comparative investigation of policy responses to homelessness in England and Australia. The research was conducted with three specific objectives: to explore and understand how these responses have developed as products of culture and attitudes towards welfare and state provision, to explore if, why, and how, differences in conceptions and discourses surrounding homelessness have developed in two nations with similar language, legal systems and rates of owner-occupation, and finally to investigate and interpret the policy context, and actual provision for homeless people, in the light of these differences by making links between cultural/historical discourses and impact on provision.

In doing so the research seeks to answer the following questions for both countries:

- How is provision for the homeless placed within social policy, historically and currently?
- What is the history of cultural views of the homeless and the organisations that provide for them, and how has this shaped current policies?
- How are homeless people perceived?
- How do these perceptions differ between the two countries?

- What effect has this had on the provision of services and accommodation for homeless people?

Both Australia and England have defined homelessness in legislation. Whereas England gives enforceable legal rights to access permanent housing for individuals who fall within the definition of statutory homeless, there is no such right of housing for homeless people in Australia. However, unlike England, all homelessness assistance in Australia includes support, rather than just accommodation. Whilst visiting Australia in 1997 I was struck by the different perceptions of homelessness in the two countries, and this idea gradually developed, into what, ten years later was to become this thesis.

Because until 200 years ago Australia was a colony of England, governed by English men, the historical discourses and policies regarding domestic violence in England and Australia have a common source. Prior to the 18th Century laws throughout Europe determined that a man had a right to beat his wife with impunity (Saville, 1982). Throughout the 19th century changes in English and Australian law were aimed at regulating the nature and severity of chastisement<sup>1</sup> (Department of Premier and Cabinet, 1985). At both research sites during the 1960's, domestic violence came to be regarded as a public concern when it started being discussed in medical and psychiatric journals. Before this domestic violence had been largely unrecognised as a matter of public interest or concern. During the immediate period before the beginning of the research analysis timeframes it was widely held by social workers and academics that domestic violence affected only a small proportion of the population and was aberrant behaviour, confined to working class families and to racial and cultural minorities (Department of Premier and Cabinet, 1985). The discourses emanating during this time focused on the personality traits of the individuals concerned, with the victims of domestic violence were seen as being masochistic and therefore responsible for their plight, and the perpetrators being viewed as pathological (Women's Halfway House Collective, 1976).

The second wave growth of feminism<sup>2</sup> in both England and Australia provided a theoretical analysis out of which the feminist domestic violence refuge movement

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<sup>1</sup> The expression "rule of thumb" emanated from this time when it was ruled that a husband was not allowed to beat his wife with a stick wider than his thumb.

<sup>2</sup> The first wave in both countries during the early 20<sup>th</sup> century had centred on women gaining the right to vote. This was achieved in Australia before England.

evolved, and the contemporary movement against domestic violence therefore goes back only to the 1970's (Office of Women's Partnerships, 2004). The model of refuge provision provided by feminists in both research sites developed from the belief that there was a close link between violence in the home and the nature of family power relations (O'Donnell and Craney, 1982), and that women who came to a refuge were no different from other women except in the severity of the problems with which they were dealing. The logical extension of this for feminists was that domestic violence could not be seen in isolation from other results of sexual inequality. In this way feminists used domestic violence to highlight women's position in society. This emergence of new explanations of the causes of domestic violence during the 1970's and the implications of this on those made homeless through violence in the home, is the reason that the research analysis takes a historical approach and begins with the emergence of the feminist refuge movement in each of the research sites; England, United Kingdom and Victoria, Australia. This thesis takes a social and cultural approach and the study is an attempt to suggest why policy responses have differed. This has been achieved through the study of the discourses regarding homelessness attributed to domestic violence in each of the two locations. In England this was in 1971, and in Victoria this was 1974. In both locations the research period ended in 2005.

Chapter Two sets the context of the study. The chapter examines the theories and concepts surrounding homelessness attributed to domestic violence, and critiques the work of academics who have written on these areas. The overview covers the areas needed for an understanding of where this study is situated, and how the methodological approach, which is further discussed in the following chapter, emerged. This is not a 'literature review' chapter as such, but does form part of the explanation of how the questions under investigation in this thesis relate to previous research, and where there are gaps in the research literature.

Chapter Three explains the rationale and justification of my decisions regarding the methodology and research methods of this study. An overview of the epistemologies of quantitative and qualitative research is followed by a critique of the literature on comparative studies and the convergence/divergence debate regarding welfare policies. Justification for the theoretical perspective of social constructionism, and the research

methods of both critical discourse analysis and historical studies are followed by a detailed explanation of the research methods utilised in this research.

Chapter Four introduces the Victorian discourses identified through the analysis, and their key characteristics. This is followed by an explanation of the analytical framework, which has been developed in order to illustrate the discursive tipping points that have been identified. This is followed by a brief overview of the relevant policy responses of the research period.

Chapters Five to Seven each focus on one of the three chronological Victorian phases of the analytical framework. This is in order to explore in depth the relevant policy responses, and the discursive events surrounding and influencing them. In Chapter Five the key policy responses to homelessness attributed to domestic violence that occurred during Phase One, which covers the period between 1974 and 1984, are examined. This is followed by analysis of the discourses circulating during Phase One, and an evaluation of their impact on policy responses.

The further development of these discourses and the inter-relationship between them are discussed in Chapters Six and Seven. These follow a similar pattern to Chapter Five, by first discussing the relevant policy responses that occurred during the Phase, and then evaluating the impact of the discourses on those policy responses. Chapter Six is concerned with the second identified phase of the discourses regarding homelessness attributed to domestic violence in Victoria, between 1985 and 1999. Chapter Seven first looks at the key policy events that occurred during Phase Three, between 2000 and 2005. This is followed by discussion and evaluation of the discourses influencing these policy responses. The final section of Chapter Seven summarises the conclusions that can be made from charting the ebb and flow of discourse evolution throughout the thirty-one years covered in the Australian research.

Attention is directed to the English half of the research in Chapters Eight to Eleven. In a similar format to the Victorian material, Chapter Eight serves as an introduction to the identified English discourses, their analytical framework and the key policy responses that occurred in England. Chapters Nine to Eleven also follow a similar pattern to the Victorian chapters, by each examining in detail the three English Phases. Again, the key

policy responses are first described, followed by examination of the inter-relationship of the English discourses, and their impact on policy responses over the period of analysis. These three chapters each focus on one of the English phases. Chapter Nine starts this process by looking at the first English phase, between 1971 and 1979. Chapter Ten is concerned with the second identified phase of the English discourses, which started in 1979 and lasted eighteen years until 1997. The third and last English phase commenced in 1997, and lasted until the end of the research period in December 2005. This is covered in Chapter Eleven, followed by a summary of the conclusions that can be drawn from the English analysis. Where relevant, the English analysis chapters (Nine to Eleven) include comparisons with Australian analysis.

Chapter Twelve is the final chapter. Here, an assessment is made of the extent that the objectives of the research have been met and the research questions answered. This is followed by some reflections on the value of a social constructionist epistemology in study, and a final conclusion. The references section at the end of the thesis contains the bibliography, followed by the Australian and English primary discursive materials. There is some overlap between these because some research reports were used both a primary data for discourse analysis and in setting the context of the study.

# Chapter Two

## The Context of the Study

### 2.1 Introduction

This chapter examines the theories and concepts surrounding homelessness attributed to domestic violence, and critiques the work of academics that have looked at this area. The subject of homelessness attributed to domestic violence has long fascinated housing researchers. Consequently there is a mass of empirical data, which will be referred to, when relevant, in subsequent chapters. Significantly, Anderson (2003b) points out that much of the empirical research in the UK has been on the nature of homelessness, the experience of homelessness and the barriers to moving out of homelessness. The extent of theorisation of much of this research is discussed in the following section, as in this chapter the focus is on attempts to theorise homelessness and domestic violence and their policy responses.

There are strong indications in the literature that academics have risen to Kemeny's challenge (Kemeny, 1992) by applying a range of different concepts to homelessness research. Researchers make use of a diverse range of theoretical approaches in attempts to understand various aspects of homelessness attributed to domestic violence, and the issues surrounding this matter. Similar conceptual threads can be seen in a number of different areas, and the purpose of this chapter is to guide the reader through my interpretation and views on the usefulness of the relevant literature, with the aim of demonstrating how I came to conclude that my proposed research was a topic worthy of study, and how the thesis relates to previous research in relevant fields.

Academics who have looked at theories concerning homelessness, argue that in the past the subject has been under theorised. Neale (1997) usefully identifies that, in the past, homelessness has been described as either a housing or a welfare problem, and that

there has traditionally been an under-theorising and simplification of the definitions and causes of homelessness, especially in government reports. The consequences of this have been that debate on the causes of homelessness has suffered from a lack of conceptual and theoretical clarity. Clapham (2002) concurs with the view that much housing research has been atheoretical, which indicated that a theoretically based PhD thesis on a related issue would be appropriate. Anderson (2003b) added to this argument by pointing out that there are two key shortcomings to policy orientated research; that it is the funding agency who defines what is, and is not, to be researched, and that policy research data may not be made available to add to academic debate on homelessness. Accordingly, and with this interpretation in mind, and where appropriate to this historical study, relevant empirical research reports have been used as data to be analysed for evidence of discursive practices. Evaluation and analysis of such research is therefore to be found within Chapters Five to Eleven concerning the findings of the study, rather than in this chapter.

This thesis is primarily intended to make a contribution to knowledge in terms of comparative studies of policy responses to homelessness. However, the homeless client group selected for particular study is those whose homelessness situation has been attributed to domestic violence. In both research sites this client group are major users of homeless services, and it would not therefore be pertinent to discuss this particular client group without including some of the arguments within the literature on the gendered nature, and causes of, domestic violence. This is because if the individuals within this client group were not subject to abuse they would not, in the main, become homeless. The domestic violence is therefore the primary factor associated with their homelessness (Anderson, 2003b) and it is appropriate to look at the reasons for this. This is done with the aim of providing a context for this study, and is not intended to be a major overview of the causes and consequences of domestic violence per se.

A selection of literature from a range of schools of thought has been critiqued in order to provide a context for my work. Theoretical debates and theories are dealt with first, and the material is divided into theoretical approaches. On the whole there is one international debate on these subjects and therefore they are mostly dealt with as such, and not divided between Australia and England. First, the chapter analyses the literature

on theories concerning homelessness. This is followed by research concerning debates on concepts of home and then gender issues concerning housing and homelessness.

## **2.2 Structure/Agency**

Researchers have pointed to evidence identifying that in the past homeless people have often been classified as deserving or undeserving, and that the causes of homelessness have been seen as either structural, (where homelessness is caused by social or economic factors rather than the actions of the homeless person), or individual, (the homeless person is at least partly to blame for their situation). Fitzpatrick (2005) argues that a developing understanding of homelessness in the UK over the post-war period led to a shift from individual towards structural explanations of the causes of homelessness, and that this process had been aided by the detailed account of a family's descent into homelessness in the television drama "Cathy Come Home" (Loach, 1966).

Significantly, the work of researchers such as Neale (1997) build on these debates about structure/agency, and from the approach of Watson and Austerberry (1996) who maintain that homelessness is a continuum rather than an administrative category. Neale takes a poststructuralist approach, theorising that there is no single oppressive force, but several. Furthermore, individuals can effect changes to these institutional forces, and may also have a range of personal characteristics (such as gender, race, age, marital status, class, health, employment and previous housing history), which are likely to increase their personal likelihood of becoming homeless. Neale (1997) clarifies that when seeking to define homelessness and its causes, it must be noted that universal truths about homeless people do not exist, and that differences between homeless people are multiple, although they may well share common experiences of homelessness. There will also be no one solution to homelessness. Instead, a range of support and housing mechanisms are needed in order to meet the diverse needs of homeless people. In relation to this thesis this post-structuralist approach proved very useful in order to commence my thinking on some of the reasons why there have been differing policy responses to homelessness attributed to domestic violence.

Parker and Fopp (2004) also attempt to integrate structural and individual theories about the causes of homelessness, by clarifying that structural factors create the conditions within which homelessness will occur, but that people with personal problems are more vulnerable to these adverse social and economic trends than others. Clearly to some researchers the definitional issues involve recognising that causes of homelessness can be structural as well as individual. Adkins et al (2003) propose that there are three critical components that can lead to a tendency towards homelessness; structural, individual and community/household socio-demographic variables. However, at least one researcher is unhappy with this combination of explanations. Fitzpatrick (2005) argues that this is unsatisfying from a theoretic point of view. I suggest however that this 'new orthodoxy' (Fitzpatrick, 2005) does not create as many difficulties as suggested, and in doing so I concur with the literature reflecting that part of understanding homelessness is about recognising that it is a multi-dimensional situation shaped by a complex set of multiple risk factors. This thesis therefore attempts to respond to Fitzpatrick's criticism that the 'new orthodoxy' fails to answer what it is about these structural factors that causes homelessness through a detailed examination of how discourse development in Victoria and England affected policy responses to the housing situation of victims of domestic violence.

### **2.3 Homelessness as a Social Construct**

This section looks at the debates on whether or not homelessness can be considered as a social construct. Methodological considerations about comparative research will be discussed in the next chapter, although some reference is made here to contribute to the debate, specifically regarding the Australian/English context.

Watson and Austerberry (1986), and Hutson and Liddiard (1994) were amongst the first to identify that "homelessness is an historically and culturally specific concept" (Watson and Austerberry, 1986, p10). Chamberlain and MacKenzie (1992) also contend that homelessness is a socially constructed cultural concept that only makes sense in a particular community at a given time. They suggest that before deciding if somebody is homeless, it is necessary to identify shared community standards about the minimum housing that people have the right to expect, in order to live according to the

conventions and expectations of a particular culture. According to Chamberlain and MacKenzie the cultural definition of homelessness leads to the identification of three segments of the homeless population. The primary homeless are those people who are living on the streets, in deserted buildings, cars or improvised dwellings. Secondary homeless people move between various forms of temporary shelter, including friends, relatives, emergency accommodation and boarding houses. The tertiary homeless live in single rooms in private boarding houses on a long-term basis (usually three months or more) and are without their own bathroom, kitchen or security of tenure. They are homeless because their accommodation does not have the characteristics identified in the minimum community standard.

Jacobs (1999) argues that homelessness is an example of how the struggle by different vested interests to impose a particular definition of homelessness on the policy agenda, is critical to the way in which homelessness is treated as a social problem. He outlines the struggle between proponents of two major ideological perspectives: those who define homelessness as a structural problem requiring broad welfare measures, and those opposed, who pinpoint the causes of homelessness on individual fecklessness and irresponsibility. The constructivist perspective, whereby social problems are seen as being formed by the power of identifiable groups in society to define a certain issue as a problem that needs tackling in a particular kind of way, proved a valid theoretical approach to my study because the approach allowed a questioning of why policy issues can differ.

Clapham (2002) has put forward a framework of homelessness that is based on social constructionism. He proposes that:

Language is capable of building up zones of meaning that serve as a stock of knowledge that individuals use in everyday life and which can be transmitted from generation to generation.

(Clapham, 2002, p61)

Clapham (2002) notes that social constructionism has received criticism because some constructivist studies do not relate their analysis to macro-structures of society. In order to address this criticism, this thesis examines national and statewide policy responses within their societal structural context. Fitzpatrick (2005) acknowledges that social constructionists currently dominate theoretical housing studies. However, she clearly

disagrees that homelessness can be defined as a social construct: “Homelessness, on the other hand is not a cultural phenomenon but rather a signifier of objective material and social conditions” (Fitzpatrick, 2005, p12). This stance can be questioned however by consideration of how in Australia the indigenous population clearly has a different concept of home from those of European extraction. There, Aboriginal homelessness is considered a multi-dimensional concept, which is very different from non-aboriginal homelessness in its form, nature, and visibility (Roberts, 2004). Although there are shared meanings of homelessness with respect to being at risk of homelessness, or of having no shelter at all, a home for indigenous Australians can be defined as wherever a family member extends emotional or physical sustenance. It was my personal observation of the differences in how homelessness is constructed, when travelling in Australia in 1997, which set the seeds of thought of what was to later develop into this PhD thesis. This thesis uses a weak form of social constructionism (Clapham, 2004), in that is there is not a denial that there is an underlying reality that is being influenced through social and cultural processes, but there is an understanding that homelessness can be viewed as a social construct. This is further discussed in the next chapter on the research methodology and methods, together with the potential weakness of social constructionism’s focus on agency over structure.

## **2.4 Comparative Studies**

In the literature on cross-national research the focus has been on comparisons of nations as units of analysis (Bourne, 1981, Doling, 1997). National boundaries reflect distinct societies that have been created by their own particular social, political, cultural and economic, and these factors produce distinctly national housing systems through the enactment of national legislation and the implementation of national programmes. Nations therefore can be a relevant context for investigating housing systems and homelessness (Bourne, 1981). The literature also indicates that greater awareness of the varied experiences of other societies, cultures and jurisdictions in dealing with housing issues can facilitate a more informed assessment of our own national experience, and priorities, and can help confront assumptions (Kemeny & Lowe, 1998).

Overwhelmingly, the literature represents international comparative housing research as having an unexplicated theoretical perspective that central governments are an important formative influence on housing systems, and that the nation state is therefore the most important unit of analysis (Kemeny and Lowe, 1998). Doling (1997) reminds us that countries' policies can change over time and that there is a historical dimension to policy. He states that one way of looking at policies is to regard them as attempts by governments to bring about changes in the behaviours of some of the actors. Dickens et al (1985) stress the importance of state policy in accounting for the fact that different sorts of people, in different areas, end up with different sorts of housing. They argue that states intervene because housing is far too important (socially, financially, and politically), to be left exclusively to an unregulated, private market. In agreement with Kemeny they contend that the context of housing policies is provided by the dominant ideology of the society we live in and of the government in power. The reflections in the work of other authors concerning comparative studies involving nations states gave me confidence that such an approach within this thesis would be a useful analytical process.

Convergent and divergent approaches to comparative study have been established in the literature. At one extreme are divergent approaches in which each country is seen as unique, whereas at the other convergent extreme are approaches in which all countries are seen as being subjected to the same overriding imperatives. Convergent theories assume that modern societies are developing in a particular direction and involve analysis which seeks to demonstrate that most housing systems are basically alike and driven by the same underlying imperatives (Kemeny and Lowe, 1998).

Some convergent studies point to underlying similarities between all countries and relegate differences between countries as variations or exceptions only. Such studies may take the home country of the author as the mould into which all other countries are fitted. Kemeny and Lowe feel that the best examples of this kind of work have been based on an explicit theoretical perspective that explains why all countries are similar. However, they argue that convergence studies can make the researcher ignore major differences, and see them just as variations and exceptions that 'prove the rule'. Cross-national convergence theories tend to link welfare state development to economic growth, industrialisation, and to the spread of democracy or citizens rights. These

approaches have been criticised for their inability to account for national differences in welfare state development (Harloe, 1995).

Underlying comparative housing research can be found an often unconscious use of unilinear theories of social change, based on concepts of development and evolution (Kemeny (1992)). Kemeny criticises this adoption of evolutionism, and uses it as a starting point for subsequently theorising comparative housing in terms of multilinear change and divergence. He argues that while there exist theories which explain similarities between societies, they are often in the form of basic underlying processes of social change common to industrial or capitalist societies. Societies are seen as moving together in a direction that can be predicted and any differences tend to be explained in terms of different stages of development along the same basic trajectory (Kemeny and Lowe, 1998).

The divergence perspective places greater emphasis on the role of individuals (Doling, 1997), than the convergence. In divergence theories human beings exercise choice, and as choice leads to diversity, welfare states diverge. This can occur for a variety of reasons: countries have the housing policies that their electors want and have voted for, lobbying groups form which leads to the development of new policies, and labour organisations and business organisations play a part in policy development. Kemeny (1992) maintains that divergence can be understood in terms of the establishment of a dominant ideology and its associated discourse, which frame the major social cultural and political debates within a society. Kemeny has created a divergence thesis framework for understanding differences between modern industrialised societies. This consists of four elements: including the socially constructed nature of hegemony and the social construction of dominant definitions of reality. Kemeny (1992) maintains that the concept of myth-building underlies this framework, as a dominant ideology will in the long run produce changes in social structure that are consonant with it. The longer the ideology is dominant, the deeper into social structure the changes are likely to reach, and the more profound and far-reaching they are likely to be. Divergence must therefore be understood in broad social structural terms and not solely in terms of the welfare state.

Divergence theory is useful to this study because it allows for the possibility that the situation in different locations could converge or differ. It is a position built on the recognition, that general theorisations (including capitalism, feminism and globalisation) and their effects impact on different locations in different ways with different consequences and outcomes. Central to divergence approaches is the role of agency in effecting outcomes. People are not viewed as passive recipients of structural processes, the consequences of which are inevitable (Clapham, 2002). Within this PhD thesis care is taken to not look merely to see if things are convergent or divergent, but to go further than this by seeking to reveal “how power is exercised over time and in different cultural contexts”, in order “to explain continuity and change in social customs and traditions, and how this affects actors differently” (Kemeny, 2004, p192).

## **2.5 Welfare States**

The focus of this thesis is the eventual output of provision for homeless people, and the reason for differences in the two countries, and as such it has not been relevant to produce a detailed critique of the literature on welfare provision. However a brief overview of comparative study of welfare provision is provided here in order provide contextual theoretical information.

Kemeny (1992) maintains that the welfare state represents only one way of organising welfare, using the state as means of attaining goals of social equality. Development of the welfare state cannot be understood in isolation from structures in the rest of society, and particularly in relation to broader tendencies towards collectivism or privatisism in society. The same author reflects that housing in industrialised societies is inextricably bound up with the welfare state, and housing is subsidised directly and indirectly in all societies. In most developed countries, major areas of welfare<sup>3</sup> are based on the principle that they are automatically available to everyone who fulfils certain minimum conditions of age or incapacity. Housing however is different, the principle varies with different forms of housing, and in particular with different forms of tenure. Kemeny follows the line of Esping Anderson to state that social policy of any country is distinctive because each nation exhibits its own unique regime characteristics. He uses

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<sup>3</sup> That is education, health, unemployment benefits and retirement pensions

divergence (by citing Castells, 1985), to explain why is it that Australia, one of the research sites of this study, is a “laggard” in spite of having strong labour movements and has not developed a strong welfare state. Castells argues that you have to look at broader issues such as class politics, and avoid over-concentrating on direct political power. It is importance of broader issues that are revealed by this study.

Ball (1988) discusses the Liberal-Interventionist tradition in housing research. This theorises that it was because a poorly housed workforce could have adverse consequences for general economic development, rather than a matter of individual welfare, that there was an acceptance in most advanced capitalist countries of the need for substantial state intervention in housing provision. The Labourist theory of Esping Anderson and others explained welfare state development in terms of the presence, or absence, of wider social demographic processes to transform social order partly through universal benefits that are not just for the poor. Esping Anderson (1990) claimed that contemporary welfare states cluster into three distinct regime types: Liberal welfare states, Conservative/Corporatist welfare states, and Social Democratic welfare states. He stated that much of the Anglo-Saxon world, including both Australia and the UK, have developed Liberal welfare states, where the market is encouraged, and where means tested assistance, modest universal transfers and social-insurance plans predominate. Entitlement rules in Liberal welfare states are strict and are often associated with stigma and modest benefits. The State encourages the market, either passively or by only guaranteeing a minimum, or by actively subsidizing private welfare schemes (Kemeny, 1992). The UK originally had Social Democratic roots but was characterized as a Liberal welfare state by Esping Anderson. Powell contends that the UK has many important differences from other Liberal welfare states, including Australia (Powell, 1999). In 2002, Esping Anderson reappraised his earlier work. Although he acknowledged that neo-Liberalism has resulted in rising inequalities ‘everywhere’, he argues that there are still very different national welfare systems (Esping Anderson, 2002). Next, the differing social policy histories of Australia and England and of their welfare systems, and the impact of these on policy responses to homelessness attributed to domestic violence are briefly examined.

Esping-Anderson contends that Australians have built entitlements around demonstrable need, including means testing for benefits for the sick and unemployed, and he argues

that Australia has unusually underdeveloped social rights (Esping Anderson, 1990). Castles and Mitchell (1991) dispute Esping Anderson's contention that Australia is a Liberal, residual welfare state. They identify a 'four world's model', in which Australia is identified as one of a distinctive radical group of nations, which focuses its re-distributive effort through instruments, rather than expenditure. The authors point out that it is not the poor or disadvantaged who lose out from means testing, but those who come from the higher echelons of income and wealth. The Australian labour movement adopted a very different political strategy to that of labour movements in Europe. This was based not on expanding the social wage but on ensuring that wage levels were kept above a minimum. This, and the low marginal tax rates, ensured that workers' standards were maintained, and created the 'wage-earners welfare state', which required a high degree of self-reliance. Australia became a unique model, because the criterion of inclusion was status as wage earner, rather than as citizen (Castles and Mitchell, 1991). Australia does have a relatively high minimum wage, but unemployment, or inability to work due to ill health or childcare responsibilities, often leads to poverty. The social policy of self-reliance has been dominant in Australia since before the 1996 general election, when John Howard became the Australian Prime Minister. At the end of the research period in 2005 he remained leader. The Australian maxim of a "fair go" for men has been criticised by feminists as traditionally leading to relatively high wages for men, but dependence on men for women.

By the end of the nineteenth century there was a growing realisation in England, that some poverty and homelessness was caused by structural issues such as unemployment, low pay, old age and illness rather than by an individuals' own actions or agency. The concept of a welfare state was one of the most important influences in public policy in the United Kingdom in the Twentieth Century (Balchin, 1995). The Beveridge Report in 1942 introduced the concept of needing to protect individuals and families from want, disease, ignorance, squalor and idleness, from the 'cradle to the grave'. The National Assistance Act 1948 and a raft of complementary legislation in the immediate post World War II period provided an improved system of National Insurance and National Health Service. Keynesian economic policies and town planning were also put into place, and these remained virtually unchanged throughout the 1950s to the 1970s regardless of which political party held office.

The beginning of the UK welfare state bequeathed a legacy of Social Democratic policies, which significantly reduced poverty and income equality, improved housing and introduced legislation to protect households from homelessness (Anderson, 2004). During the Conservative neo-Liberal period 1979-1997, welfare retrenchment was significant and resulted in real and substantial increases in poverty and inequality, and changes in homelessness legislation. Since 1997 New Labour has claimed to implement a Third Way in social policy, (somewhere between Social Democracy and neo-Liberalism), with an emphasis on positive welfare supporting education and health, whilst at the same time minimising social security by getting people back to work. However, England is still characterized by a strong emphasis on market provision, (with government intervention only where the market is seen to fail), and as discussed earlier is still termed by Esping Anderson as a Liberal welfare state. There does however remain a strong role for the central state in determining the broad policy framework for social welfare, including homelessness policy.

Esping Anderson noted that the resilience of distinct welfare-state regimes allows for a greater degree of divergence in terms of the structure of the welfare state, with differing social outcomes (Esping Anderson, 1990). This is the case regarding policy responses to homelessness in Australia and England. Some academics have noted a correlation between housing policies and welfare regimes, and concluded that welfare regimes could be used as a broad referencing framework for housing policies and homelessness (Edgar et al. 2002). Welfare regimes are therefore useful in explaining broad trends in homelessness (Anderson, 2004), but a more detailed examination is needed to understand how policy responses regarding homelessness attributed to domestic violence have developed as products of culture and attitudes towards welfare and state provision, which is provided within this thesis.

## **2.6 The Links between Globalisation and Homelessness**

For some time there has been debate in the literature concerning the role of the effects of globalisation in causing homelessness. Neil and Fopp (1993) identify that globalisation of the Australian economy is polarising the population into the 'haves' and 'have nots', and that enforced mobility in search of employment can make it difficult to

maintain a stable dwelling situation. Clapham (2002) builds on this to suggest that globalisation has a number of consequences for housing. National governments have found it necessary to adapt because globalisation has left governments with constraints on public expenditure policies, thus creating less room for manoeuvre on taxation. This suggests that homelessness policies in both Australia and England may be affected by globalisation because, as a result, less money is available to spend on social (public) housing.

Vaiou and Lykogianni (2006) argue that globalisation is also a way of constructing a world-view, and is itself a discourse around the global/local dichotomy. They suggest that the increased mobility of financial capital, cultural products and people, and global location strategies of multinational corporations, intensifies competition among places. This builds on from Hoogvelt (2001) who argues that the shrinking of the world to a global village amounts to a virtual annihilation of space through time. Hoogvelt concurs with Giddens that globalisation can be defined as the intensification of world wide social relations which link distant localities, in such a way that local happenings are shaped by events occurring many miles away. This has implications for the design of a cross-national comparative study such as this PhD research. These issues are further discussed in the following chapter on methodology.

## **2.7 Concepts of Home and Homelessness**

As Anderson has noted “There are many possible approaches to conceptualising the causes of homelessness” (Anderson, 2003a, p105). However, before examining the academic literature on concepts of what it is to be without a home, it is appropriate to first overview researchers’ views on the concepts of home, and the relevance of this to research on homelessness attributed to domestic violence. Neil and Fopp (1993) follow Watson and Austerberry (1986) in agreeing that the concept of home is a difficult issue. Nunan (1995) continues this debate by arguing that definitions of homelessness that rely on concepts of home make it very difficult to determine when someone should be regarded as homeless, and therefore at what point intervention is required. Although I do not disagree with the difficulty regarding the contribution of concepts of home to debates on homelessness, it is a highly relevant topic to any study of those whose

homelessness is linked to domestic violence, and a review of the research literature is relevant to this research study. Here Wardhaugh provides assistance by exploring the gendered meanings of 'home' and 'homelessness' (Wardhaugh, 1999). She notes that the home has been "constructed as a source of identity" (Wardhaugh, 1999, p91) and that those who suffer abuse within the home are likely to feel homeless whilst at home, because they do not feel ontologically secure there. Cramer and Carter (2002) concur there are gender differences in conceptions of 'home' and that men and women have differing perceptions of what is most important about a home. It can therefore be understood from the academic literature that it is not the physical structure of a dwelling that makes a home, but the meaning that people attach to that place. Easthorpe furthers this debate by classifying 'home' as a particularly significant type of place (Easthorpe, 2004), a concept which allows for the particular significance of home to vary with the individual. She theorises that places are in part social constructs, and as such are useful to housing research in providing a "theoretical basis for addressing the relationships that people have with the external world" (Easthorpe, 2004, p129). The use of home as a base from which to run life is expanded on by Vaiou and Lykogianni (2006):

Everyday life is connected to places where women and men live, work, consume, relate to others, forge identities, cope with or challenge routine, habit and established codes of conduct.

(Vaiou and Lykogianni, 2006, p732)

These debates on the meaning of home aid understanding of what it is to be without a home, and in doing so assist in situating my research on policy responses to homelessness attributed to domestic violence within the academic literature.

## **2.8 Gender Issues Concerning Housing and Homelessness**

Throughout the literature there can be identified a long running debate on whether or not there are "gendered routes into homelessness" (Smith, 2005, p143). Housing in England and Australia has been based around the family and the stereotyped gender roles of male head of household, with a wife and children at home. This has led to academics proposing that women are disadvantaged in their ability to access housing, and that their experiences of the housing system are different from those of men.

Women are more vulnerable than men to poverty and this is the outcome of a weaker position in the labour market. Divorced, separated and single men have higher disposable incomes than women after relationship breakdown, and are more likely than women to move into private rented accommodation (Gilroy and Woods, 1994). Relationship breakdown almost always leads to women becoming poorer. Several researchers in both Australia and England note that women are particularly vulnerable to homelessness because of their economic position (Chung et al, (2000), Cramer and Carter, (2002), and Smith, (2005)). Cramer and Carter found that gender was an important factor in determining the housing options available and choices made.

Morris and Winn (1990) argue that, at that time, women headed one in four households, and that most women could expect to head a household at some time in their lives. This came about through women not forming relationships until later in life, relationship breakdown, and because on average women lived longer than men. The rising divorce rate has made possession of the marital home a critical issue (Gilroy and Woods, 1994), and they propose that women's occupation of owner occupied property frequently came about through their relationship with a man (a partner, or an inheritance from parents).

The feminisation of poverty is linked to the changing image of homelessness in Australia. Adkins et al (2003) clarify that lack of income is the primary underlying reason for being homeless in Australia, and that women have a relatively new position as welfare claimants. There is also research indicating that there has also been a feminisation of poverty in England, but which proposes that, in this country, women's economic disadvantage has led to social housing provision playing a greater role in housing women compared to men (Smith, 2005). Such literature suggests that housing provision for women is increasingly relying on resources that they can access, rather than those of a partner. Smith argues that the majority of households require two incomes to enter owner-occupation, and in doing so provides us with a reason as to why domestic violence can lead to a major risk of housing instability, and why social housing (the tenure of need, rather than choice in the UK), is increasingly becoming a gendered tenure. Smith (2005) states that women move into social housing because they are poor, because they have responsibility for children, and:

To escape violence against themselves and/or their children. Even though they try to avoid homelessness and hide their homelessness when it occurs many women still become homeless as a result of poverty and violence.

(Smith, 2005, p150).

Research conducted by Cramer (2005) found that the English homelessness legislation provides a framework for the different experiences of homeless men and women. The findings of this research challenge those of Watson and Austerberry (1986) by suggesting that rather than compounding any disadvantage, housing officers sought to protect women more within the framework of the homelessness system. Cramer argues that gender may also be an important factor in filtering out who comes forward for statutory assistance. However, debate continues on the issue of the relative disadvantage of women. Casey et al (2006a) argue for the need for improvements and changes to local authority homelessness assessments, and call for action to address the ways in which current services are insensitive to the needs of women. This PhD study examines and compares the English and Australian policy responses to homelessness in order to examine how they have come about, and how appropriate they are to the needs of women experiencing domestic violence. In doing this, as with the Cramer (2005) and Casey et al (2006a) research, the viewpoint of homeless women in both countries has been considered. Parker and Fopp (2004) concur that this is important when examining policy implications.

## **2.9 Feminist Explanations of Homelessness**

Neale (1997) proposes that feminist analysis of patriarchal assumptions (which are embedded in all areas of production, allocation and consumption in each of the tenures) “has usefully drawn attention to many of the limitations of existing theories of homelessness and welfare” (Neale, 1997, p50). Although Fitzpatrick (2005) concurs that feminist authors identify being female as a homelessness risk factor, she herself argues that this does not stand up to scrutiny. Fitzpatrick notes that women (as mothers) are often given special claim to local authority housing in England, and that single homeless men far outnumber single homeless women. This follows the line of Cramer and Carter (2002) who found that women are more likely to approach homeless departments in England than men. However, it is my view that the fact that there is a policy response designed to deal with women’s homelessness situation does not negate

that they have already become homeless, or at the very least, threatened with homelessness. Furthermore, Casey et al (2006a) found that single women were still less visibly homeless than men, often as a means of self-protection, and that street homelessness amongst such women was more commonplace than had been previously thought.

Phillips (2006) argues that feminism is not a singular body of thought and that second wave feminism has been subject to vast critical revision since the 1960s. Phillips (2006) pertinently identifies different strands of feminism including, "a radical perspective of feminism is that it is social constructionist, and forms a moral and political framework concerned with redressing social wrongs and social relations of male power" (Phillips, 2006, p198). This suggestion is helpful to my study, which examines the ways in which proponents of differing discourses sought to influence policy responses. Although I do not disagree with Fitzpatrick (2005) that realist conceptions of causation could mean that male oppression of women is one of the social structures with a tendency to cause homelessness, Phillips' (2006) proposition suggests that this can also fit in with theories concerning homelessness as a social construct and therefore forms a useful bridge in which to link theories of both the social construction of homelessness and domestic violence within this thesis.

Phillips (2006) also notes that the role of feminism in social policy in Australia has a distinctive history compared to that of the UK. She contends that the role of 'femocrats' (Watson, 1992) and women's movements and organisations have been central to the process of social reform in Australian society since colonisation. This is not disputed in this thesis, which makes an analytical exploration of the differing roles and influences of proponents of differing discourses in the two countries. Phillips (2006) examines the role of femocrats in the Commonwealth Government. This thesis takes the analysis a step further. The discourses emanating from the Commonwealth Government are compared with those in one particular state (Victoria) of this federal country, and then are compared with English discourses, in order to closely examine the discursive history of policy responses.

## 2.10 Housing Careers

Hutson and Liddiard (1994) first proposed the concept of a 'housing career', whereby the phases through which people pass whilst becoming homeless are identified. This "constructed typology" (Chamberlain and MacKenzie, 2004) also usefully highlights the factors that influence how people move from one state of homelessness to another. Chamberlain (1992) and Chamberlain and MacKenzie (2003) identify career pathways into adult homelessness, one of which involved family breakdown with an 'in and out' stage. Their model emphasises the major processes whereby people become homeless, and as such focuses on how, and not why, people become homeless. Fopp and Neil (1993) also identified that homelessness in Australia rarely has a single cause, and is regarded as a process rather than an event. Poverty, unemployment, family instability, domestic violence and poor health are attributed as causes, although it is regarded that the vulnerable would largely be capable of accessing and retaining affordable housing if it was available. The concept of homeless careers and pathways has been further developed by Jones (1999), to specifically fit with the histories and experiences of women. Jones shares the views of Smith (2005) and notes that pathways into homelessness for women are marked by a dependence on others to provide accommodation, coupled with residential instability. Jones also found that two fifths of the women in her study had been homeless more than once, and had moved in and out of homelessness in the way that Chamberlain and MacKenzie (2003) identified.

Clapham (2002) describes housing pathways as "patterns of interactions (practices) concerning house and home, over time and space" (Clapham, 2002, p63) and as such he builds on the concept of a housing career. A re-conceptualisation of the categories of homelessness in urban Australia is proposed by Casey (2002b), using situational, long-term and chronic homelessness. Casey regards these categories as being useful in understanding women's pathways in and out of homelessness, and women's experiences of homelessness. Martin (2003), like Casey, questions whether the Chamberlain and MacKenzie definitions are appropriate to the experiences of women and children who have suffered domestic violence. Martin (2003) describes the 'relegation' of women and children escaping domestic violence to the category of those who move frequently from one form of temporary shelter to another. Martin argues that

Chamberlain and MacKenzie do not begin to address or articulate the reasons for women and children's need for shelter or why they become homeless in the first place. Researchers work on the specific housing careers and pathways of women proved useful to me in considering why discourses around women's homelessness might differ from that of men's.

## **2.11 Further debates on the definitions of homelessness**

In Australia there is a broad consensus that it is not helpful to impose a single definition of homelessness (Neil and Fopp, 1993). Neil and Fopp propose that how homelessness is defined and conceived significantly shapes the range of social policy responses to the problem. Their work therefore has resonance with the aims of this thesis, as does their assertion that definitions of homelessness will always be argued over. This is because the scope of a definition directly determines who might be included or excluded from the homeless population, and therefore from the support services and accommodation provided for homeless people. This can be compared with the situation in England where definitions of homelessness have, since the implementation of the homelessness legislation in 1977, been based on interpretations of the legislative definitions of homelessness. In Australia there is no legislation regarding a statutory duty to house homeless people, and therefore the definitions of who is, and who is not, homeless might be seen as having far less importance. The comments of Neil and Fopp, and those who concur with them on this matter (Jacobs et al, 1999, Fitzpatrick, 2005) however served as confirmation that in both countries definitions of homelessness do have an impact on policy responses. The difference between the two locations is that in Australia there is no statutory duty to provide a policy response.

## **2.12 The links between Domestic Violence and Homelessness**

Throughout the academic literature there are a range of views regarding the extent to which domestic violence can, and in what way should, be linked to homelessness. Feminist academics such as Nunan maintain that women's homelessness through domestic violence is a manifestation of structural inequalities within society (Nunan, 2005). Nunan uses concepts regarding home to argue that if policy definitions of

homelessness included the loss of feelings of security, the complex issue of women's homelessness would be more easily incorporated into policy (Nunan, 2005). She usefully identifies that most women using homelessness services designed for victims of domestic violence in Australia do have a dwelling, but cannot live there because of violence, and that this is due to the inability of society to prevent men's violence and abuse. Nunan categorises homelessness for this group of women as a symptom of the problem (violence), rather than a cause of their problem. This classification of domestic violence as a factor associated with women's homelessness, but not as a cause of homelessness, has been helpful to me in clarifying the issues surrounding homelessness for this particular client group. As Nunan (2005) notes, the meaning attributed to home regarding a sense of belonging, and basis for personal identity can be negated by domestic violence. Malos and Hague (1997) concur with Nunan and with Watson and Austerberry (1984) that when women are forced to leave their homes because of violence, the loss of home in itself will often have a traumatic impact. Malos and Hague (1997) found in their research that it was difficult to disentangle these mixed elements of the sense of loss that came about from having to leave the home because of violence.

Adkins et al (2003) concur that domestic violence is not the main cause of homelessness, but they saw the causes as wider and more systemic than an individualised concept of reasons. In this they did not go as far as feminist academics in their explanation of the link between homelessness and domestic violence. However they did accept that domestic violence is a reason why women leave home, but not a cause of their homelessness. In 2000, Chung et al made explicit links between homelessness and domestic violence. They found that a key issue arising from their research was that if rigorous and enforced legal sanctions were in place, women and children would be able to remain in their homes, and that the removal of perpetrators would prevent some homelessness (Chung et al, 2000). They argue that in order to live without violence from intimate partners women are forced, or encouraged, to leave their home and seek alternative accommodation. They also found that as a result of leaving the home, women (and their children) experienced considerable social and personal disruption and financial disadvantage, and that in Australia female headed households are among the most disadvantaged when it comes to securing appropriate housing. Chung et al (2000) concur with Nunan in finding that homelessness for women and children who have experienced domestic violence is the result of social failure to fully

accept and deal with the criminality of the perpetrators' behaviour. These specific identified elements concerning homelessness attributed to domestic violence assisted me when analysing the data and looking for discursive themes.

Abrar et al (2000) focus on the impact of ideas on policy change, using an advocacy coalition framework, and in doing so they found that a picture emerged:

From the 1970s onwards a coalition of feminists including local and national experts and activists... sought to alter legislation and practice on domestic violence.

(Abrar et al, 2000, p242)

These findings formed an important base from which to conduct my own research.

Abrar et al identify 'feminist' and 'traditionalist' advocacy coalitions. Their findings also influenced my research design:

The long time span is important because changes in domestic violence policy have taken place only after sustained effort by activists over a significant period of time.

(Abrar et al, 2000, p241)

Southwell (2002) like Nunan, argues that women and children who are subjected to domestic violence are vulnerable to homelessness in two ways: because violence disrupts and violates the sense of safety and belonging that are associated with the home, and because when women and children make the decision to leave a family violence situation, they are usually required to leave their homes. Relationships with support networks are often severed in the process, and women can face isolation, emotional trauma and acute economic disadvantage as a result of their decision to leave.

Martin (2003) confronts the particular issues of homelessness caused by domestic violence for feminists' head on:

Feminists are derided and seen as archaic and difficult when we assert that homelessness is not homelessness. That is to say, as Feminists we argue that the causes of homelessness for women and children must not be forgotten or swept under the carpet in the totalising discourse that is pervading parts of the Australian homelessness sector.

(Martin, 2003, p6)

Martin argues that it is ineffective to theorise about the homeless population without taking into account the distinct and different experiences of the groups and individuals that comprise the homeless. This argument rejecting a 'totalising discourse' of homelessness is powerful, and was one of the reasons why, after the first year of study, the PhD research was narrowed to incorporate only one client group in Australia and England, rather than the homeless population generally, as had originally been envisaged. My research focuses on those whose homelessness can be attributed to domestic violence, because they are a specific and significant population of homeless people in both locations of the study (Parker and Fopp, 2004). An ability to provide the contextualised reasons for their homelessness would prevent the "subjugating and silencing discourse" of which Martin complains (Martin, 2003, p2). Burke (1994), Neil and Fopp (1993, 2004), and Chamberlain and MacKenzie (2003) are amongst those who have given some attention to antecedents to homelessness. Parker and Fopp (2004) have commented how antecedents are sometimes confused with causes in the media and by policy makers. However I found there to be a gap in the research of how constructions of homelessness attributed to domestic violence have come about, especially those which have used a comparative dimension in order to create a methodological lever. A critical analysis of the literature therefore revealed that domestic violence is not a necessary condition of homelessness but that it frequently leads to homelessness, and that this is an important area of study, suitable for a PhD thesis.

### **2.13 Explanations of the Causes of Domestic Violence**

An examination of the links between homelessness and domestic violence led me to explore explanations of the causes of domestic violence. In 1985 the Women's Policy Co-ordination Unit of the Department of Premier and Cabinet of the Victorian Government found that women are more likely than men to be subjected to assault. The authors also found that Australian society had, in common with the UK, many of the values, beliefs, social and structural phenomena which create marked gender inequalities, and which are implicated by feminists in causal explanations of domestic violence. In addition the two societies share similar values about the family, and the

roles which men and women play within it, and in the society at large (Department of Premier and Cabinet, 1985).

The contribution of stereotypical male and female roles towards domestic violence was noted by Dobash and Dobash (1992) who found that certain situations provoke the use of force for certain socially constructed situations. They argue that violence in the home is frequent and could be viewed as an extension of domination and control of husbands over their wives. Hallet (1996) also stresses that men's violence to women and children should not be viewed as exceptional or as a deviation from the norm. Hallett gives two reasons for this: that the State's role in defining what counts as an exception can give it a gate-keeping role in relation to women's claims of violence, and that the State can appear to offer protection but at the same time allow the conditions which foster violence to continue. Hallett argues that definitions of domestic violence are socially constructed, and that within the context of male dominance it is in men's interest for definitions to be as limited as possible.

Malos and Hague (1997) also present a feminist interpretation of the causes of domestic violence:

Many women's lives are still deeply affected by unequal power relationships between men and women, and by conventional expectations about domesticity as well as by the actualities of their responsibilities for the care of children and the home in which they live.

(Malos and Hague, 1997, p397)

Muehlenhard and Kimes (1999), like Hallet, accept that definitions of domestic violence are socially constructed:

A single, uncontested, universal, or true definition of any concept does not exist. Definitions of terms depend on who gets to define them; thus definitions reflect the interests of people with power.

(Muehlenhard and Kimes, 1999, p235)

This explanation of the social construction of definitions of domestic violence has resonance with the earlier debate on constructions of homelessness within this chapter. This led me to conclude that it was necessary to examine issues concerning causes of domestic violence in this study, even though it is primarily focused on a homeless

client group. Martin contends that the feminist movement presented an extreme threat to the dominant discourses about public/private and male/female relations. She argues that feminists turned these discourses upside down and provided alternative discourses to explain the positions of women. The influence of these competing discourses and their effect on policy responses is at the heart of this PhD study.

## **2.14 Conclusion**

This chapter has set the context of my research within the relevant literature on the theories and concepts regarding homelessness attributed to domestic violence, and has identified which authors work I found useful. This has been done in order to demonstrate how this thesis relates to previous research, and also to demonstrate that the issue crosses several areas of theorisation, knowledge and debate. Context setting has also been necessary in order to situate my study, which seeks to understand how policy responses concerning homelessness attributed to domestic violence have developed as products of culture and attitudes towards welfare provision, and in order to interpret their policy context. Between the debates discussed in this chapter, there emerges a gap in understanding of why policy responses have developed as they have for this client group in each location. The next chapter explains and justifies the research methodology and methods chosen for this study.

# Chapter Three

## Methodology and Research Methods

### 3.1 Introduction

This chapter explains the rationale and justification of decisions regarding the methodology and research methods of this study. An overview of the epistemologies of quantitative and qualitative research is followed by a discussion on comparative methodologies. Justification is made for the theoretical perspective of social constructionism and the research methods of critical discourse analysis and historical studies for my research. This is followed by a detailed explanation of the methods used.

Epistemology is the branch of philosophy concerned with the way in which the world is, or can be, known to us, and about the nature of knowledge. As such it is not about techniques or matters of fact, but rather about what should be counted as facts (Hughes, 1990). Therefore, when conducting social research, before any data can be generated and conclusions drawn, a research method must be selected. This selection is not possible before a research strategy has been chosen, and that prior to this, a research design has been selected. The design of the research is the process of reflection, prior to undertaking an enquiry, on the assumptions that govern the approach to the research area, the nature of the question governing the inquiry, and the logical structure of the investigation. A good research design is therefore one that gives the researcher confidence in the solidity of the conclusions drawn from the data (Bechhofer and Peterson, 2000). During the design of my research fundamental assumptions about the nature of human beings and society were made in order to make appropriate decisions on the research methods to be used. One of the aims of my research was to explore, if, why and how, differences in conceptions and discourses surrounding homelessness have developed in two nations with similar language, legal systems and rates of owner-occupation. This aim in itself makes assumptions about how society is constructed. Every research tool or procedure is inextricably embedded in commitments to particular versions of the world and to knowing that world, and no research technique is self-validating, as its effectiveness is dependent on epistemological justifications (Hughes,

1990). Throughout this study I have made choices concerning theoretical perspectives, different conceptual positions, and methodological approaches and research techniques.

### **3.2 Quantitative and Qualitative Research Methods**

Quantitative research is the term used to refer to research that can be easily translated into the examination of functional or cause/effect relationships. Such methods would not have been appropriate for this study, which seeks to uncover perceptions and attitudes. Likewise, positivism assumes a clear relationship between conventional knowledge of the nature of the world and its reality (Hastings, 1998), and that therefore objective understanding is possible. In qualitative research there has tended to be a move away from positivism, and instead towards a focus on the perceptions of the world as experienced by those studied, or the discourses that make up their world. Bronner states that the difference between critical and positivist methods of the social sciences rest on the critical standpoint of differentiating between an empirical fact, and that fact within the context where it assumes meaning, that is the relation between 'fact' and 'value' (Bronner, 2002). There has also been a shift away from positivism in housing research, and from the assumption that "housing relates to nothing more than production and consumption" (King, 2004, p32). A positivist approach would not have been appropriate to this study because I sought to identify the discourses underlying policy, and therefore how and why policy responses have been constructed, and a positivist methodology would not have done this.

Postmodernism recognises that the interpretation of reality is a complex process and that there is no final or absolute truth (Ezzy, 2002). At their most extreme, postmodernists deny that there is a reality apart from subjective perceptions, but others show more empathy with the epistemologies of hermeneutics and feminist standpoints, by recognising that although there may be no universal truths, there is a possibility of personal and community forms of truth (Ezzy, 2002). Feminists argue that knowledge is always situated and that all knowledge is knowledge from where a person stands, and has been shaped by their experiences and political orientation. Feminist epistemologies seek to come from the standpoint of women's experiences and feminist theory, by recognising that classification of social categories such as gender, sexuality, age,

ethnicity, race and social class foster inequalities. The research methodology of this approach starts from the perspectives of women and others who are excluded from the white male heterosexual standpoint. Critical researchers do not present research as if the researcher is not present, but they are not as reflexive as feminist and post-structuralist researchers, who are more observers than producers of information. As I wanted to uncover discourses, and how they had exerted power over policy responses, I considered that an observation-based methodology derived from a feminist epistemology would not have been an appropriate way to answer this study's research questions.

### **3.3 Comparative Methodology**

In order to decide how best to answer the research questions regarding how perceptions of homeless people have varied between two locations, I first read the literature on comparative studies to see how other researchers had tackled international comparative studies. This included an examination of the limitations and advantages of comparative studies, and issues of convergence and divergence. These discussions were included in the previous chapter.

There are limitations to comparative study, particularly on methodological grounds (Kemeny, 2004). Bourne (1981) usefully points out that threats to validity of results can arise from conceptual pitfalls, for instance if the researcher does not have enough relevant background knowledge. It is for these reasons that Doling (1997) asserts that comparative studies are time consuming, as researchers are rarely immersed in the culture of more than one country. There are potential difficulties associated with comparing different countries housing systems from the perspective of the 'outsider'. The 'outsider' faces many disadvantages in seeking to understand other countries housing systems in sufficient depth (Jacobs et al, 2004). One of the main difficulties is the unintentional imposition of values and motives on foreign cultures and interpreting their policies from taken for granted standpoints (Kemeny, 2004). Because of this, much international comparative research continues to rely on highly descriptive accounts of different countries. Kemeny notes that sufficient attention must be paid to historical factors to enable detailed contextual studies to be undertaken. The limitations of

comparative studies identified in the literature were taken into account when developing the research method for this study. This is discussed later in this chapter.

Social constructionism has recently started to be used in comparative studies. The advantage of this approach is that it:

Allows the researcher to question take-for-granted realities by refusing to see existing social organisation as inevitable and understanding them in terms of how they were constructed out of interaction, negotiation and conflict.

(Kemeny, 2004, p163).

Kemeny notes that "constructionism has not yet made an impact in comparative policy research" (Kemeny, 2004, p160). He argues that it can do so in two main ways: by helping to avoid deterministic views of social structures as a fixed entity that cannot be changed, and that the use of social constructionism can help to avoid ethnocentrism. This advice was used when designing the research methods for this study. Jacobs, Kemeny, and Manzi (2004) concur with this and also note that constructionist methodologies have a commitment to reflexivity. This, and the importance that is attached to local context within social constructionism, they argue, offers a useful mechanism to negotiate the obstacles that confront the housing researcher when engaging in comparative research.

Comparative study is not a field of study in itself, but instead is a methodology or approach. It is the approach that is comparative, using information from different locations in order to come to some general conclusions. Merely finding out what goes on somewhere else is not the same, as a study can be based on two countries and still not be comparative (Doling, 1997). The rationale for a comparative study for this thesis was to use the work in Australia as a methodological lever with which to open up and take forward understanding of homelessness attributed to domestic violence in England. An international comparison has been used to enable better understanding as to why homelessness in England is constructed as it is. Anderson argues that a key challenge for the future lies in international comparative research on homelessness (Anderson, 2003b). When designing the research for this PhD this point became important in deciding that research on homelessness attributed to domestic violence could be usefully studied from an international perspective. My reading of the literature does not

lead to divergent or convergent theories being more robust approaches than each other. The epistemological approach of accepting the unilinear trajectories of capitalist societies does not prevent seeking to understand the differences exposed in this study. The thesis is not descriptive in terms of comparison but rather seeks to explain why things are as they are, and how homelessness attributed to domestic violence in each country has been constructed. The general context of comparative studies therefore informs the work, but the research seeks to analyse more than just process and whether the countries are diverging or converging in their approach to homelessness policy. The thesis does not simply categorise, as a claim for originality is that the research is not just about process but rather about how and why things are changing, and about examining the underlying cultural and historical explanations for these changes.

### **3.4 Social Constructionism**

The theoretical perspective of social constructionism has been promoted as providing a more sociologically informed analysis of the policy process than that of traditional explanations (Jacobs, Kemeny, and Manzi, 2004). However there have been criticisms of social constructionism, and the literature on these is reviewed, followed by conclusions on its appropriateness as an epistemological approach to this study.

There are alternative ways of looking at the world, and one of these is to say that social realities are constructed in and through meanings, and that social realities cannot be identified in abstraction from the language in which they are embedded (Hughes, 1990). Constructionist approaches understand that our access to reality is socially created (Jacobs and Manzi, 2000). Social constructionism therefore challenges the assumption that there is a straightforward relationship between knowledge and reality (Hastings 1998). The ontological presuppositions of social constructionism are therefore that reality cannot be conceived of, or known independently of, the concepts in language and that social reality is constructed through the use of language (Hughes 1990).

The stance that there is no such thing as absolute truth has been advanced by a number of intellectual traditions and thinkers since the Enlightenment period (Travers, 2004, p18). Postmodernists argue that traditional social sciences are now irrelevant because

of major structural developments in the world economy in the Twentieth Century. Factors such as the shift in the economy from manufacturing to services, and the rise of knowledge and information as key economic resources, have seen massive increases in the numbers of professional and technical workers concerned with the production and processing of information. This has produced qualitative changes in the nature of western economies.

Michel Foucault was the most significant and important postmodernist of the second half of the twentieth century and he saw all ideas as the “product of arbitrary and contingent historical processes” (Travers, 2004):

The document, then, is no longer for history an inert material through which it tries to reconstitute what men have done or said, the events which only the trace remains; history is now trying to define within the documentary material itself unities, totalities, series, relations.

(Foucault 1972, p7)

Foucault regarded power as the production of all speech, and not simply a negative or repressive force. He theorised that power is dispersed throughout social relations and can restrict or produce possible forms of behaviour (Mills, 1997). He proposed that discourses produce social knowledge and practice through their connection to power. This implies that there is a connection between the meanings individuals are able to make, and the place they occupy socially, historically and politically (Hastings, 1999).

Discourses therefore illustrate that there are relations between statements, which contribute to the meanings made by individuals, and that these individuals make up groups:

Relations between statements (even if the author is unaware of them; even if the statements do not have the same author; even if the authors were unaware of each other’s existence); relations between groups of statements thus established (even if these group do not concern the same, or even adjacent, fields; even if they do not possess the same formal level; even if they are not the locus of assignable exchanges)...

(Foucault 1972, p31)

Social constructionist perspectives are underpinned by Foucault's theories that language, knowledge and power are connected at the level of discourse (Hastings, 1998):

What one must characterize and individualize is the coexistence of these dispersed and heterogeneous statements; the system that governs their division, the degree to which they depend upon one another, the way in which they interlock or exclude one another, the transformation that they undergo, and the play of their location, arrangement, and replacement.

(Foucault, 1972, p3)

Language is not a transparent medium, which we simply use to talk about an independently constituted world 'out there' but instead linguistic practices are profoundly implicated in how we see the world in the first place (Hastings 1998). Foucault argued that all the knowledge we have is the result of the effect of power struggles. He wanted to show that discourses, although seeming familiar, are in fact arbitrary and constantly changing, and that their origins can be traced to certain shifts in history. For him it is those moments of discursive events that provide worthwhile study:

To this theme is connected another according to which all manifest discourse is secretly based on an 'already-said'; and that this 'already-said' is not merely a phrase that has already been spoken, or a text that has already been written, but a 'never-said', an incorporeal discourse.

It is supposed therefore that everything that is formulated in discourse was already articulated in that semi-silence that precedes it, which continues to run obstinately beneath it, but which it covers and silences.

(Foucault, 1972, p27)

The connection between the production of knowledge and power relations were described by Foucault as "power/knowledge". Rather than seeing individuals as oppressed by power relations as Marxists do, Foucault saw individuals as an effect of power, not something that has been acted upon by power (Mills, 1997). Foucault claimed that linguistic practices construct or constitute social relations and a knowledge about social reality. There is a fundamental link between discourses and the knowledge that is produced. Linguistic practices therefore profoundly affect the way that we

perceive the world, rather than the world being reflected in our language (Hastings, 1998):

The question posed by language analysis of some discursive fact or other is always: according to what rules has a particular statement been made, and consequently according to what rules could other similar statements be made? The description of the events of discourse poses a quite different question: how is it that one particular statement appeared rather than another.

(Foucault, 1972, p30)

Although Foucault did not engage in explicit textual analysis he has provided a theoretical framework for those using a discursive approach (Watt and Jacobs, 2000). Foucault's work cannot be used directly as a framework in which to undertake detailed linguistic analysis because he conceives the relationship between power and language to be unidirectional. This is in direct conflict with the view that language both shapes and is shaped by society (Hastings 1998). Furthermore Hastings usefully reminds us that Foucault did not ground his theories in the analysis of real texts or talk and therefore does not provide a framework for connecting the detail of individual texts or conversations with broader social practices (Hastings 1998).

Constructionist methodological approaches involve a theory of knowledge that proposes that our understanding of reality is socially created and therefore there is a history to what constitutes a 'problem' (Jacobs and Manzi, 2000). Social constructionism leads to the conclusion that whatever does exist we can only know through discourse. Linguistic practices therefore profoundly affect the way that we perceive the world, rather than the world being reflected in our language. Fairclough (1992) argued that discourses are sustained by the way in which linguistic practice cause readers to make assumptions about the character of social reality. The reader can therefore be cued to interpret the text by the use of certain practices. Competing interest groups seek to impose their definitions of what the main 'housing problems' are and how they should be addressed. In order for a housing problem to be accepted and acted upon, three specific conditions must be met. Firstly a convincing narrative needs to be deployed, to tell a plausible story of a social problem. Then a coalition of support has to be constructed. This coalition then needs to ensure that institutional measures are implemented (Jacobs et al 2003). Hajer has developed two tests to ascertain why some narratives last and others do

not: that the narrative has to dominate the discursive space, and secondly that narrative has to be reflected in institutional practices (Hajer, 1995)

There has been criticism of social constructionism's focus on agency over structure (Somerville and Bengtsson, 2002). It is the 'hard' version of social constructionism with its consequent lack of any notion of 'objective truth which receives the most criticism (King, 2004). In fact most housing researchers do not deny the existence of an objective world, and use a 'weak' form of social constructionism that stresses that it is the combination of structural factors and effective arguments by policy lobbyists and the media that determines the political agenda (Jacobs et al, 2003). They, and Kemeny (2004) reiterate that it is not necessary to deny the existence of an objective material world in order to hold a social constructionist epistemology. Instead it is necessary only to purport that our access to the material world is mediated through language and discourse. This is the stance that has been taken in this thesis.

King asserts that constructivists neglect the embodied nature of selfhood. But at the same time he has positive comments to make concerning social constructionism's "emphasis on the role that individual subjects play in housing structures" (King, 2004, p46). His statement that "Calling homelessness a social construct does not make it any easier to alter" (King, 2004, p39) is a criticism that is difficult to refute. However, it is my view that denying that homelessness is a social construct would not make it easier to alter either.

A social constructionist epistemology can promote obscure research analysis (Jacobs and Manzi, 2000). In order to prevent this, Jacobs and Manzi use critical discourse analysis methods and stress the importance of maintaining a distinction between socially constructed ideas and concepts, and social processes which have a material existence (Jacobs and Manzi, 2000). Kemeny says there is a need to focus more on how housing policies are constructed in terms of the institutional arrangements that are put in place to deal with particular definitions of what the housing problem really is. Feminist critiques of social constructionism have argued that the breaking down of social problems into episodic events that are unrelated to each other is not helpful to demonstrating hegemony, such as capitalist and patriarchal structures (Kemeny, 2004).

This section has explained the epistemological stance of social constructionism, as developed by those such as Foucault (1972). The creation of research methodologies and methods that reflect this stance, and which are appropriate for housing studies have been developed and refined over the last twenty years by academics, including, Fairclough, Hastings, Kemeny, Jacobs, and Manzi. This thesis looks at the role played by powerful interest groups in bringing homelessness caused by domestic violence into prominence through lobbying and policy making activity. The significance of this social problem has been not only contingent on the material conditions experienced by people in acute housing need, but also on the ability of pressure groups to persuade policy makers that women's homelessness is an issue worthy of intervention (Jacobs et al, 2004). Furthermore, how homelessness is understood in society reflects the ways in which the society is organised. If homelessness is defined in terms of men's experiences and practices, or men's subjectivities, then women's homelessness becomes invisible (Watson, 1983). It is exactly these two issues that this study examines, as I seek to discover the links between cultural/historical discourses and their impact on provision. Social constructionism can therefore assist in the answering of my research questions because this epistemology can help understanding of the history of cultural views.

### **3.5 Discourse studies**

In seeking to discover the links between historical/cultural discourses and policy responses it was necessary to find a methodology, appropriate to a social constructionist epistemology, which would enable the history of the cultural views of the homeless to be revealed. Social constructionist methodologies include participant observation and discourse analysis. I decided to conduct this research using discourse analysis, rather than participant observation, because this would allow for a historical study, which could investigate the context in which policy responses evolved. In discourse analysis the accounts that people give are interpreted as expressing one or more local cultural and linguistic forms available to participants. The research participants are therefore the channels through which the discourses flow, rather than the originators of personal constructions of the world. Discourse theory states that language is not simply a transparent medium for talking about pre-existing reality. Rather, language is involved in producing or constructing reality. The analysis of discourse seeks to examine

precisely how language is being used in the texts, studied and how the use of language interacts with social settings or contexts. (Hastings, 2000). Discourse analysis can be carried out on both texts of conversation and on many forms of written language, including ministerial records, political speeches and newspaper reports. This section gives an overview of the positive and negative features of discourse theory and analysis and its relevance to housing policy studies.

Critical theory is a specific approach to social theory that concerns an involvement with critique in order to establish the presuppositions of the nature of reality and knowledge, and, a high level of self-reflexivity on the part of the researcher. Marston asserts that linguistic discourse analysis does not adequately theorise and analyse the social and political context, and the power relations that shape, and are shaped, by discourse (Marston 2002). Critical discourse analysis, however, as developed by Fairclough (1992), has been informed by critical theory and therefore focuses on antagonisms between groups. Hastings argues that critical discourse analysis is highly relevant to the study of the exercise of power because of Fairclough's assertion that social changes do not simply create changes in language use, but rather that social changes can be brought about by changes in linguistic practices (Hastings, 1999). The use of critical discourse analysis can therefore reveal the ways in which language is used to promote ideology and bring about political change.

Fairclough theorised that any instance of text is not only a piece of text (written or spoken), but also an instance of discursive practice and an instance of social practice. Critical discourse analysis looks at the production and consumption of texts as well as the texts themselves (Darcy, 1999). Fairclough provided researchers with a methodology in which to combine Foucault's definition of discourse with a linguistic analysis of text (Mills, 1997). Fairclough combined Foucault's post-structuralist linguistic theories with social theoretical conceptions of discourse to argue that discourse is both shaped by, and shapes social relations (Watt and Jacobs, 2000). Fairclough uses this approach to develop a method of analysis that provides tools for analysing texts and talk. Housing studies that have adopted a discourse analysis methodological approach (Batten, 1999, Darcy, 1999), have assumed that policy decisions are made through different groups or individuals competing to establish their version of reality, and that these conflicts are revealed in text and speech, as well as

actions (Jacobs, 1999). This has a direct link to the constructionist epistemology discussed earlier. Hastings states that in order to have their findings well received, researchers using critical discourse analysis must be explicit about the assumptions, methods, data and interpretations used in their work (Hastings, 2000), and I have used this advice in this thesis.

Critical discourse analysis can also be used to show silences where there are gaps in the text, or show who is not being represented, as the choices made by authors about their wording and grammar demonstrate how they signify and construct knowledge and belief (Hastings, 1998). Likewise, Fairclough (1992) states that introductions can set the scene for readers, contributing to how the reader interprets later parts of the text. Discourse analysis is not concerned with the individual but rather with the context of the culture as a whole, even though that may be produced by the data collected from one individual. The research participants are therefore viewed as the channels through which discourses flow. Most of the housing studies using discourse analysis have scrutinised policy documents, as is the case in this study, and Jacobs maintains that this is important because this is the form in which organisations regulate and legitimise their functions (Jacobs, 1999). However, he also stresses that it is important to examine both text and practice in order to understand the policy process being studied. Darcy (1999) concurs with this by stating that texts should be analysed alongside an exploration of the conditions in which the texts were produced and accepted.

Charges of bias are sometimes levelled against discourse analysis because the researcher is open to allegations of bias in their selection of a discursive event. However, the researcher demonstrating reflexivity on the approach taken can counter this criticism. Hastings also shows concern that factors other than discourse, such as space, class and real people can be ignored in discursive studies (Hastings, 1999). However, she also stated a year later that discourse analysis offers advantages in allowing housing questions to be explored from non-traditional perspectives, and provides a means to investigate new housing research questions (Hastings, 2000). Discourse analysis also allows the researcher to examine the hidden and unintended consequences of social action (Jacobs, 1999). Discourse analysis can therefore show how power is being exercised in ways that may not be apparent (Hastings, 1999), and

highlight differences between words and actions (Jacobs, 1999), both of which are necessary in order to fulfil the aims of this thesis.

Although housing policy is nearly always presented as a response to addressing housing need, and therefore commonsense, researchers such as Hastings, and Jacobs and Manzi have used discourse analysis effectively to study policy documents to explore what ideas lie behind the rhetoric of policy, and how housing problems are constructed (Jacobs, Kemeny, and Manzi, 2003). As discourse theory explores issues relating to power and dominance (Jacobs and Manzi, 1996), it puts discourse at the centre of social relations and social transformation (Hastings, 2000), and therefore provides effective ways in which to explore questions of power (Hastings, 1999), such as in this study. However, discourse analysis is unable to reveal the long and complex processes of negotiation and compromise that lies behind the sometimes “sanitised” final texts of housing policy documents (Jacobs, 1999), or indeed the implementation gap that can lie between policy and practice, unless a historical methodology is also utilised, as in this thesis.

Kemeny noted in 1992 that modes of discourse are important in agenda-setting and laying rules for discussion, as they set the framework for debate. He stated that society develops through broad social movements and their conflicting ideologies, as they try to achieve hegemony through the social construction of negotiated order in which such modes of discourse are established (Kemeny, 1992). Shortly before this, Bourdieu stated that language is both an act of communication and an exercise in power, and that power has definite effects upon social relations (Bourdieu, 1991). This has a direct link to the Foucauldian philosophy outlined above and to the constructionist epistemology used within my study.

All the authors reviewed acknowledged positive aspects of discourse analysis, especially critical discourse analysis, for housing research. However, some have also criticised the theoretical nature of the approach, and the narrow focus on the detail of text or spoken word. However, Jacobs shows that this need not be the case and that it is possible to show an empirical focus on policy practices without endorsing an extreme idealist epistemology (Jacobs, 1999). Discourse analysis also allows the researcher to examine the hidden and unintended consequences of social action (Jacobs, 1999), and

can also reveal how social policies can construct a system of belief about the nature of social reality (Hastings, 1998), both of which are pertinent to this research.

This section has examined the literature on discourse analysis in order to justify its appropriateness to this study. My conclusion is that when discourse analysis is “employed to illuminate the social and cognitive basis of the way in which problems are constructed” (Fairclough, 1995, p15), the method is appropriate, and that is why critical discourse analysis is used, alongside a historical approach, in this study.

### **3.6 · Research Method**

This section details the reflexive social constructionist and historical research methods and analytical techniques used in this research concerning policy responses to homelessness. The section starts with an explanation of the fieldwork undertaken for the study, and the reason for the choice of Victoria, Australia, and England as locations for comparative research. This is followed by reflections on the researcher’s stance within the study, and details on the triangulation of data collection from documents, media and interviews. The analysis was made using critical discourse analysis and how this was used is detailed at the end of the section.

My reading led to an understanding that research commencing from the early 1970s would be appropriate, because this marked the time when second wave feminists began to link homelessness with domestic violence, in both England and Australia (see Abrar et al, 2000). This meant the study would cover a thirty year time period in two locations, and so would require a great deal of data collection and analysis. A key aim of the research was to analyse the historical context of England and Australia in order to understand the different focus in their respective current policy responses to homelessness attributed to domestic violence. A historic perspective therefore made it possible to distinguish policies that turned out to have had far reaching changes (Jacobs, 2001). This thesis uses a comparative methodology, but it is also a historical study, which has allowed an evaluation of changes over time. This has made it possible to gain a clearer focus and understanding of policy responses and a historical approach provided the possibility of establishing trajectories or patterns within what might appear as a disparate set of events (Jacobs 2001).

During the first year of the research, progress was made towards defining and clarifying the aims and objectives of the project, by means of a six-week familiarisation fieldtrip to Australia. This included one month at the Swinburne University Institute of Social Research in Melbourne, under the guidance of Professor Terry Burke, who agreed to be the Australian advisor for the study. The insights gained during the first field trip led to the realisation that even when policy responses may seem similar on the surface, they can come from very different stances, which can in turn lead to differing practices. This validated the focus of this study in attempting to understand how both countries have developed their contemporary responses, and where they are going with their policy responses to homelessness. Both Australia and England have accepted the need to do something about homelessness, but have responded in particular and different ways. The research investigated who were the knowledge producers, which organisations and individuals were involved in constructing homelessness in each country, and the power struggles that have led to these positions.

A danger of comparative studies is that they can lead the researcher to ignore major differences, and to take the home country of the author as the mould into which all other countries are fitted. For this reason the fieldwork in Australia was completed before that in the researcher's home country of England. During the second field trip in 2005, six months were spent conducting fieldwork whilst again based at the Institute of Social Research at Swinburne University. During the time in Australia I collected data from multiple sources and allowed it to 'speak for itself' through detailed reading of the texts. The discursive themes have therefore not been imposed but have emerged from the data collection and analysis process.

After the first field trip I decided to centre the research on one Australia State. Victoria has a population of six million, three million of which live in the capital city of Melbourne. This decision was made on the advice of Professor Terry Burke, because the Federal/State system of legislation in Australia is not conducive to a direct comparison with one of the four countries of the UK. Victoria was chosen because it has the most coherent homelessness/housing system in Australia, with housing and support services all coordinated by the Office of Housing within the State Department of Human Services. In Victoria the homeless are given greatest priority for public housing. However, only three percent of the housing stock in Victoria is public housing,

and most people on low incomes live in the private rented sector. Anderson's comments on the regionalisation of government (Anderson, 2003a), regarding the total devolvement of homelessness policy in Scotland (and the partial devolvement in Wales and Northern Ireland) within the UK, confirmed the decision that it would also be most appropriate to compare Victoria with one country within the UK<sup>4</sup>. The relatively recent devolvement of homelessness policy in the UK can be likened to the longstanding federalisation of the Australian Government, in terms of the differentiation of policy responses within nation states. During the research period the political party in power in Australia at the federal level was different to that at the state level. The differences in Federal and State policies regarding domestic violence and homelessness have been noted by Phillips (2006), and the differences are discussed throughout the findings chapters.

During the first fieldtrip it was decided that the research would concentrate on those who were vulnerable to homelessness due to domestic violence. This is because the limitations of a sole researcher conducting international research made it necessary to restrict the data collection and analysis process by choosing one homeless client group. In both locations domestic violence is one of the major causes of homelessness, but has received less research attention than another major cause, youth homelessness (Interview with MacKenzie, June 2004).

This research is a reflexive piece of work. Prior to starting this PhD study the author worked in the social housing sector in England for fifteen years, including the management of a local authority homeless persons department, and three years in charge of housing policy development and research for the same local authority. This was followed by time spent working in the voluntary sector developing new supported housing policy responses for young people, asylum seekers and victims of domestic violence. It was for this reason that I felt that it was especially important to conduct the Australian fieldwork before the English, as it enabled me to look at practice in England from a different standpoint. I am a feminist female, and this stance is also recognised within this research as a feminist objectivity allowed my research to come from a position of situated knowledge. It would have been very difficult for a male researcher

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<sup>4</sup> England is one of the four countries of the United Kingdom (UK).

to have conducted this study, because access to victims of domestic violence interviewees would have been difficult to access via feminist victim support organisations.

During the first year of the PhD I successfully completed a Post Graduate Certificate in Social Science Research Methods. This research training gave me the conceptual awareness, competences and skills to undertake the research. The data collection used a triangulation of research methods in order to enable the data to be analysed from a number of angles. This included document and media searches and interviews. Discourse methods were supported with a historical supporting evidence to provide the context and background information (Jacobs, 2004a). Historical data were also collected during the fieldwork.

The most important texts for analysis regarding homelessness and domestic violence in the two locations were chosen. As recommended by Jacobs, the texts chosen for selection for analysis were made after discussions with key actors and a reading of a large number of policy documents (Jacobs, 2004a). Strategically important policy documents were chosen which had directly reflected or informed the development of relevant legislative basis or public funding. Academic documents, which constituted the discourse behind policy documents, were also selected when appropriate. Legislation and definitions of homelessness were used as identifiers of discursive events. I also studied the language used in consultation papers, political statements, research reports and ministerial reports. In Victoria this process was conducted by interviewing academics at Swinburne University in Melbourne, who indicated the major policy events regarding homelessness in Australia. The documents themselves were obtained from the State Library of Victoria, The Domestic Violence and Incest Resource Centre, Melbourne, and from the Internet. For England, I had personal knowledge of some of the relevant policy events regarding homelessness. The English documents were obtained via the university inter-library lending system, the Women's Library, London and from the Internet. Fifty-nine Australian policy documents regarding homelessness and domestic violence were chosen for selection, and fifty-two English. These are listed in the References Section.

The use of newspaper and media articles was crucial for the critical discourse analysis because: “Journalists are key actors in policy development. They are primarily responsible for deciding whose narratives will be selected” (Mee, 2004, p122). Media articles were obtained from the time of the commencement of the feminist refuge movement in each location from a variety of sources. In Australia the extensive newspaper collection of the Victorian State library was used. Searches were made around the times of the important discursive events that were identified through analysis of the documents collected. For the older data this meant reading archived newspapers, and microfiched copies. Newer data were collected via the State library’s Internet archives and newspapers own databases. In order to do this searches were made for “domestic violence”, “homelessness” and word combinations of the two. The newspaper archives of the Domestic Violence and Incest Resource Centre and of the Women’s Half Way House Collective were also accessed. National, state, and local newspapers were searched, but only if they were readily available to purchase in Victoria. This is because I wanted to reveal discourse influence in Victoria and felt that local Sydney newspaper articles would distort the results. All relevant articles were read and two hundred Australian media articles were selected for analysis.

The older media English data were collected via the newspaper archives of the Women’s Library in London. Newer data were obtained via the LexisNexis Executive search engine, which contains newspaper articles from the mid 1980s onwards. Newspapers’ own Internet based archives were also searched. Again, only newspapers available in England were accessed. One hundred and fifty three English articles were selected for analysis. The newspaper articles from both research sites were entered onto the RefWorks database, so that they could be classified and sorted by newspaper, headline, year, descriptor, article type and journalist. This enabled me to search for recurring words and themes, and for them to be cross-analysed with the documentary data, before setting the interview questions. A list of the newspaper articles analysed can also be found in the references section.

Although critical discourse analysis cannot capture the non-vocal part of communication (Hastings, 1999), Fairclough argues that interviews are an important means of deeper investigation of issues that have arisen from document analysis (Fairclough, 1995). For this reason the research design of this study included the use of

interviews as well as textual analysis. Interviews were used for deeper investigation of issues that arose from the document and media analysis. Forty three in-depth interviews in total were conducted with service users, providers and policy-makers of homelessness provision. In Australia this involved interviewing staff and clients of agencies working with those who have experienced domestic violence, and policy workers of peak organisations and policy makers in the Office of Housing. My questions were directed by the themes I had discovered by interrogating relevant historical and policy documents and media articles, from the inception of the women's refuge movement in the 1970s through to the current day. The themes that emerged from the analysis of documents therefore informed the topics covered in interviews. The interviews sought to identify how definitions had become established and consistent, and the ongoing struggles under the surface. The interview guides and consent form for policy makers, housing professionals, and service users are included at Appendix One.

The Victorian interviews were initially obtained by writing to all the domestic violence refuges in the State. The editor of "Parity", an Australian homelessness periodical, gave me the post box contact details for the refuges, after I contacted him to request assistance. After the first interview with a refuge service manager, I was invited to attend a domestic violence forum meeting. This had a 'snowballing' effect, which led to introductions and further interviews, including with a police domestic violence liaison officer. Refuge managers whom I interviewed, in some cases agreed for posters to be put up telling clients of the study, and inviting them to contact me if they wished to participate. In Australia, qualitative interviews with homeless service clients are relatively unusual (Parker and Fopp, 2004). I was therefore extremely fortunate to be allowed access to this client group. I was assisted in this by the fact that I was female, and that I had previous work experience of dealing with victims of domestic violence. This allowed the service managers to feel confident enough to allow my contact details to be made available to service users. A list of anonymised interviewees for each location is included at Appendix Two. Quotations used within the thesis are also anonymised. All interviewees signed a consent form and were given an information slip about the study. This reinforced that they could contact me at anytime if they wished to withdraw from taking part. The English interviews were also obtained by a snowballing effect, initiated by writing letters to refuge providers and policy makers. Perhaps inevitably, most interviewees discussed more recent events, but some were able to

reflect on their experiences in the past, and this was very helpful to the study. All interview recordings were transcribed to reveal the themes which emerged and to see the impact that discourses have had on service users and providers.

The epistemological position of social constructionism was used to analyse the data using discourse analysis. The methodological assumption that informs discourse based approaches is that politics is an arena in which different interest groups seek to establish a particular narrative or version of events as a means to pursue political objectives (Jacobs, 2006). There are different approaches commonly deployed by academics utilising discourse analysis. This thesis draws upon the critical discourse approach of Fairclough, and his adoption of a three dimensional framework using text analysis, discursive practice and social practice (Jacobs, 2004a). However, my research approach is also drawn from a Foucauldian perspective that power is not reducible to individual agency. As I have sought to establish the linguistic strategies that are deployed by key actors to shape the policy agenda, (which come from Fairclough's critical discourse analysis), my discourse based research method is a mixture of the two approaches.

Jacobs lists five areas on which a discursive analysis should focus: history, agent, addressees of the text, subject of the discourse, and context (Jacobs, 1999). Whilst Marston stresses the need to conduct semi-structured interviews with actors such as policy-makers and housing activists, as well as to study key policy documents, press releases, media articles and written responses from media activists (Marston, 2000). Jacobs and Manzi emphasise the need to look at words that are technical, imprecise, or euphemisms (Jacobs and Manzi, 1996), whereas Darcy (1999) and Blandy and Robinson (2001) looked for common or contested themes in the text analysed. The close scrutiny of the detail of grammar lexis and narrative can reveal how discourses are reproduced and sustained in policy documents (Hastings, 1999). I analysed texts in this manner, to reveal discursive themes and events, and to explore the underlying reasons why these particular themes and approaches came to prominence. (Jacobs, 2004a). I did this in order to look at competing discourse, and ascertain which was the most prominent at any one time. The data were divided into underlying discourses by indexing and looking for themes, and by identifying key concepts. The discursive themes were identified by detailed reading of the data. The Refworks database was used to input notes and references of the data, in order to detail Jacobs' five areas of

discourse analysis. I looked for the power revealed by the implementation gap (from text to service provision) by considering Foucault's concept of discursive actions and events, rather than just discursive texts, in order to explore different players' understanding of the policy and implementation process. The discursive events examined acted as triggers to examine the constructions of homelessness. Likewise, the relations between different types of discourse (Pecheux's concept of interdiscursivity), where words and expression in common have different meanings in different contents (Blandy and Robinson, 2001), were searched for, as was an examination of the use of key phrases and story-lines.

Ezzy (2002) has identified three forms of coding: open, axial and selective. Open coding allows the researcher to explore the data in order to identify the unity of analysis and look for meanings, feelings and action. This is the coding system used in this analysis. During transcription of the interviews and reading of the text, an initial analysis was made of the themes emerging from the data. The discourses were then divided into themed areas so that I could track the development and changes that occurred in relation to earlier periods and the emergence of resistance. Having identified the discourses I then looked to see if and when they became normalised, and the effect that they had on policy responses to homelessness attributed to domestic violence. The analysis sought to reveal how the texts have been used to convince readers of the appropriateness of policy objectives regarding domestic violence or homelessness, or the link between them. and how the texts cued the reader to interpret or understand what was being said in a particular way (Jacobs, 2004a).

For both England and Victoria a structured analytical framework was developed that divided the identified discourses into three separate chronological phases. In both locations the competing discourses rose and fell from prominence at different times during each of these phases. The varying power and dominance of each discourse helped to explain the discursive tipping points (Hajer, 1995), which marked the phases. In each country both the discourses and the time periods were defined in terms of the specific discourses identified, and occupy different time periods. Analysis of documents and media articles from each location made it apparent that the period 1971 to 2005 could be split into three distinct phases, for each location, during which the discourses surrounding refuge provision and alternative housing solutions to domestic violence

altered and evolved. The English research period started in 1971 with the opening of the first feminist domestic violence refuges, and in Victoria in 1974, when the first feminist refuge opened there.

## **Reflections on the Study**

The work on this thesis commenced in October 2003. The first year was spent studying social science research methods, reading the literature on comparative and discourse studies and conducting an initial field visit to Australia. By October 2004 I had developed some thoughts on how to conduct the research, and I wrote in my Application for Confirmation of PhD Registration document:

The primary research for the project will employ reflexive social constructionist research methods and analytical techniques. The methodology will include in situ contextual data collection and analysis by means of:

- Analysis of key historical documents
- Analysis of past and current policy documents
- Familiarisation with service provision for homeless people (by means of participant observation) in both countries
- Identification of comparative case study areas, which are similar in terms of size, location and deprivation levels
- Further fieldwork including in-depth interviews with users, providers and policy-makers of homelessness provision, in the case-study areas. The interviews will seek to identify how definitions have become established and consistent, and the ongoing struggles under the surface.
- Choice of a particular group of homeless people (possible women fleeing domestic violence), as a focus for choice of texts and interview focus

(Angela Spinney, Application for Confirmation of PhD Registration, 10<sup>th</sup> October 2004)

The methodology and research methods outlined in the Application for Confirmation of PhD Registration report above were amended as the research progressed. I realised that

participant observation would not allow historical discourses to emerge, and therefore decided not to use this research method. The decision to focus on one client group throughout the research locations, rather than to use case-study areas, was made because I wanted to have time to analysis the key historical and policy documents regarding a specific client group, and also to include an examination of the discourses which emerged via the media. An objective choice was made to focus the study on people whose homelessness could be attributed to domestic violence. I had given some thought to focusing the study on youth homelessness but realised that much research had been done in Australia in this area, and that therefore there was less of a 'gap' that my study could attempt to fill. After reading about the links between homelessness and domestic violence in both locations I realised that a historical study looking back to the commencement of the feminist refuge movement would assist in contributing to understanding of why policy responses have developed as they have, for the selected client group, in each research site. There was a gap in the research of how constructions of homelessness attributed to domestic violence had come about, especially using a comparative study as a methodological lever.

In order to explore and understand how relevant policy responses have developed as products of culture and attitudes towards welfare and state provision the work in Victoria was used as a methodological lever in order to open up and take forward understanding of homelessness attributed to domestic violence in England. Thus an international comparison was used to reveal how homelessness has been constructed in the way that it has in England. The comparison was made with the intention of exploring and understanding how differing policy responses developed in each location as products of their individual culture and attitudes towards welfare and state provision, and in this way to make a contribution towards knowledge in this area. The examination therefore took place with the aim of furthering understanding of the differing social constructions of homelessness in each area, and the policy responses that have developed as a result of these.

### **3.7 Conclusion**

This chapter has justified the used of social constructionism as an epistemological standpoint for this study. The research aims and questions revolve around a desire to

understand what occurs below the surface of policy responses, and to reveal the discourses that influenced them. A methodology and research method that would reveal these discourses, and allow a comparative lever to be employed, was therefore required. I have described how a critical discourse analysis was used on the data, in order to reveal the ways in which language was deployed by the proponents of each discourse so that they could orchestrate political change and promote ideology (Fairclough, 1995). The research into the discursive themes surrounding homelessness attributed to domestic violence in Victoria and England involved detailed reading of a number of research and policy documents, and media articles from the time of the emergence of the feminist refuge movement in the 1970s to 2005 when the research period ended. Interview questions to policymakers, homelessness practitioners and clients were directed by the discourses that were revealed through the interrogation of these relevant historical policy documents and media articles. The interviews sought to identify how narratives have become established and consistent, and the ongoing struggles that had occurred below the surface of policy responses. By this process it was possible to chart the development over time of policies that have enabled women to free themselves from the shackles of homelessness attributed to domestic violence.

Chapters Four to Eleven cover the findings of my research. This begins in the next chapter, which introduces the discourses identified in Victoria and the analytical framework that has been developed in order to illustrate the discursive tipping points, which have been identified regarding homelessness attributed to domestic violence between 1974 and 2005 in Victoria. This is followed by an overview of the relevant policy responses during the research period.

## Chapter Four

### Introduction to the Victorian Discourses, Analytical Framework and Key Policy Responses

#### 4.1 Introduction

This chapter examines the key characteristics of the Victorian discourses that were revealed by the analysis. This is followed by a description of the analytical framework and an overview of the key policy responses of the period.

#### 4.2 The Discourses Regarding Policy Responses to Homelessness attributed to Domestic Violence in Victoria

My analysis revealed the origins of four discrete competing discourses, regarding homelessness attributed to domestic violence, in Victoria during the time between the opening of the first feminist refuge in 1974 until 2005, when the research period ended. I have named these: *Feminist Refuge*, *Indigenous*, *Progressive* and *Reactionary*. Discussion begins here on the characteristics of each of the discourses, their discursive themes, and the key features that make the four discourses individually recognisable. This is followed by a table describing the discourses, their themes, where they were first identified and their influence on policy responses.

##### *Feminist Refuge* Discourse

The *Feminist Refuge* discourse maintains that domestic violence is a problem of homelessness, requiring the provision of refuges. The key discursive themes are Separation and Removal; that is that female victims should be separated from male perpetrators, by the removal of female victims from the family home to a place of refuge. In this discourse domestic violence is constructed as a homelessness problem, as in the short to medium term women's refuge provision must be provided, and in the

longer-term permanent accommodation is needed in order for the victim to start a new life away from the perpetrator.

The use of phrases such as “glimmer of hope” and “tremendous need”, are emotive terms, and when used whilst referring to feminist refuges are ways in which this discourse can be recognised. In this discourse such words are used to express the orthodoxy that feminist refuges were the policy response needed to address homelessness attributed to domestic violence. The power rendered visible through this discourse became most apparent from the time the feminist refuge movement emerged in Victoria in 1974 through to the mid 1990’s.

Analysis indicated that the feminist orthodoxy of women’s right not to endure domestic violence, and to be able to leave the family home for state funded refuges were crucial in normalising feminist refuge provision. This normalised discourse went on to produce a prejudice against alternatives to refuge provision. Between the mid 1970s and the mid 1990s refuge provision became the only acceptable policy response to domestic violence. When the Australian social policy of “self-reliance<sup>5</sup> is considered, it is extraordinary that the *Feminist Refuge* discourse came into being at all, and demonstrates the strength of feeling by its proponents.

When the use of refuges by white Australian women declined in the mid 1990s, there is evidence that the *Feminist Refuge* discourse altered to encompass the assertion that ethnic immigrant women are more susceptible to, and more in need of protection from, domestic violence than other mainstream Australian racial and cultural groups. This led to the inception of many specialist refuges for specific client groups, at a time when mainstream white Australian women were less likely to make use of refuge provision than previously, and so maintained a purpose for feminist refuges, and a sense of purpose for their proponents.

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<sup>5</sup> Whereby individuals are seen to at least partly contribute to their own homelessness, and are required to play a part in developing their pathway out of homelessness.

## *Indigenous Discourse*

The key discursive themes of this discourse are Difference, and Impact of White Settlement. For indigenous Australians, both domestic violence and homelessness are very different from that of white mainstream Australian interpretations. The *Indigenous* discourse can be recognised in views that the causes of family violence stem from the history and impact of white settlement in Australia. In an indigenous community context family violence is wider than spousal violence and encompasses a mix of harmful, violent and aggressive behaviours that can occur within families, extended families, kinship networks and indigenous communities (Victorian Government, 2004).<sup>6</sup>

The *Indigenous* discourse constructs different definitions, causes, and solutions to domestic violence than the other discourses, and these are therefore framed in different language from that of mainstream Australia. Indigenous Australians also construct homelessness attributed to domestic violence differently from white mainstream Australians. The *Indigenous* discourse can be recognised in explanations of indigenous family violence based on the impact of white settlement. These impacts include dispossession of land, breakdown of community kinship systems, and also in definitions of homelessness based on cultural and religious connection to land.

The discourse can also be recognised in public calls for a holistic approach to ‘family healing’, and that policy responses to family violence need to build on the strengths of indigenous families and communities, and encompass indigenous concepts of well-being. This is very different from the *Feminist Refuge* discourse, which calls for the separation of female victims from men, firstly to feminist collective refuges and then on to independent accommodation away from their ex-partner. It is also very different from the *Progressive* discourse, discussed below, which calls for the criminalisation of perpetrators. My analysis revealed that the *Indigenous* discourse first became normalised for indigenous homelessness attributed to domestic violence when the State Government endorsed the findings of the “Victorian Indigenous Family Violence Task Force Final Report” (Victorian Government, 2004). Policy responses to this discourse have included the State funding of holistic family healing centres in Victoria.

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<sup>6</sup> For this reason the term “family violence” is used in this thesis when referring to the indigenous community

## ***Progressive Discourse***

The *Progressive* discourse appeared as a response to the *Feminist Refuge* discourse. However, unlike the *Reactionary* discourse, discussed below, which also opposed the provision of feminist refuges, the aim of the proponents of this discourse was to see perpetrators criminalized and removed from their homes, rather than their victims. They also wished to see a wider range of housing options to be available to such women.

The key discursive themes of this discourse are, Right to Home, Victim's Rights, Staying Put, and Increasing Options. The discourse can be recognised in the voicing of concerns over difficulties women have in remaining in the family home after suffering domestic violence. The discourse first became visible in 1985 in academic research reports. The use of the word "ideally" began to be used when referring to women remaining in the matrimonial home. This demonstrated that a new construction of the best way of dealing with homelessness attributed to domestic violence was being defined through discourse.

The *Progressive* Discourse was dominant from the year 2000 onwards, and led to policy responses which included the removal of perpetrators from the family home, men's behavioural programmes, specialist domestic violence courts and outreach domestic violence services to women not staying in refuges. Unlike the *Feminist Refuge* discourse, the *Progressive* discourse draws on the tradition of Self-Reliance in Australian social policy, and calls for women to be regarded as independent autonomous beings who can manage their own lives with short-term outreach support once the criminal perpetrator is dealt with adequately by the justice system.

## ***Reactionary Discourse***

Across the period of analysis I identified varying manifestations of a *Reactionary* discourse. These all share a common discursive theme of resisting the change that one of the newly normalised discourses of *Feminist Refuge*, *Indigenous*, and *Progressive* have created. The key discursive themes of the *Reactionary* discourse include

Patriarchy, Anti-feminism, Mateship<sup>7</sup>, Racism and Resistance, according to the emphasis of the discourse to which it is reacting.

These manifestations of the *Reactionary* discourse have been identified as demonstrating subtle distinctions and nuanced differences at different times:

- *REACTIONARY* to feminist refugee provision.

The key discursive themes here are Anti-feminism, Patriarchy and Resistance, and can be identified by the use of emotion-laden words concerning “splitting up the family”, “Immigrants faking abuse” and “Feminist Fundamentalism”. This discourse is also integrated into some elements of the Australian concept of “mateship”. Mateship can have positive elements, but has been opposed by feminists as one of the root causes of domestic violence. This was evident in such actions as male police officers informing husbands that their wives had reported their violence. From around the year 2000 the opposition to refugee provision on these *Reactionary* grounds diminished and was overtaken by the *Progressive* discourse whose perpetrators voiced opinions that the victims of crime should not leave the family home, and that instead the perpetrator should be removed.

- *REACTIONARY* to feminist explanations of causes and solutions to domestic violence

The key discursive theme here is Anti-feminism. This evolution of the *Reactionary* discourse became most apparent after the publication of the feminist “National Strategy on Violence Against Women” (Federal Government of Australia, 1992) which included explicitly feminist explanations of the causes of domestic violence. The discourse can be recognised in heated media debates about who the victims of domestic violence actually were, that is: either the *Feminist Refuge* explanation of wives of violent men, or the *Reactionary* explanation of sons of violent mothers, which was rooted in traditional images of white Australian life. The use of phrases in letters to the press and in

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<sup>7</sup> The concept of “mateship” is embodied within Australian Culture. It involves ‘looking out’ for those considered to be ‘on your side’.

television documentaries such as “fuelling female fear”, “feminist fundamentalism”, and “ideological battlefield” illustrate this discourse.

- *REACTIONARY* discourses of the justice system

This manifestation began to become apparent after the introduction of legislation to grant Exclusion Orders to the victims of domestic violence in 1987. A discursive myth developed that women were using the orders for their own ends. The key phrases of this discourse can be recognised in the use of journalistic reporting such as; “Opening Floodgates”, “Abuse of the system”, and “Queue jumping”. This discourse can also be recognised by the attitudes of some police officers in the way they dealt with female victims of domestic violence, and also in the light sentencing of offenders by Courts. As will be shown, this discourse of resistance became less apparent from around the year 2000 onwards, when it was pushed aside by a barrage of State Policy documents whose wording oppressed this attitude.

- *REACTIONARY* discourse to removing perpetrators from the home

This discourse can be recognised by opposition by police officers to strategies that require perpetrators to be the ones removed from the home. After the year 2000, this manifestation of the *Reactionary* discourse was challenged by *Progressive* discourse inspired policy responses. These saw the police offering up to three nights of motel vouchers to some alleged perpetrators, in order to make it easier for the police to request that the perpetrator left the family home. This discourse can also be recognised in the propaganda of the *Black shirts*, a vigilante fathers group, who protest outside women’s homes, when they have been allowed to maintain occupation of the family home

- *REACTIONARY* discourse to immigrants

The discourse covers several attitudes regarding those not from mainstream Australian white culture. It can be recognised in views that attitudes to domestic violence in some ethnic cultures are different from contemporary Australian attitudes. There is a perception that there is a clash of cultures on domestic violence, and that some

immigrants' attitudes are at odds with Australian legislation. In its most racist form this discourse can be recognised in the myth that some immigrants marry in order to obtain a residency visa, and then fake domestic violence in order to be able to stay in Australia. Newspaper headlines such as; "Real victims missing out on assistance – the marriage racket" and "Big surge in immigrants faking abuse" (*The Weekend Australian*, 8<sup>th</sup> February 2003), are typical of this discourse.

All these reactionary discourses oppose reform or change. Once the *Feminist Refuge* discourse became normalised there is very little evidence that these *Reactionary* discourses had any major impact on policy responses. Proponents of the *Reactionary* discourse within the police force and justice systems did however have the power to make individuals women's lives much more difficult, and to deter other women from making formal complaints about their partners violent behaviour.

Although not all the actors would necessarily have used the labels that I have attached to the discourses, or have perceived their own narrative within this framework, my analysis revealed that there were common key features, phrases and themes that could be identified into separate discourses. The following table summarises the key features and phrases of each discourse, where they were first recognised, and how each of them has influenced policy responses to homelessness attributed to domestic violence.

**TABLE ONE Key Features Of The Discourses Regarding Homelessness Attributed To Domestic Violence In Victoria**

<b>Discourse</b>	<b>Discursive Themes</b>	<b>Key phrases which Identify discourse</b>	<b>Where and when identified</b>	<b>Influence on policy Responses</b>
<b>FEMINIST REFUGE</b>	Separation (from perpetrator)  Removal (to place of refuge)  DV is a homelessness Problem	“Glimmer of hope”  “Tremendous Need”  “War against women”  “Break the silence”	Growth of feminist refuge movement  Media debate	Government funding of refuges  Provision of specialist refuges
<b>INDIGENOUS</b>	Difference (from white mainstream Australian interpretations)  Impact of White settlement  Impact of breakdown of community kinship systems  Connection to land	“Culturally appropriate solutions”  “Counselling and support”  “Don’t break up the family”	Academic research reports on homelessness and family violence  Public calls for a holistic approach to family healing  Calls for Policy Responses to DV to build on strengths of indigenous families and to encompass indigenous concepts of well-being	State funding of holistic family healing centres in Victoria
<b>PROGRESSIVE</b>	Right to Home  Victim’s Rights  Increasing Options  Staying put  Criminalizing perpetrators  Cost of DV	“Men’s privileged position”  “Male attitudes are the cause of domestic violence”  “Time women had a better deal”  “Women’s rights to remain in the home”	Academic research reports on homelessness and family violence  Media debates on choices available to women  Media debates on refuge provision	Removal of perpetrators from home  Men’s behavioural programmes Outreach services  Specialist DV courts
<b>REACTIONARY</b>	Patriarchy  Anti-feminism  Mate-ship  Resistance	“Splitting up the family”  “War between men and women”  “Immigrants faking abuse”  “Marriage Racket”  “Abuse of the system”  “Feminist fundamentalism”  “Ideological battlefield”	Police and Justice system attitudes to domestic violence cases  Media debates on causes of and solutions to domestic violence	Little evidence of instigation of policy responses as a result of reactionary discourses  Likely to have had a delaying effect on both State funding of refuge provision and on policies on removing perpetrator from the home

During the period of analysis, homelessness policy regarding victims of domestic violence was a “site of contestation” in Victoria (Jacobs, Kemeny, Manzi, 2003), in which competing interest groups sought to bring their definitions of the causes and solutions of domestic violence to prominence. In this section the key features of the four Victorian identified discourses regarding homelessness attributed to domestic violence: *Feminist Refuge*, *Indigenous*, *Progressive* and *Reactionary* have been described in order to aid later explanation of their inter-relationship over the 30 years period of analysis. Proponents of the four discourses competed for their discourse to become dominant and to influence the provision of accommodation services for those experiencing domestic violence. Mapping the inter-relationships of the discourses revealed how proponents of each reacted to the policy event that they were (or were not) able to influence and how each narrative was able to be reflected in institutional practices (Hajer, 1995).

### **4.3 Introduction to the Three Phases of the Victorian Analytical Framework**

The competing discourses identified above rose and fell from prominence at different times during the research period as there was a shifting policy language regarding refuge provision, at first towards it as the solution, and then labelling it as part of the problem. The significance of these shifts in policy language was that they have resulted in very different forms of housing solution to victims of domestic violence. An analytical framework has been designed which divides the research period into three phases in order to highlight the discursive tipping points which created these changes in policy response. I have named these: Refuges Arrive, Phase One, 1974-1985, Mainstreaming Feminism, Phase Two, 1985-1999, and From Refuges to Rights, Phase Three, 2000-2005.

Phase One, Refuges Arrive, 1974 –1985, saw the emergence of a specific *Feminist Refuge* discourse, which eulogised refuge provision as the only acceptable solution to domestic violence and which led to Government funding of refuges. The three discourses that circulated at this time were the *Feminist Refuge*, *Reactionary* and *Indigenous* discourses.

Analysis revealed that during Phase Two, Mainstreaming Feminism, 1984-1999, the *Feminist Refuge* discourse was adopted by conservative organisations such as the police, who began to frequently remove female victims to refuges. Both the National Strategy on Violence Against Women (Federal Government of Australia, 1992), and the United Nations Declaration on the Elimination of Violence Against Women<sup>8</sup> (which was instigated by Australia and Canada and adopted by the United Nations General Assembly in 1993), had overtly feminist explanations of domestic violence, which are contained within, and are part of, the *Feminist Refuge* discourse. Mainstreaming Feminism examines the impact of the mainstreaming of feminist explanations of causes of domestic violence. The section also explores the *Reactionary* discourse that was created by anti-feminist proponents and the effect this had on creating alternative policy responses to homelessness attributed to domestic violence.

Phase Three, 2000-2005, From Refuges to Rights, was the time when alternative policy responses to homelessness attributed to domestic violence came to the fore, as the *Progressive* discourse became normalized. In this phase the emphasis was far more on Victorian rather than federal policy initiatives, and on policy responses that were designed to deal with the perpetrator, rather than the homelessness attributed to it, which had been seen previously as both the problem and the solution. This was an important break away from the linking of leaving a violent relationship with inevitable homelessness that had been deliberately constructed by feminists in the 1970s as a calculated attempt to bring both attention and funded policy responses to this issue (Hopkins, McGregor, 1991). At the end of the research period in 2005 Phase Three was still ongoing.

The following table illustrates how the competing discourses rose and fell from prominence during the three Victorian phases.

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<sup>8</sup> This includes the following feminist explanation of the causes of domestic violence:

Recognizing that violence against women is a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of the full advancement of women, and that violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men.

(“Declaration on the Elimination of Violence against Women”, United Nations General Assembly resolution 48/104 of 20 December, 1993)

**TABLE TWO**

**The Rise And Fall Of The Victorian Discourses During The Three Phases**

<i>DISCOURSE</i>	<b>PHASE ONE</b> 1974 – 1985  Refuges Arrive	<b>PHASE TWO</b> 1985 – 2000  Mainstreaming Feminism	<b>PHASE THREE</b> 2000 – 2005  From Refuges to Rights
<i>FEMINIST REFUGE</i>	Became the normalized discourse during this phase	At its height between 1985-1989 and then began to decline in the mainstream, but adopted by police and other conservative organisations	Little visibility in this phase as the <i>Feminist Refuge</i> discourse was ousted by a normalised <i>Progressive</i> discourse
<i>REACTIONARY</i>	The normalised discourse during this phase  To feminism & refuge provision	To feminist explanations of the causes of domestic violence  Competed with <i>Feminist Refuge</i> discourse for normalisation within the police and justice systems  Began to decline in visibility from 1995 onwards	Little visibility during this phase
<i>INDIGENOUS</i>	Start of differentiation of domestic violence causes & solutions	Grew in visibility and influence	Sufficient power rendered visible through this discourse to influence police responses regarding indigenous homelessness attributed to domestic violence
<i>PROGRESSIVE</i>	Not visible in this phase	Became visible from 1985 and increasingly visible from 1987, when sufficient power was rendered visible through the discourse to influence legislation	Became the normalised discourse during this phase

This section has introduced the Victorian discourses that I have identified, and the analytical framework that I have developed. The next section introduces the key policy events regarding homelessness attributed to domestic violence in Victoria during the research period between 1974 and 2005.

## **4.4 Introduction to the Key Policy Events in Victoria regarding Homelessness attributed to Domestic Violence 1974 – 2005**

### **Introduction**

This section gives a brief introduction, in table format, to the key policy responses that had the most impact on those who experienced homelessness attributed to domestic violence in Victoria between 1974 and 2005. Few of these policy events had a deliberate policy focus on both those who were homeless and those who were victims of domestic violence. Some of the responses were initiated from within the State of Victoria (but not necessarily by the State Government), and some from the Australian Federal Government. Furthermore, not all of them are written policy documents. They have been brought together here because the analysis revealed that they together played a key role in the policy response framework by which those who become homeless due to domestic violence in Victoria received a service.

The following table lists the origin of each policy event, whether its emphasis was on homelessness or domestic violence policy, its date of origin and any link to policy documentation. As described in the previous chapter, the key policy events have been split into three separate chronological phases, in order to demonstrate the development over time, of policies that have impacted on Victorians made homeless due to domestic violence. The developmental process is not yet complete, but policy responses did evolve markedly during the thirty years from the inception of the Victorian feminist refuge movement in 1974 until 2005 when the research period finished.

In chapters Five to Eleven detailed examination of the key policy events for each phase of the analytical framework is made. This is followed in each of the chapters by the analysis of the phases.

**TABLE THREE Key Policy Events In Victoria**

YEAR	KEY POLICY EVENT	KEY POLICY DOCUMENT	STATE GOV OF VICTORIA ORIGINATED	COMMONWEALTH GOV ORIGINATED	DOMESTIC VIOLENCE EMPHASIS	HOMELESSNESS EMPHASIS
<b>PHASE</b>	<b>ONE</b>	<b>1974 -1985</b>	<b>REFUGES</b>	<b>ARRIVE</b>		
1974	Feminist refuge movement commenced		Voluntary		Yes	Yes
1975	Federal and State funding for refuges commenced		Yes	Yes	Yes	Yes
1985	Commencement of Supported Accommodation Assistance Program	SAAP Act 1985 Memorandum of Understanding		Yes		Yes
<b>PHASE</b>	<b>TWO</b>	<b>1985 -2000</b>	<b>MAINSTREAMING</b>	<b>FEMINISM</b>		
1985	Criminal Assault in the Home	Criminal Assault in the Home	Yes		Yes	
1987	Crimes (Family Violence) Act 1987	Crimes (Family Violence) Act 1987	Yes		Yes	
1989	DV awareness campaigns			Yes	Yes	
1992	National Strategy on Violence against Women	National Strategy on Violence against Women		Yes	Yes	
<b>PHASE</b>	<b>THREE</b>	<b>2000-2005</b>	<b>FROM REFUGES</b>	<b>TO RIGHTS</b>		
2000	Commencement of National Homelessness Strategy	Working towards a National HL Strategy		Yes		Yes
2000	Victorian Homelessness Strategy	Directions for Change	Yes			Yes
2001	Growing Victoria Together Strategy	Growing Victoria Together Strategy	Yes		Amongst other social policy issues	Amongst other social policy issues
2002	Family and Domestic Violence Crisis Protection Framework	Family and Domestic Violence Crisis Protection Framework	Yes		Yes	
2002	Women's Safety Strategy	Women's Safety Strategy	Yes		Yes	
2002	The Victoria Police Violence Against Women Strategy	The Victoria Police Violence Against Women Strategy	Yes		Yes	
2004	Victorian Indigenous Family Violence Strategy	Victorian Indigenous Family Violence Strategy	Yes		Yes	
2005	A Fairer Victoria Strategy	A Fairer Victoria Strategy	Yes		Amongst other social policy issues	

## **Conclusion**

This chapter has served as an introduction to the Victorian discourses, analytical framework and key policy responses. The next three chapters each focus on one of the phases, in order to explore in dept the policy events, and the discursive events surrounding and influencing them.

# **Chapter Five**

## **Refuges Arrive, Phase One, 1974-1985**

### **5.1 Introduction**

In this chapter the key policy responses to homelessness attributed to domestic violence that occurred during Phase One, between 1974 and 1984 are discussed. This is followed by analysis of the discursive events that occurred during Phase One, and evaluation of their impact on policy responses.

### **5.2 Key Policy Responses of Phase One 1974 – 1985**

During the first phase between 1974 and 1985, feminist explanations of the causes and solutions of domestic violence began to be heard, as the second wave of feminism in Australia took hold. The first feminist refuges were opened for women escaping domestic violence, so that women for the first time had some element of choice in whether they continued to endure their situation. Also during this period Government new funding programmes for homelessness services were introduced. Due to the efforts of feminists this included provision for those made homeless due to domestic violence.

#### **1974 First Feminist Refuge in Victoria established in Melbourne**

The first women's feminist refuge in Australia was established in Sydney in March 1974, and by June 1975, eleven further refuges had opened in Australia. Until the formation of the feminist Women's Liberation Groups in the early 1970s the limited amount of organisations aimed at helping homeless women had not questioned the social context within which women became homeless, and instead they had seen individuals as being responsible for their own situation. The need for a Women's Liberation Half Way House in Melbourne (so called because women are at a halfway point between their old lives and their new) had been established by the frequency of calls to Melbourne feminist collectives from women needing somewhere to escape to.

The calls prompted the groups (who had heard about the first refuge in Chiswick in England and first feminist refuge in Sydney in Australia), to open the first Victorian feminist refuge in a rented house in September 1974. The refuge operated at first entirely on voluntary donations, from women who identified with women needing refuge, trade unions, and from other political groups. Shortly before opening the refuge the Women's Liberation Half Way House Collective prepared a detailed funding submission requesting Government funding of \$150,000, which included the cost of buying a house. However at the time of opening the refuge the women had not had a response. The refuge began in rented accommodation, and the impact of government reluctance to their request for funding is discussed in the following section. The opening of feminist domestic violence refuges in Victoria marked the start of a linking of homelessness with domestic violence, and set in motion an intervention discourse that was to still remain thirty years later.

### **1975 Federal and State funding for refuges**

The Homeless Persons Assistance Act 1974 enabled the Commonwealth Government to make payments "for the provision of assistance for homeless persons and for certain other persons" to fund non-profit welfare organisations and Local Government bodies. The Homeless Persons Program<sup>9</sup> Guidelines, which accompanied the legislation, were published in 1976. However, the program was formulated before the concept of women's refuges had really developed, and consequently before the concept of homelessness had been widened to encompass non-traditional images of homeless people, who had become stereotyped as alcoholic single men. There was no automatic right of access to temporary or permanent accommodation for homeless persons in Australia given by the Homeless Persons Assistance Act 1974, or indeed by any subsequent legislation.

In February 1975 the Victorian Hospitals and Health Services Commission granted an interim payment of \$14,600 to the Melbourne Half Way House towards the costs of

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<sup>9</sup> Around this time the spelling of "programme" was in the process of altering to "program" in Australia. Throughout the thesis, when using funding scheme and legislative titles etc, the actual spelling has been used. When used more generally, the English "programme" is spelt.

refuge provision. Long and detailed discussions with State Health Department officials on administrative procedures held the grant up until May 1975. But at the same time a City Council planned, (but not yet established), non-feminist refuge in another part of Melbourne received funding of \$90,000 from the Homeless Persons Assistance Program. The Halfway House Collective had been given to understand that the Program would also be funding their work once it had got underway but unexpectedly in June 1975 Prime Minister Whitlam transferred responsibility for funding of women's refuges to the Commonwealth Community Health Program. The Half Way House Collective did not receive this funding at first because they refused to join the National Confederation of Autonomous Women's Refuges, which was a condition of funding. As a result they did not receive funding approval until October 1975 when they were granted \$51,000, a sum considerably less than they had requested, and much less than the non-feminist City Council refuge had received.

The major political crisis of November 1975 (in which the Labor prime minister was dismissed from office by the Australian Governor) led to policy changes in refuge provision. The feminist refuge movement became involved in the subsequent election campaign, and granted critical support of the Labor party, which they recognised had made moves towards meeting some of their demands during its term of office. However, the Labor Government were replaced by a Conservative coalition who were committed to a reduction in Federal spending, and to handing over a variety of financial responsibilities to the States. In 1976 the Federal Government cut its funding of refuges. In 1977 this was further dropped, and the State Governments were expected to fund the difference. Victoria was one of three States in Australia that did this, but other States with conservative governments initially refused to do so. In 1983 the Labor party was returned to power in the Federal Government, and almost immediately \$4 million was granted to the Women's Emergency Service Program (WESP). As the funding was in addition to the State funds being paid by the Victorian Government it meant that the financial situation of refuges in Victoria improved considerably.

### **1985 Supported Accommodation and Assistance Program (SAAP)**

In 1983 all Commonwealth crisis accommodation services were brought together under the Supported Accommodation Assistance Program, (SAAP). The Commonwealth

Parliament passed the first SAAP Act in 1985, and WESP was included as a sub-programme. Some women's groups objected to this, as they were concerned that funding for domestic and family violence issues would be restricted to crisis accommodation only (Hopkins and McGregor, 1991). A compromise was reached whereby it was agreed that non-accommodation services would also be funded through SAAP. This created the anomalous situation whereby the provision of non-accommodation domestic violence services were funded through an accommodation programme. This situation still continued in 2005, at the end of the research period. An example of this is the funding of domestic and family violence outreach projects, on the justification that such schemes work towards prevention of homelessness caused by domestic and family violence. Therefore, the reason that many of the domestic and family violence services were still funded in 2005 by the SAAP homelessness system derives from the feminists' decision in the 1970s to seek funding to develop a homelessness response rather than to initially tackle other issues, such as the criminality of perpetrators or public perceptions of domestic violence. The SAAP program was still, some twenty years later, at the end of the research period, Australia's primary service delivery response to homelessness, and was still jointly funded by the Australian and State/Territory governments.

The Australian Government held a policy leadership role and State/Territory Governments were responsible for the day-to-day management of the program. In Victoria it was the Office of Housing who funded and monitored family violence services through SAAP. SAAP funds were allocated very differently throughout Australia, and States and Territories had a very diverse mix of SAAP agencies. Population size was the base determinant for SAAP funding allocation. In 2005 there were approximately 1,290 SAAP agencies across Australia assisting on average 20,000 people per day. The SAAP Act 1985 did not provide the right to adequate housing and there were no rights of access to services provided through SAAP. SAAP was not intended to solve the housing needs of people, as it was not a long-term housing programme, and as such was not designed to solve permanent housing needs. The scheme depended on its effectiveness on the ability of its clients to move on to other housing options, such as private rented, public housing or owner occupation, after they have received accommodation and services whilst in crisis. As a consequence considerable numbers of SAAP clients returned to a homeless situation after receiving

assistance. SAAP was conceived as a last resort safety net for the most marginalized and powerless in society and in 2005, of those assisted, only thirty nine percent moved on to independent housing, and over half remained in some form of homelessness situation. Women and children escaping domestic violence were in the top bracket of “unmet demand” from SAAP services, as many more people tried to access SAAP accommodation than there was room for.

There have been four versions of SAAP since its inception, each with set funding dates and differing priorities. During the first SAAP Agreement between 1985 and 1989 the programme focused on establishing new refuges in rural areas and the provision of detached and outreach support for women leaving refuges. The SAAP Act 1994, defined a homeless person as “A person is homeless if, and only if he or she has inadequate access to safe and secure housing” (Subsection 4(1)). This definition uses a construction of homelessness that defines homelessness as the lack of a home where people can feel safe, and therefore encompasses many women still living in a violent relationship (Watson and Austerberry, 1986). The SAAP Act 1994 identified that a key role of SAAP was to safeguard client’s rights, through grievance and appeals procedures and the development of a charter of client’s rights and responsibilities. As a result of this a charter of client’s rights and Homelessness Assistance Standards was developed in Victoria as part of the Victorian Housing Strategy, which is discussed later. Homeless people do not have a right to access services, and these rights appertained more to consumer service standards than rights to housing. As the term Supported Accommodation Assistance Program implies, in Australia all temporary accommodation provided for the homeless comes alongside some form of support.

Every five years all State and Territory Ministers jointly sign a Memorandum of Understanding that sets out the policy framework. The fourth memorandum recognised that despite the official definition of homelessness given in the SAAP Act, homelessness is a widely debated and contested term that may encompass a range of concepts and definitions. The memorandum recognised that for Indigenous Australians homelessness is different in nature from some non-indigenous concepts. The following section examines the discursive events surrounding these policy responses, and evaluates their influence.

### **5.3 The Discourses regarding Homelessness attributed to Domestic Violence during Refuges Arrive, Phase One, 1974-1985**

#### **Introduction**

This section makes a detailed examination of the Victorian discourses that were described in Chapter Four regarding homelessness attributed to domestic violence, and the inter-relationship between them during the period between 1974 and 1985. The discourses that have been identified as influencing policy responses during this phase are: *Feminist Refuge*, *Reactionary* and *Indigenous*. These discourses competed to dominate the discursive space between 1974 and 1985, to create a climate that influenced provision of accommodation services for those experiencing domestic violence. By mapping the inter-relationship of the discourses the analysis revealed how each of the discourses influenced and reacted to policy responses.

The reason that the research period commenced in 1974 was that this marked the beginning of feminist solutions to domestic violence in Victoria, (that is the beginning of feminist collective refuges), and the time when feminist explanations of the causes and solutions of domestic violence began to be voiced. As discussed in Chapter One before this there had been only limited public awareness of domestic violence in Victoria. The second wave of feminism in Australia brought about a new means of both constructing awareness of the issue, and to solutions that would work in the context of that era. Feminists in Australia at this time strived to create a society in which women and men had equal incomes, career opportunities, and rights as individuals. As the prevalence of violence against women became apparent, women's liberation groups began to set up refuges. These groups deployed linguistic strategies to create a discourse that domestic violence is a problem of homelessness, and they did this in order to gain State Government funding for refuge provision. The creation of State funded refuges meant that women experiencing domestic violence now had, for the first time, some element of choice in whether they continued to endure their situation. My analysis revealed that the creation and development of the *Feminist Refuge* discourse had a profound impact on the way that homelessness attributed to domestic violence is dealt with in Victoria, and the repercussions of this are still being felt to the present day.

The first feminist refuge in Victoria opened in Melbourne in 1974 and this marked the starting point of women and children's homelessness being attributed to domestic violence. The effect of the *Feminist Refuge* discourse was to lessen social stigma against women leaving their violent husbands and later on, as a result of the normalisation of the discourse, to aid the commencement of Federal and State policy responses which included public funding for refuges.

### **The Rise and Normalisation of the *Feminist Refuge* Discourse**

Before the rise of the *Feminist Refuge* discourse and the provision of refuges there were multiple barriers that women had to overcome in order to distance themselves from violent partners. The positive impact of this discursive event is illustrated in the following excerpt from an interview with an elderly woman who had withstood years of abuse because she felt that she had had no means of removing herself and her children from her husband's violence:

I was...well, sometimes I was thinking probably it will be good to go and break a window and police will take me and put me in jail. And there's a solution. Not to steal, just to make something to- to be locked somewhere.

(Eileen, Victoria, ex-resident of refuge)

The catchphrase of the women's movement at the time echoed this lack of choice and also illustrated the themes linking domestic violence and homelessness, and the need for the removal and separation of women: "The only places that women have to go are the prisons, the hospitals, and the morgue" (Women's Halfway House Collective, 1976).

The difficulties of women who were trying to escape were highlighted in an article entitled "Violence Against Women Not something talked about much" (*National Times*, 20-25<sup>th</sup> January 1975). The feminist Anne Summers was quoted in the *National Times* newspaper on the patriarchal nature of Australian society:

A woman who wants to leave her violent husband cannot obtain financial assistance from Government social welfare agencies. Once she has left, and can establish that she is on her own they will pay for emergency relief money. But most women cannot leave because they have no money.

(*National Times*, 20-25<sup>th</sup> January 1975)

The view of expenditure on homeless provision before the *Feminist Refuge* discourse became prominent is demonstrated in the Homeless Persons Assistance Act, 1974. The Act defines a homeless person as:

One who has attained the age of 16 years and who, having no settled home, is in need of approved assistance, or who having a settled home, is temporarily in need of such assistance.

(Homeless Persons Assistance Act, 1974)

Discourse analysis of legislative definitions of homelessness provided the key to understanding why Australia and England have differing policy responses to homelessness. “Law is a powerful normative discourse which, distinctly, ‘brings into existence that which it utters’ (Bourdieu, 1991, p42).

The legislation also includes a dependant child of such a person. The legislation does not include any attempt to define what a settled home is, or indeed to give any detail on what the “approved assistance” of accommodation, food and social welfare services might entail. The Act enabled the Commonwealth Government to make payments “for the provision of assistance for homeless person and for certain other persons” to fund non-profit welfare organisations and local government bodies. There was no duty imposed on any organisation to either fund or to provide assistance, and no duty to provide permanent accommodation. When assistance was provided there were behavioural changes required of the recipient. Indeed the programme guidelines, designed to accompany the legislation but were not in fact published until 1976, make explicit a personal rather than structural stance on the causes of homelessness, stating:

It may appear self-evident that to provide assistance without expecting them to change their ways is to perpetuate a situation which is bad for them and bad for the community.

(Department of Social Security, 1976)

The Australian social policy of self-reliance can therefore be identified as underpinning this legislation. The Act makes no specific mention of those whose homelessness can be attributed to domestic violence, although the quite generalist definition above could be said to be wide enough to include many types of homeless people, whose homelessness

has come about as a result of quite different reasons. However, the Homeless Persons Program Guidelines stated that priority for funding should be;

Given to projects designed to assist chronically homeless low income and destitute people like those who traditionally have depended on the support of night shelters, soup kitchens and other “skid row” facilities of Australian cities.

(Department of Social Security, 1976)

This therefore by implication excludes women who have been forced from their homes by domestic violence. The guidelines consequently worked to exclude women and their children who had fled the family home due to domestic violence as they specifically targeted assistance to those who fitted the traditional Australian image of homeless people that was prevalent at the time. It was reported at the time that as many as twenty such men were dying on the streets of Melbourne every month (*Sunday Press*, 17th July 1980). Until the rise of the *Feminist Refuge* discourse, the plight of women feeling they had no option but to stay in violent relationships was not visible in the way that the situation of homeless men had come conspicuously to the fore of media attention. Feminists had yet to establish a clear gendered narrative to explain the “story” (Hajer, 1995), and extent of homelessness attributed to domestic violence.

It was not until the Women’s Liberation groups came into existence in the 1970s that there was a questioning of the social context within which these women became homeless, as up to now individuals had been held responsible for their own situation, and the matter had received only limited attention. There was no highlighting of domestic violence in the media as a social issue that needed the solution of women’s refuges until the *Feminist Refuge* discourse emerged. The Victorian Police Surgeon Dr John Birral echoed the *Feminist Refuge* discourse when he gave his support in the press to the formation of the first Victorian refuge. He called the concept of a refuge “A ray of light” and stating that “the battered wife is a tremendous problem and very common problem” (*The Age*, 15<sup>th</sup> May 1974). This illustrates that the *Feminist Refuge* discourse was beginning to gain acceptance outside the women’s movement.

The *Feminist Refuge* discourse was again visible in September 1974: one month after the Women’s Liberation Halfway House Collective had submitted a request for

government funding. Newspapers are uniquely placed to mould public support (Cowan, 1992), and letters to editors, and sympathetic journalists, began to repeatedly reiterate the discourse that refuge provision was the solution to domestic violence, and that the State should be involved in the funding of feminist refuges. *The Australian* newspaper highlighted the discursive theme of domestic problem being a homelessness problem when it stated:

The problem of displaced women has never been touched by government or charities who concentrate on the problems of homeless men.  
(*The Australian*, 21<sup>st</sup> September 1974)

Power is constituent of a network of relationships between individuals, and in the quotation below from a public forum the use of language can be seen playing an instrumental role in creating a new “regime of truth” (Foucault, 1980), regarding women’s homelessness. *The Herald* newspaper highlighted the discursive theme of separation of the *Feminist Refuge* discourse in October 1974 in an article on the campaign by feminists from the Women’s Liberation Halfway House Collective to get state funding for a refuge:

“We’re not here to make governments responsibility any easier”, said the women’s libber “Government has got to realise the tremendous need in the community for these kind of places.”  
(*The Herald*, 8<sup>th</sup> October, 1974)

Another newspaper article in the *National Times* demonstrated that the *Feminist Refuge* discursive themes of domestic violence being inextricably linked to the homelessness of women, and to domestic violence being solved by the removal of women, had begun to make headway in constructing a new reality:

Violence against women is not a "problem". It is a common reality. And it will not disappear until women themselves refuse to take it any longer. But for this to happen they need some assistance. They need places to go and money to get them there.  
(*National Times*, 20-25 January 1975)

The process of normalisation of the *Feminist Refuge* discourse, whereby a constructed version of reality has become normal (Jacobs, 1999), began in February 1975 when it was announced that the Victorian Hospitals and Health Services Commission had

granted public funds of fifteen thousand dollars to the Melbourne Halfway House Collective towards refuge provision costs. However at the same time there was an opposing *Reactionary* discourse that was resistant to the discursive theme of separation of the *Feminist Refuge* discourse. Under the newspaper article heading “Libbers split up a family. Help me find my wife and five kids”, a deserted husband complained:

A war pensioner has accused Women’s Libbers of ripping his family apart. Former RAAP rear-gunner Robert Jodgetts claims the movement has brainwashed his wife, Faye, into leaving home with their five children. “Faye has been under the influence of Women’s Lib for months, she has been going to their meetings every day and has become very arrogant. She said she should be the boss, she should have control over all our money, and we should have sex only once a week”. He had traced his family to the half way house but they had left there a month ago, and he had no idea where they were now. “It’s ridiculous that Women’s Lib can tear us apart this way.”

(*Sunday Observer*, 20<sup>th</sup> July 1975)

The use here of emotive words such as “brainwashed”, “arrogant”, and “ridiculous” are indicative of the *Reactionary* discourse which is resistant to the changes that were occurring because of the *Feminist Refuge* discourse. These words cue the reader to interpret the text in a certain way (Hastings, 1998).

Although the first Melbourne feminist collective refuge was now in receipt of some State funding, it became apparent that a non-feminist council-run refuge had received more funding, with much less effort, and soon after opening. A Victorian newspaper exhibited the discursive theme of separation in the *Feminist Refuge* discourse by stating:

Perhaps the only glimmer of hope for these prisoners in their own homes is the recent development of the halfway house (refuge) concept.

(*Moorabbin Standard News*, 25<sup>th</sup> February 1976)

The same article also comments on the anti-feminism of the proponents of the *Reactionary* discourse:

The funding of both refuges is also significantly different... Whereas the women's movement house has had to haggle for funds since it started operating 18 months ago, a substantial grant of more than \$97,500 landed Mordialloc's way. While the movement's house is stifled by lack of funds and bureaucratic red tape, the formally structured council-run Mordialloc centre has had a relatively smooth run.

(*Moorabbin Standard News*, 25<sup>th</sup> February 1976)

A spokeswoman for the non-feminist refuge explained this by: “We haven't got the anti-men hang-up that many of the women's lib girls have” (*Moorabbin Standard News*, 25<sup>th</sup> February 1976). Again, key phrases such as “stifled” and “glimmer of hope” are used here to cue the reader.

In 1977 a group of Melbourne women demonstrated the discursive theme of Right-to-Removal of the *Feminist Refuge* discourse when they protested in the Federal capital of Canberra on budget day on “the unsatisfactory method of funding refuges”:

“In Victoria we hope to go on being funded, but we now have to start lobbying our State Parliament. It is an appalling waste of effort” (said Jan Plummer, spokeswoman for the Woman's Electoral Lobby). “We have been struggling for three years now to get an adequate and rational and fair funding programme for our refuges. But at the end of June each year we are faced with the same threat of having to close”.

(*The Age*, 20<sup>th</sup> August 1977)

By 1978 feminist bureaucrats working in both State and Federal Government (femocrats, (Watson, 1992)) were also playing their part in the normalisation of the *Feminist Refuge* discourse, as enunciation of the discourse began to take root in policy documents regarding domestic violence. An internal Victorian report on pressure on the Victorian Department of Community and Welfare Services to become involved and fund broader housing services illustrates this by defending the funding of refuges:

Refuges must be distinguished from emergency housing. They are for those who are not just economically insecure and socially vulnerable but who are also in need of protection.

(Hulse, 1980, p8)

A Department of Community and Welfare Services report, on “Collectives and Accountability” (Hulse, 1979), also spoke against the growing objection to “non-accountability” by proponents of the *Reactionary* discourse. They objected to State funded feminist refuge provision on the grounds that collective run refuges were not “accountable”. Here the same femocrate proponent of the *Feminist Refuge* discourse directly counters this *Reactionary* discursive theme by going on to note that traditional accountability concepts and mechanisms are inappropriate for a collectively run organisation.

Particular scrutiny of women's refuge collectives' stems from the concern of some parts of the community and some levels of Government at the philosophy underlying provision of such a service.

(Hulse, 1979, p5)

The author of the report voiced scepticism at concerns that the informal organisational structure of many refuges did not permit legal redress if funds were being used inappropriately: "Accountability requirements of the new program are more stringent than for more traditional programs" (Hulse, 1979). The report also stressed that the Victoria Crown Solicitor's advice was that the Department was already funding other unincorporated organisations under a variety of programmes, so strengthening the argument that this objection was being used, albeit subconsciously, as a tool to perpetuate a discourse against feminist refuges, and was not in fact a 'real' problem. The report also countered complaints concerning feminist refuges' refusal to give their addresses to male bureaucrats, supporting the view that this would be inappropriate as secrecy of location was an integral part of service provided. This shows the strength of the discursive theme of separation that this discourse holds, as female victims must be separated from all males, not just the perpetrators of domestic violence.

As noted by contemporaries at the time, conservative attacks can take many forms (Saville, 1982). Government officers' demands to inspect refuges at will, and exhortations for greater public accountability for collective run refuges in Victoria were two ways in which proponents of the *Reactionary* discourses unsuccessfully attempted to defeat the normalisation of the *Feminist Refuge* discourse. A newspaper article in August 1977 entitled "Women's refuges battle for money" (*The Age*, 20<sup>th</sup> August, 1977) illustrated the *Reactionary* discourse against State funding of feminist refuges. It was also the first indication of a growing divide between Federal and State viewpoints on Government funding of women's refuges:

The Commonwealth will be suggesting to the States a higher priority be given to the funding of women's refuges...The refuges will get the money through the Community Health Programme - if the States decide to hand it on.

(*The Age*, 20<sup>th</sup> August, 1977)

The media article quoted above is a public indication of a divide between the policy responses emanating from the Federal and State Governments over the causes and

solutions of domestic violence, and the homelessness attributed to it. The divide in support over discourses between the Labor State Government of Victoria and the conservative Federal Government later became more apparent.

### **The Emergence of the *Indigenous* Discourse**

Whilst the *Feminist Refuge* discourse had become normalised in mainstream Victoria, an alternative storyline (Hajer, 1995), was also being constructed using a very different social and political context. In a newspaper article of 1979, the germination of an alternative discourse to that of the *Feminist Refuge* by indigenous people and their supporters becomes visible. Later this *Indigenous* discourse, whose proponents reject white feminist interpretations of the causes and solutions of domestic violence, and the homelessness attributed to it, becomes much more apparent and indeed is taken on board in State policy documents thereby influencing and altering policy responses. At this early stage the discursive theme of difference of the *Indigenous* discourse is disclosed in the following newspaper article quoting an indigenous woman named Mrs Hoffman, who was campaigning for an indigenous refuge in Victoria:

Organiser, Mrs Elizabeth Hoffman has recently returned from a trip to Canberra to convince Government officers there is a need for a segregated refuge. "People say Aboriginals are not different but they are...Its not that Aboriginal women don't feel welcome at other refuges – they are made very welcome. But they feel in their own organisation they are with their own people."

(*The Age*, 14<sup>th</sup> November 1979)

In the same article Mrs Hoffman goes on to specifically voice the *Indigenous* discursive theme of keeping the family together, which is a "contested theme" (Blandy and Robinson, 2001) from that of the *Feminist Refuge* discourse:

"They will be counselled and we encourage them if they want to return to the family. We don't want to discourage them."

(*The Age*, 14<sup>th</sup> November 1979)

This illustrates that this new discourse took a very different stance from that of the *Feminist Refuge* discourse. My analysis indicates that resistance by indigenous women led to rejection of the *Feminist Refuge* discourse. This can be compared with the earlier rejection, by proponents of the *Reactionary* discourse. Some elements of interdiscursivity can be found here, as both discourses are opposed to the discursive

theme of the removal of women from the family home, and both wish to see a return to how things were in the past. Two different groups are competing to establish their version of reality (Fairclough, 1995, Jacobs, 1999). The *Reactionary* discourse calls for a return to the status quo of the recent past, when feminist explanations of the causes and solutions to domestic violence had yet to become normalised, and the traditional concept of white European patriarchal society prevailed. However, proponents of the *Indigenous* discourse called for a reduction of the effects of colonisation, and a return to the traditional indigenous family life of two hundred years ago, before the arrival of white Europeans.

### **Continued and Expanded Public Funding for Refuges**

In 1983 a Labor Commonwealth Government was returned to power. Federal funding for refuges, which had decreased after the Whitlam Labor Government was controversially dismissed from office in 1975, increased again. In 1984, as a result of the now nationwide normalisation of the *Feminist Refuge* discourse, Commonwealth funds for refuges became available under the new Women's Emergency Services Program (WESP). WESP was specifically targeted to:

Women and women with dependent children escaping from intolerable domestic circumstances or other crisis situations who need support to move toward independent living where possible and appropriate.

(Department of Community Services and Health, 1991)

Here the *Feminist Refuge* discourse is exhibited in the use of words such as “escaping” and “intolerable”. The *Feminist Refuge* discourse is therefore integral to the WESP policy response.

In 1985 the Commonwealth Supported Accommodation and Assistance Program, (SAAP) was introduced and WESP was included in SAAP as a sub-program. The purpose of the SAAP Programme as defined by the Act is;

The provision by non-government organisation or local government, with financial assistance from the Commonwealth and the States, of a range of supported accommodation services and related support services, to assist men, women, young people and their dependents who are permanently homeless, or

temporarily homeless as a result of crisis, and who need support to move towards independent living, where possible and appropriate.

(SAAP Act, 1985)

Domestic violence and homelessness are therefore inextricably linked in this policy response, and transitional support towards independent living was, from the start, an integral part of the SAAP programme.

There were incentives to join SAAP, because the programme promised five-year funding agreements and improved wages and conditions for women's refuges. Analysis has revealed that the institutionalisation of feminist refuges at this time, through becoming part of the SAAP programme, can be seen to have been the zenith of the *Feminist Refuge* discourse, as homelessness and domestic violence had become inextricably linked together in a public funding programme.<sup>10</sup>

The reluctance of some feminist refuges to fully accept the discursive theme of domestic violence being seen as a problem of homelessness within the *Feminist Refuge* discourse is reiterated in an interview with a former refuge worker who had been involved from the onset of the refuge movement:

The original funding for the domestic violence sector came out of SAAP (sic), so it was homeless funding. And it was justified by saying that even if a woman had a roof over her head- you know, she was living in an emotionally and physically, psychologically unsafe environment, she was homeless. And I think we were kind of- went down that road because domestic violence did not get up in it's own right. It was not funded in its own right. It was funded under the homeless programme. And while that was great because we got the funding, there's been a sort of a bit of uneasiness all along.

(Sue, Victoria, domestic violence outreach worker who had previously been involved with the feminist refuge movement)

“Subjectivist” definitions of homelessness state that homelessness is a socially constructed concept. Such a definition is incorporated into the Supported Accommodation and Assistance Acts 1985-1999, which governed the SAAP Program. Here a person is defined as homeless if and only if they have “inadequate access to safe

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<sup>10</sup> By 1991 19% of SAAP service delivery funds were targeted towards women and children escaping domestic violence, and there were 25 women's refuges in Victoria. This had increased from 16 in 1979 when refuges were part funded by the Victorian Community Health Programme (Department of Community Services and Health, 1991).

and secure housing”. This “includes accommodation that marginalizes a person through failing to provide access to the economic and social support that a home normally provides”. This definition therefore incorporates the concept of “home”, and can be seen to include victims of domestic violence both whilst living with the perpetrator and post separation. The SAAP legislative definition therefore does not perceive homelessness solely as a housing issue, but rather a set of social economic and individual factors that impact on pathways into and out of homelessness (Mackenzie & Chamberlain, 2003).

Analysis of policy documents, legislation, contemporary media articles and interview transcripts revealed that from the mid to late 1970s a *Feminist Refuge* discourse regarding the provision of women’s refuges as the only answer to dealing with domestic violence became normalised. Under the impact of the normalised *Feminist Refuge* discourse, women not wishing to leave the family home began to experience a feeling of alienation from the norm. An interview with a past victim of domestic violence exhibits this feeling of an ‘automatic’ link between domestic violence and refuge provision. Below, she talks about her situation in the 1980s and 1990s when for her, not going to a refuge meant that she did not have to accept that she was a victim of domestic violence, and so face the stigma this entailed:

I think perhaps if it was anything it was denial. That things weren’t as serious as that, like while I was able, if I was able to stay out of those refuges then it really wasn’t domestic violence or it wasn’t, the situation wasn’t as bad... So yeah, so I think the whole thing about refuges was that if I’d actually gone to a refuge I perhaps would have been, I wouldn’t of been able to, to put, to keep that façade of, of the denial going.

(Jade, Victoria, ex sufferer of domestic violence)

The disciplinary power of a normalised ideology regarding refuge provision is also made clear by the discourse’s examination and categorisation of those who were considered eligible for help and assistance. Refuge applicants were fixed in a normalising gaze as being either worthy for help or not. This is demonstrated by the rule that in order to be eligible for entry to a refuge women had to be in immediate danger of physical abuse. This excluded women suffering other forms of domestic violence, such as emotional or financial abuse. The consequences of the disciplinary power of the normalised discourse therefore resulted in a narrow concept of domestic violence,

alongside a narrow acceptance of possible solutions to domestic violence. The following section, *Mainstreaming Feminism*, on the time period 1985 to 1999, discusses other aspects of this normalising gaze when the rigid rules and lack of freedom that refuges at that time enforced on their residents are examined. Following the development of the report "Criminal Assault in the Home, Social and Legal Responses to Domestic Violence" (Women's Policy Co-ordination Unit, Department of Premier and Cabinet, 1985), the Victorian State Government enacted the Crimes (Family Violence) Act in 1987. This legislation placed an increased emphasis on the right of women to remain in their own home by the creation of Exclusion Orders, and marks the start of a new phase of policy responses to domestic violence that are discussed in the following chapter.

## **Conclusion**

The normalised *Feminist Refuge* discourse with its discursive themes regarding the right of women not to have to remain in the home and endure domestic violence are evidence of a triumph over *Reactionary* discourses that failed to prevent the emergence of a widespread state funded refuge network across Australia. The dominant discourse of *Feminist Refuge* became, for a time, the accepted storyline (Hajer, 1995) on domestic violence solutions. The discourse was successful in both creating a climate where women leaving violent partners gained social acceptance, and in ensuring public funding for refuges. Victims of domestic violence were constructed as victims of patriarchal circumstance by this discourse, which was competed against by both the proponents of a *Reactionary* discourse against refuge provision, and by an *Indigenous* discourse, which blamed colonisation rather than patriarchy as the cause of domestic violence. Furthermore, the *Indigenous* discourse did not support the *Feminist Refuge* call for separation and removal of female victims. Analysis has revealed that later a *Progressive* discourse developed which called for alternative solutions to domestic violence, including removing perpetrators from the family home.

The further development of these discourses and the inter-relationship between them are discussed in the next two chapters. The first is concerned with the second identified phase of the discourses regarding homelessness attributed to domestic violence in Victoria between 1985 and 1999, *Mainstreaming Feminism*. Before this, the key policy

responses regarding homelessness attributed to domestic violence which occurred during Phase Two are evaluated.

## **Chapter Six**

### **Mainstreaming Feminism, Phase Two, 1985-2000**

#### **6.1 Introduction**

This chapter concerns the second period of analysis, Mainstreaming Feminism, 1985-2000. The pattern of the previous chapter is followed, by first examining the key policy responses that occurred during the phase, and then evaluating the discursive events and their influence on these responses.

#### **6.2 Key Policy Responses of Mainstreaming Feminism, Phase Two 1985 – 2000**

Phase Two witnessed the period when feminist explanations of the causes of domestic violence, and the homelessness attributed to it, became mainstream and integral within Government policy documents. The period also saw the development of legislation and policies designed to specifically address domestic violence, the majority of which were Victorian initiatives rather than emerging from a Commonwealth Government level. The major relevant policy events for the period are discussed below.

**‘Criminal Assault in the Home: Social and Legal Responses to Domestic Violence’,  
(Women’s Policy co-ordination Unit, Department of Premier and Cabinet in  
Victoria, 1985)**

The Victorian discussion paper entitled, ‘Criminal Assault in the Home’ (1985) marked a turning point because it advocated both preventative and remedial solutions to domestic violence, and the homelessness attributed to it. The report was influential in pointing out the criminality of perpetrators of domestic violence and led to the creation of the Crimes (Family Violence) Act in 1987, which is discussed below.

## **Crimes (Family Violence) Act 1987**

The sole occupancy provisions under the Victorian Crimes (Family Violence) Act 1987 were developed in response to perceived inadequacies in the Commonwealth Family Law, and encompass a broad definition of family violence. The Act could be used to prevent the perpetrator from accessing premises in which the “aggrieved family members” lived, worked or frequented, irrespective of any financial interest that they may hold in the property.

Unlike the Victorian legislation, only married people could apply under Commonwealth Family Law for an injunction to exclude the perpetrator from the matrimonial home. This form of exclusion order was not designed specifically to deal with family or domestic violence. The coexistence of two pieces of legislation with overlapping content and jurisdiction was to result in informal lines being drawn in Magistrates Courts to delineate boundaries between them. Some magistrates and registrars insisted that applications regarding children and the family home should be the exclusive jurisdiction of Family Law, even when it related to family or domestic violence. This limited the State legislation’s ability to provide an effective response to domestic violence. The Victorian legislation required the Court to consider the accommodation needs of the defendant, and so magistrates tended towards prioritising the property rights of defendants over the property rights and safety needs of women seeking Exclusion Orders. In 2004 the Victorian Law Reform Commission began a consultation process on a review of the Crimes (Family Violence) Act 1987.

The Crimes Act 1958 (Victoria) also theoretically applied to violence within families and relationships just as to other situations. Within the Act, homicide, intentionally or recklessly causing injury, threats to kill or to inflict serious injury, assault, stalking, and conduct endangering life are all criminal acts. The extent to which the Crimes (Family Violence) Act 1987, and other relevant legislation, was capable of protecting women and keeping them safe in their homes, and the discourses concerning the use of injunctions to remove perpetrators are further discussed later in this chapter.

## **1989 “Break the Silence” campaign**

In April 1989 National Domestic Violence Awareness Month was launched, which initiated a major series of television adverts about domestic and family violence, using the slogan “Break the Silence”. The media campaign ran for three years with an annual budget of almost a million dollars. The aim of the campaign was to signify the need for society to recognise and acknowledge the reality of criminal assault in the home. This was a key policy event because it presented a very public discourse (fronted by the Australian Prime Minister) that domestic violence should not be tolerated, and should be talked about. This added to the impetus for victims of domestic violence to acknowledge that their situation was intolerable, and helped to create a culture whereby it was acceptable for them to do something about it.

## **1992 “National Strategy on Violence against Women” (Federal Government of Australia)**

The Strategy report found that there had been little consistency of approach concerning domestic violence across Australia, and that there was a wide diversity in both structure and approaches in different jurisdictions across the States and Territories, including legislation regarding domestic violence and service approaches in the non-government sector. The strategy recognised that responses to domestic violence needed to fit both the individual and their local community. The National Strategy took a strongly feminist stance by recognising that a wide range of social factors contributes to a social system that assigns a subordinate status to women. The strategy’s authors regarded western patriarchal social systems as the fundamental cause of violence against women and that therefore the origins of violence against women did not lie within individuals or relationships. As such, individual men were not responsible for the way masculinity had been constructed, or for women's subordinate status.

The Partnerships Against Domestic Violence (PADV) was instigated as the Commonwealth Government response to the Strategy report. The initiative was managed by the Australian Government Office for Women. The initiative was a partnership because although it began as an Australian Government project, it encompassed working with State and Territory governments, the community and

businesses. The Australian Government committed £25 million on PADV to June 2001 to be used on one hundred pilot projects across Australia. Although none of the six priority themes of the pilot projects specifically tackled the issue of women losing their homes due to domestic violence, PADV did commission research reports on good practice in service delivery. The key findings of these were disseminated through policy papers, national forums and the drawing together of key priorities for future direction. PADV also created a national focus on domestic violence and raised the profile of domestic violence through national community awareness campaigns. The openly feminist stance of the National Strategy on Violence against Women and of PADV caused a furore of antagonism. This had the effect of crystallising views on the causes of domestic violence, but also raised the profile of the subject as an academic discipline. Domestic Violence was now firmly on the public agenda.

The next section examines the discursive events surrounding these policy responses, and evaluates their influence.

### **6.3 The Discourses regarding Homelessness attributed to Domestic Violence during Mainstreaming Feminism, Phase Two, 1985-1999**

#### **Introduction**

This section examines the inter-relationship between the four discrete and competing discourses, *Feminist Refuge*, *Reactionary*, *Indigenous* and *Progressive* which analysis revealed were all visible during the second phase, Mainstreaming Feminism between 1985 and 1999. The previous section, *Refuges Arrive* (1974-1985) examined the commencement of feminist solutions to domestic violence in Victoria and the time when feminist explanations of the causes of domestic violence began to be voiced. The *Feminist Refuge* discourse had become normalised during this time and this had profoundly impacted the way that domestic violence was perceived as a problem of homelessness. So much so, that by 1984 seventeen women's refuges had been

established in Victoria, which accommodated 721 women and 1512 children in that year (Department of Premier and Cabinet, 1985)<sup>11</sup>.

In this second period (1985-1999) of discourse evolution, my analysis revealed the continued rise of the *Indigenous* discourse, which grew in importance during this time period within the indigenous community and its supporters. However, the indigenous population of Victoria makes up only 28000 people, or 0.6% of the Victorian population (Australian Bureau of Statistics, 2001), and therefore this discourse will always be both about, and affect, a very small part of the Victorian community.

My analysis used a number of written examples and interview transcripts to reveal the *Feminist Refuge* and *Progressive* discourses regarding domestic violence and refuge accommodation provision. The *Feminist Refuge* discourse began to decline in mainstream society during this phase, as the *Progressive* discourse became visible, but the *Feminist Refuge* and the *Reactionary* discourses competed for normalisation within the Justice system. Feminist explanations of the causes of domestic violence became mainstream during this period, but proponents of the *Reactionary* discourse fought to dominate the discursive space in order to create a climate that could influence policy responses.

### **The Increasing Visibility of the *Progressive* discourse**

‘Criminal Assault in the Home’ marked a turning point in the State Government’s published discourse on refuges and women’s homelessness. The paper advocated both preventative and remedial solutions to domestic violence but did praise women’s refuges as a vital resource to women in crisis:

Women’s refuges have developed as a direct response to the problem of domestic violence and are therefore a vital resource for women in crisis. Refuges are a unique women’s service, in that they seek to provide an alternative model of service delivery and, in doing so, to effect social change.

(Department of Victorian Premier and Cabinet, 1985, p36)

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<sup>11</sup> Although a further 1271 women and 1728 children could not be accommodated due to lack of space (Women’s Policy Coordination Unit, Dept of Premier and Cabinet, 1985).

However, for the first time the *Progressive* discourse was evident in a government document as the report exhibited the discursive themes of Right to Home, Victims Rights, Increasing Options and Criminalizing Perpetrators:

Ideally, it should be possible for women to remain in the matrimonial home. However, many factors work against this:

- (a) Property settlements made by the courts do not always grant women exclusive occupancy of the matrimonial home;
- (b) Women who fear further violence may wish to move to an address which is not known to their assailant;
- (c) Women may be unable to maintain mortgage or rental payments on the family home.

(Department of Victorian Premier and Cabinet, 1985, p44)

This acknowledgement in a State Government published document of the anti-feminist and patriarchal discursive themes of the *Reactionary* discourse in creating disadvantage for women were notable at this time, and indicated the rise of the *Progressive* discourse, which began to be increasingly identifiable and repeated in documents.

The report also noted that in order to be considered eligible for public housing women must have a source of income. Women were not eligible for a welfare payment (known as a pension) until they had left the marital home, and this could take several weeks to be paid. This meant that women in this situation often had no option but to enter refuge or emergency accommodation in order to have an opportunity to claim social security payments. Furthermore, the report commented that some women leaving the marital home in order to escape domestic violence had been refused public housing on the grounds that they occupied a home already, so again they had no option but to enter a refuge. The use of such words as “ideally” when referring to women remaining in the home and phrases such as “no option” when referring to the use by women of refuge provision, illustrate the beginning of the demise of the normalisation of the *Feminist Refuge* discourse. They portray a very different view of the use of refuges in State documents from those portrayed in the funding policy responses that were discussed in Phase One.

In 1987 the Crimes (Family Violence) Act became law following the continued rise to prominence of the *Progressive* discourse. The legislation was a major policy response to

domestic violence<sup>12</sup>. The Act enabled people at risk of family violence to obtain a civil law Exclusion Order against a violent family member. The Act could be used to prevent the perpetrator from accessing and therefore placed an increased emphasis on the right of women to remain in their own home. This showed that the *Progressive* discourse was becoming increasingly dominant, and that a policy response had developed as a result of the emergence of the new *Progressive* discourse. Exclusion Orders could normally be made on the grounds that a respondent had assaulted or threatened to assault, harass or molest a family member or to cause damage to property and was likely to do so again. The failure of police to consistently enforce Exclusion Orders, and the effect of the normalisation of the *Feminist Refuge* discourse within the police force and the Justice system is further discussed later in this section.

The commencement of legislation empowering women to stay in their homes by the creation of Exclusion Orders which could enforce the removal of violent men, and the beginnings of public denouncements of women's refuges were further indication of the decline of the normalisation of the *Feminist Refuge* discourse, and signs of the growing power of the *Progressive* discourse. An exception to this is within the police force and justice system. These had been slow to become proponents of the discursive themes of the *Feminist Refuge* discourse, and were also now slow in turn to accept the *Progressive* discursive themes of alternatives to refuge provision. Except in the conservative organisations of the police and the justice system there was a shift that started in the mid 1980s and continued into the 1990s from defining victims of domestic violence as needing refuge (a safe place from which to escape the family home), to a group of people who need not become homeless as a result of being the victims of crime, and who have more right than the perpetrator to remain in the home.

In January 1988 a further example of the decline of the *Feminist Refuge* discourse from prominence was visible. The Victorian Housing and Construction Minister stated publicly that there was a need to "get away" from large scale refuges (*The Herald Sun*, 23rd January 1988), and announced four million dollars for small-scale crisis accommodation in flats and houses around Melbourne, including accommodation for women fleeing domestic violence. The State Government was now funding alternatives

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<sup>12</sup> And was still current in 2005 when the PhD research period ended, although the Crimes (Family Violence) Act 1987 was under review at that time

to refuge accommodation and also publicly stating that refuge provision was not the preferred option.

The first National Supported Accommodation Assistance Program (SAAP) Review “Homes away from Home” (Chesterman, 1988) acknowledged the extent of the normalisation of the *Feminist Refuge* discourse by stating “Refuges are perceived as the government and community’s major response to family violence” (Chesterman, 1988, p60). However, the report also clearly pointed out the negative aspects of refuge provision, and in doing so unconsciously used the discursive themes of the *Progressive* discourse, against refuge provision and in favour of self-reliance:

There seems to be a general agreement in the field that too long a stay in a refuge is detrimental to women themselves. It fosters dependence rather than independence and can lead to dominance by longer-term residents over newer residents.

(Chesterman, 1988, p60)

During the first incarnation of SAAP between 1985 and 1989 when the *Feminist Refuge* discourse was at its height, the programme focused on establishing new women’s refuges in rural areas and the provision of detached and outreach support for women moving on from refuges. Service providers were expected to retain the independence of their clients as one of their positive outcomes. Many homeless people, including women who become homeless due to domestic violence were unable to access SAAP services and there was no legal duty on either the State or Federal Governments to provide temporary or permanent accommodation for homeless people. The second SAAP Agreement targeted nineteen percent of SAAP service delivery funds towards women, and women with children, escaping domestic violence. Although there were by now signs that the *Feminist Refuge* discourse was past its peak, and that the *Progressive* discourse was becoming increasingly noticeable, the extent of public funding of refuges shows the extent to which the normalisation of the *Feminist Refuge* discourse had taken hold since its inception in the early 1970s. The second agreement broadened the scope of the programme but still firmly retained the principle of self-reliance. The importance of the ethos of self-reliance in Australia ensured that the focus of publicly funded solutions to homelessness firmly remained on the routes that people took out of their homelessness, rather than the causes of their homelessness:

The Primary principle of the program is to ensure that the homeless people in crisis in Australia have access to adequate and appropriate transitional supported accommodation and related support services in implementing this principle, assistance will also reflect the following detailed principles.

- (i) The focus of the program will be on transitional assistance. Services will be designed to be of varying duration and levels of support to meet the needs of individuals to move towards independent living or other appropriate alternatives;
- (ii) the emphasis will be on ensuring individuals retain maximum independence.

(Commonwealth Supported Accommodation Assistance Act, 1989)

Even though the *Feminist Refuge* discourse was still pervasive, women who chose to leave the family home, as noted in “Criminal Assault in the Home” did not have an easy time. There was no entitlement to refuge provision, and private accommodation was very difficult to access for single mothers with children. The effects of the self-reliance ethos is illustrated in a letter from K Boland, the Deputy Executive Director, Mission of St James and St John in *The Herald* newspaper in June 1990:

Spare a thought for the many desperate lone parents in Melbourne who, with their children, are sleeping out night after night in their cars because they just can't afford to pay rent.

(*The Herald*, 20<sup>th</sup> June 1990)

In 1991 the ‘Victorian Supported Accommodation Assistance Program (SAAP) Crisis Accommodation Program (CAP) State Plan and Program Statement 1990/1991’, was published by the Department of Community Services and Health. The plan emphasised the need to maintain the range of secure crisis accommodation refuges for women, but the report authors also expanded on the need for responses to be developed to support women in a range of accommodation options including their own home: “The establishment of new outreach services for women and women with children who are victims of domestic violence” (Department of Community Services and Health, 1991). Analysis of discussion papers, reports and media articles revealed that outreach domestic violence services for non-residents of refuges became increasingly discussed, and service responses developed during this phase. These services are further discussed in Phase Three, From Refuges to Rights. The State Plan noted out that Exclusion Orders were not proving to be effective in allowing women to remain safely in the family home. The word “forced” was used to describe how women had to use refuges in order

to protect themselves from further harm. The use of “forced” in this instance demonstrates a very different interpretation from that of proponents of the *Feminist Refuge* discourse. Women’s refuges are seen here as a last resort when alternative measures fail, demonstrating the discursive themes of the *Progressive* discourse. The report also illustrated how the proponents of the *Reactionary* discourse were working within the Justice system to ensure that intervention orders were ineffective in allowing women to safely remain in their own homes. This important matter is further discussed later in this section.

### **The Continued Rise of the *Indigenous* Discourse**

The *Indigenous* discourse on the causes of family violence amongst indigenous Australians became slowly more visible during this phase. Proponents of the *Indigenous* discourse had to fight to have their explanations of the causes of indigenous family violence accepted by mainstream Australians and for policy responses for indigenous victims of family violence to be influenced by this acceptance. This excerpt from an article in *The Age* in 1991 illustrates the continued rise of the *Indigenous* discourse:

When white men invaded Australia they brought with them an attitude towards women and children that has proven successful in maintaining male authority in Britain.

(*The Age*, 3<sup>rd</sup> May 1991)

The use of the words “invaded”, “successful” and “authority” here convey clearly the message that domestic violence in Australia does not originate from indigenous male Australians. Proponents of the *Indigenous* discourse claimed that domestic violence was not an inherently indigenous trait and that before white settlement in Australia in 1788, there was much less domestic violence. They also claimed that when there were problems of violence within families there was an effective system of eldership to deal with those who caused harm or dishonour to the community, and that this system had been shattered when white men arrived. The discursive theme of Keeping The Family Together is apparent in the following example:

Aboriginal and Islander women don’t want their men to go to jail, no one in the community wants any more negative focus.

(*The Age*, 3<sup>rd</sup> May 1991)

This excerpt refers to the 1900-1971 “Stolen Generation” policy in Australia where mixed heritage children were forcibly removed from their indigenous mothers in order to be assimilated into white society, and to the negative view of mainstream Australians concerning indigenous people.

### **The Discourses Surrounding Explanations of the Causes of Domestic Violence**

The publication of the “National Strategy on Violence Against Women” (Federal Government of Australia, 1992) was the point when feminist explanations of the causes of domestic violence became embedded in mainstream Federal Government literature, and the point when feminism became part of mainstream ideology. The National Strategy contained the overtly feminist explanations of the causes of domestic violence that are integral to the *Feminist Refuge* discourse. Phrases such as “Male violence against women is about power and control”, “Violence against women will only stop when men stop being violent”, and “Male violence against women is a product of the social construction of masculinity” are used in the Strategy to stress the *Feminist Refuge* discourse explanations of the causes of domestic violence and to lay the blame squarely on the patriarchal society of Australia.

The National Strategy on Violence Against Women received a high profile launch by the Prime Minister, Paul Keating, and had been commissioned by the federal Labor government. The Strategy recognised that a wide range of social factors contributed to a social system that assigned a subordinate status to women, and that this social system is the fundamental cause of violence against women. Within the Strategy individual men were not held responsible for the way masculinity had been constructed, or for women's subordinate status. The Strategy therefore used a socio-political analysis of the problem of domestic violence that distinguished itself from saying violent men were pathological, or that domestic violence was caused by poverty or class. Instead the National Strategy broadly analysed the extent of the social and economic costs of violence against women in Australia and proposed strategies to combat domestic violence. The stated aims of the Strategy were to provide services to victims escaping violence, to empower women through their attainment of equal rights, and to promote a change in attitude within Australian Society.

After the publication of The National Strategy there was an explosive outpouring of the *Reactionary* discourse by its anti-feminist proponents. Evidence of this direct challenge to normalisation was revealed, along with the effect this had on creating alternative policy responses to homelessness. A newspaper article entitled “Time for a Truce” demonstrated how the *Reactionary* discourse was resistant to feminist explanations of the causes of domestic violence contained within the National Strategy:

The war between men and women now seems so savage it's a miracle humans ever managed to breed. Hardly a month goes by without fresh "proof" that men are a tribe of wife-bashers, women-haters or dictators who won't give women a chance at work but work them to death at home.

(*Herald Sun*, 2<sup>nd</sup> June 1993)

The article quotes a Professor Elshtain as stating:

I believe that radical feminists have an interest in presenting themselves as victims ... There is little doubt that radical feminist victim talk has fuelled female fear and taught women to think of themselves as trembling wrecks, doomed to be the victims of individual men, the male system, or both.

(*Herald Sun*, 2<sup>nd</sup> June 1993)

The deliberately extreme wording (“wife bashers, women haters or dictators”), in the first quote, and the portrayal of the creation by feminists of a discourse of ‘victimhood’ in the second reveal the strength of discord. Proponents of the *Reactionary* discourse were extremely unsettled by the mainstreaming of feminist explanations of the causes of domestic violence.

In June 1993 the Victorian newspaper *The Age* published a month long series of articles, letters and editorial opinion on the topic of domestic violence under the banner “The War Against Women”. The articles and editorial opinions were mostly in support of the discursive themes of the *Feminist Refuge* discourse and formed part of the opposition to the *Reactionary* discourse. One of the articles carried opposing views on the causes of domestic violence to those expressed the *Herald Sun* article discussed above. In an article entitled “Widespread difference over causes” (*The Age*, 4<sup>th</sup> June 1993), the competing discourses regarding the causes of domestic violence were acknowledged:

Mateship, continuing social inequality and male attitudes are the root cause of domestic violence, according to seven leading police, social workers and academics... Social conditioning, including the belief that violence and dominations are acceptable, also motivate violent behaviour towards women.  
(*The Age*, 4<sup>th</sup> June 1993)

As well as acknowledging the differences of opinion the article placed feminist explanations with experts, and the *Reactionary* discourse with the general public:

The divergence between public and expert opinion underscores widespread ignorance and confusion about the cause of male violence in Australian society.  
(*The Age*, 4<sup>th</sup> June 1993)

Here then is a public acknowledgement that there is a difference in what the general public 'thinks' and what academics and professionals 'know'. An acknowledgement that there are several discourses on this subject is made here and this highlights the competing interplay between the *Feminist Refuge* and *Reactionary* discourses that was going on at this time. In the same article Joy Damousi, a lecturer in women's studies at Melbourne University was quoted; "Mateship is about the active exclusion of women and a reinforcement of things that are masculine". The article goes on to say:

Ronald Conway, a psychologist and author agrees. He says men must educate other men about acceptable behaviour. The mateship ethos, which he describes as misogynist and misanthropic, is a repository of sexist attitudes and a cause of male violence.

(*The Age*, 4<sup>th</sup> June 1993)

A proponent of the *Feminist Refuge* discourse fought to maintain the prominence of the themes of the discourse in a published letter to the editor of *The Age* on 10<sup>th</sup> June 1993:

"Criminal violence in the home is about physical, emotional and economic power and control. Until all men recognise their privileged position relative to women's in our community the cycle of violence will never be broken." Margo Warren, Traralgon.

(*The Age*, 10<sup>th</sup> June 1993)

But on the same day a letter from a Peter Torney was also published which was completely opposed to the views expressed in the above letter, and which is evidence of a *Reactionary* discursive explanation of causes of domestic violence:

*The Age* "War against Women" campaign ignores the fact that most victims of society are men and that significant domestic violence is committed by women against their children and sometimes their husbands. We need to examine all causes of violence not simply drive another wedge between men and women.  
(*The Age*, 10<sup>th</sup> June 1993)

In February 1994 the most extreme example of the *Reactionary* discourse in action against the publication of *The National Strategy on Violence Against Women* was published in Australia, as a television documentary. The director, Don Parham, also produced and narrated the hour long programme entitled "Deadly Hurt" (Parham, 1994) which propounded the view that the way that mothers treat their children (that is, child abuse), is as much the cause of domestic violence, as the *Feminist Refuge* discursive theme that domestic violence is a result of a patriarchal society. The television programme made clear in its opposition to the overt feminist stance of the National Strategy in such statements as, "Do we really want the analysis that the Office of Women through their Strategy would give us?" (Parham, 5<sup>th</sup> February 1994) and:

We have a strategy written by hardliners that is breathtaking on its audacity. It sweeps all analysis other than its own off the table.  
(Parham, 5<sup>th</sup> February 1994)

In the programme Mr Parham used deliberately offensive language to describe femocrats as the "mafia in Canberra", and "dingbats" and a "bunch of malcontents", and he talked of "Feminist fundamentalism" and an "ideological battleground" between feminists and men. He compared the "ideological and political minefield" of what was happening in Australia to the Cultural Revolution in China and stated that (society) "must not let political correctness stifle the more reasonable debate" about domestic violence (Parham, 5<sup>th</sup> February 1994). He was explicit in his recognition that the argument about the causes of domestic violence was a fight over which discourse was dominant, stating; "Those who control the language control the debate" (Parham, 5<sup>th</sup> February 1994). He said that the film was the producer's fragile offering to the reconciliation of men and women.

After publication of "The National Strategy on Violence Against Women" a publicity campaign entitled 'Break the silence' was introduced (Strategic Partners Pty Ltd, 1999), by the National Committee on Violence against Women. In "Deadly Hurt" Parham had

claimed that the ‘Break the Silence’ assertion that one in three homes contained domestic violence was “pure fiction” and that this, and the National Strategy, were full of statements that could not be verified. The rise in visibility of *Reactionary* rhetoric in incidents such as this confirms that there was a gap in opinion on the causes of domestic violence between academics, (who had been able to influence normalisation of the *Feminist Refuge* discourse in Government documents and policy), and some elements of the general public<sup>13</sup>.

The proponents of the *Reactionary* discourse were not successful in their resistance to mainstream acceptance of feminist explanations of the causes of domestic violence, and from this time on a decline in their views regarding the causes of domestic violence is visible in media articles. There was now a growing normalisation of the *Progressive* discourse, which also accepted feminist interpretations of the causes of domestic violence, but which advocated criminalisation of individual perpetrators and removal of them from the family home.

### **The Discourses In and Around the Justice System concerning Female Victims of Domestic Violence Leaving Home**

There was a growing awareness within observers of the Justice system that not only was there a *Reactionary* discourse, but that it was influencing the ways in which justice policy responses regarding domestic violence were being implemented. A newspaper editorial opinion on a report issued by the Victorian Community Council reiterated feminist viewpoints on domestic violence, but also openly acknowledged the reactionary views of the judicial system. The report gives examples of Clerks of Court in country towns telling women that magistrates were “tired of women seeking orders to keep men away so that they could get priority housing”. Women had also been wrongly told that they could not get an Exclusion Order to stop threats unless they had separated from their husbands (*The Age*, 27<sup>th</sup> June 1991). The report recommended courses for judges, magistrates and other court officials in order to oppose the impact on policy responses of proponents of the *Reactionary* discourse within the Justice system.

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<sup>13</sup> This gap in opinion was identified in the previously discussed article “Widespread difference over causes” (*The Age*, 4<sup>th</sup> June 1993).

An editorial article two days later in *The Age* titled “Attitudes of domestic violence must change” (*The Age*, 29<sup>th</sup> June 1991) referred to the patriarchy of proponents of the *Reactionary* discourse, and propounded feminist explanations of the causes of domestic violence:

Until men discard the old, unjustified belief that by virtue of their sex they have the right to exercise control over women, the problem of domestic violence will remain. The remnants of this belief are still held not only by the perpetrators of violence but by some police, court officials and magistrates....While police and the courts are beginning to respond more adequately to domestic violence, it is still far too common for women seeking protection to be turned away or given false information about their rights.

(*The Age*, 29<sup>th</sup> June, 1991)

There was also an indication that people were beginning to see the *Feminist Refuge* discursive theme on the removal of women not as the norm, but as extraordinary:

In talking of protecting the victims, the members of the inquiry, called the Victorian Community Council Against Violence, discussed women's refuges. It became clear that here was an extraordinary situation. The victims of crime were forced to flee with their children while the criminal remained in the house.

(*The Age*, 27<sup>th</sup> June, 1991)

Here is visible opposition to both the patriarchal themes of the *Reactionary* discourse and the ‘Separation’ and ‘Seclusion’ themes of the *Feminist Refuge* discourse. This questioning of the normalisation of the *Feminist Refuge* discourse is taking place some seventeen years after the discourse first emerged.

The launch of a five hundred thousand dollar ‘Safety and Security for Women’ programme by the Victorian State Government in June 1991 committed policy responses, to combat proponents of the *Reactionary* discourse within the Justice system. These responses included greater police support and new measures to streamline police procedures for initialising Exclusion Orders, and came about as a result of the increased prominence of the *Progressive* discourse. Proponents of the *Reactionary* discourse, such as conservative members of the police force, had previously tried to limit the widespread use of Exclusion Orders. It is my hypothesis that some members of the Victorian police force subconsciously adopted the *Feminist Refuge* discourse, and removed women from the home as a matter of course, at the time when the *Progressive*

*discourse* became more normalised, and that they did this because they preferred this to using Exclusion Orders against male perpetrators. Doing nothing was no longer an option for the police and by removing women to refuges the police helped to ensure that male perpetrators were not criminalized and were able to remain in the home.

This extract from an interview with a police domestic violence liaison officer for this research illustrates the reluctance of the police to use intervention orders in the way they had been legislated, that is; instigated by the police without the victims' complaint when appropriate:

My understanding is the magistrates won't issue an order without the victim attending. But I guess there's circumstances where they're unable to attend, if they're layed up in hospital or whatever-we can certainly take them out in those circumstance -I'm sure a magistrate would issue them, but if you haven't got a complainant, it's my understanding that they're not going to go through with it. Yeah. I think initially the legislation was devised so that police could just take them out, whether the victim wanted them or not but I think it's come down to an understanding now that, unless the other party wants it, it's not going to go ahead anyway.

(Police Sergeant, Domestic Violence Liaison Officer)

An article published in *The Age* on the 4<sup>th</sup> December 1991 gives a further example of the reluctance of a Court to grant an exclusion order against a clergyman. In the case there was a lack of corroborative evidence for the woman against her clergyman husband and as a result the exclusion order was refused.

The role feminists had played in changing the discourse around domestic violence in Australia was openly acknowledged in the War on Women series in *The Age* in June 1993:

Australian women were responsible for rapidly changing a culture which had perpetuated and supported violence, the director of the Australian Institute of Criminology, Professor Duncan Chappell, said yesterday.

(*The Age*, 16<sup>th</sup> June 1993)

Before the *Feminist Refuge* discourse came to the fore, the police had shown a marked reluctance to get involved in the "private" world of domestic disputes. But, partly because of the normalising effect of this discourse they now found the 'natural' solution was to remove women and children away from their home. This came to light through the collecting, studying, and deconstructing of ideas produced by the disciplinary power

of this normalising discourse. Now that proponents of the *Progressive* discourse were publicly calling for male perpetrators to be removed, the police, who had frequently ignored domestic violence in the past, began removing female victims of violence. As a specific *Feminist Refuge* discourse had become normalised which eulogised refuge provision as the only solution to domestic violence it was latterly taken on board by the police who saw this as a comparatively easy solution to dealing with domestic violence call outs, rather than attempting to criminalize the perpetrator. The police used refuges (and Good Behaviour Bonds) instead of using Exclusion Orders or instigating criminal proceedings. An example of this was detailed in The Age Newspaper in June 1993:

The wife did not want to take out an intervention (exclusion) order, but the police took out one anyway and had the woman and her children placed in a refuge.

(*The Age*, 8<sup>th</sup> June 1993)

This can be compared with the quote from the domestic violence police liaison officer when he discussed police officers' reluctance to take out Exclusion Orders without the victim being present in Court. In this example the exclusion order is put in place against a woman's wishes, and she and her children are still "placed" in a refuge. The power of the *Feminist Refuge* normalised discourse and the reluctance of police officers to take on the discursive themes of the newer *Progressive* discourse had produced a prejudice against alternatives to refuge provision by the police, which can be seen preserved in phrases such as "had her placed". This matter also came to light during interviews:

And I walked until I reached the end of the tramlines. Then I walked to the police station, and I said that I need help. I don't want to go (home) Yes. And they said they don't know how to help me. There is a refuge somewhere in xxxx. And they told me a tram to take. I had no money."

(Eileen, Victoria, ex refuge client)

I mean we shouldn't be taking them away, because this is what typically would happen. The police would come and they would say, "Well, you'd better come with us! You know, for your own safety you'd better come with us." And so then they'd end up at the station, you know, at eleven o'clock and night. Well, of course what are they going to do [but put them in a refuge]?

(Sue, Victoria, ex-refuge worker)

And from a former victim of domestic violence:

But often there had been, situations where he'd gone berserk and I'd gone down to the police station and they said look, the only way they could help me was to take me to a refuge.

(Jade, Victoria, ex-domestic violence sufferer)

My analysis also brought to light the use of the mild deterrent of Good Behaviour Bonds being frequently used by the police, rather than the enforcement of Exclusion Orders. The patriarchy and anti feminism of some police officers and medical staff was highlighted in an article in *The Age* 'War on Women' series:

A doctor tried to talk her out of pressing an assault charge against her former husband. She says that when she went to a police station to discuss the intervention (exclusion) order granted to keep her former husband away, the sergeant asked her whether she enjoyed being frightened and her husband was given a \$500 Good-Behaviour bond.

(*The Age*, 7<sup>th</sup> June 1993)

The use here of the word "enjoyed" by the sergeant is clearly derogative. The frequent occurrence of the courts not using the Exclusion Orders at their disposal but using the much milder good behaviour bond also came to light in interviews, as this quote revealed:

He'd threatened to kill me so he, he was charged with grievous bodily harm and it was pretty, you know, serious stuff. However he was given a \$1000 bond that was it. Like there was no conviction or anything like that. I mean and there was plenty of incidents over the years and I mean there was only the one time that the police charged him and actually took him to court, and it went to the magistrates court and he was given, it was only a \$1000 bond and no conviction.

(Jade, Victoria, ex-domestic violence sufferer)

### **The Disciplinary Power of the *Feminist Refuge* Discourse**

The normalising effect of the *Feminist Refuge* discourse had become deeply embedded within refuge provision and now also within the police force, and it became normal to portray women who left violent partners and went into a refuge as responsible, good parents, and doing the right thing. Women who stayed (as promoted by proponents of the *Indigenous* discourse, and as advocated by proponents of the *Reactionary* discursive themes of Antifeminism and Patriarchy), or tried other options such as removing male

perpetrators by the use of Exclusion Orders (as advocated by the proponents of the *Progressive* discourse), were still largely viewed as abnormal.

Victims, perpetrators of domestic violence, and the justice system were both the object and subject of the disciplinary power of the normalised ideology of the *Feminist Refuge* discourse during this phase. The precise nature of its power went unnoticed because it became regarded as natural. Interviews with refuge staff confirmed that some refuges had fixed their clients in a 'disciplinary gaze' during the first twenty years of the feminist refuge movement by being very strict about not allowing women staying at the refuge to continue to work and study, and with rules which perpetuated the discourse themes of the *Feminist Refuge* discourse through promoting Separation and Removal. Domestic violence refuges at the time perceived women who came to them as needing lots of support and of needing to be kept secluded and separated from society in order to be safe. This is illustrated in the following excerpt from an interview with an ex-refuge worker who is now involved in outreach work:

It was like a different world really it was sort of hidden from public gaze. And it was believed that it was important that women not stay in a suburb, or even in several suburbs down the line, on the off-chance that somebody she knew might see her, and then her safety would be jeopardised and so on. And so, women were basically required to move substantive distances, and children had to change schools. This is my personal belief, it's just my personal believe, well this is necessary in some cases, it is the vast majority of cases this is not required.

And it has created a lot of dislocation for women, because they were removed from this important network... And also I think it hasn't been empowering to those women who've experienced it, because often when you went into the refuge, then, you know it was such a handholding exercise. I mean it's changed now but it used to be that women, you know, I can remember when I first started, there were refuges that wouldn't, if a woman had a car she wasn't allowed to drive her car. Very protective. A woman was taken everywhere. She didn't see her lawyer on her own. She didn't go on her own, she didn't go to court on her own, she didn't go to the doctor on her own, you know. She was basically being treated in a very protective way.

(Sue, Outreach worker and former refuge worker)

This can be compared with the outreach domestic violence services that are discussed in Phase Three, (From Refuges to Rights), and which were compared to refuge provision by the same interviewee:

I definitely think that the development of the outreach services were a change, because you know, we always had a public profile. We were not going to be able to assist women in that sort of cloistered way. And so that was a change. So we, we sort of work differently with women, we might see the woman for a, sort of an appointment, and then everything else that she did, she would, she would do for herself.

(Sue, Outreach worker and former refuge worker)

The self-regulating and self-disciplining power of the *Feminist Refuge* discourse was also revealed in an interview with a present day feminist refuge manager:

Because most refuges were very- at the beginning, were very (strict), you know, you can only leave the house and have to be back by five o'clock or whatever.  
(Sarah, Victoria, Feminist Refuge Manager)

Perhaps one of the reasons the *Feminist Refuge* discourse had begun to lose its dominance was because of the large numbers of women who had escaped to refuges as a result of the normalisation of the discourse. The refuge system was over subscribed, and there was no right to move-on accommodation or long-term public housing for these women. However, the following section discusses clients increasing dissatisfaction with the strict rules of feminist refuges, and the effects this had on refuges and alternative policy responses to homelessness attributed to domestic violence.

### **The End of the Normalisation of the *Feminist Refuge* discourse**

The analysis revealed that the *Progressive* discourse came increasingly to the fore from the mid 1990s regarding alternative policy responses to homelessness attributed to domestic violence, rather than the use of refuge provision. In November 1997 the Commonwealth and State/Territory Heads of Government endorsed Partnerships Against Domestic Violence (PADV), as a major commitment to address the problem of domestic violence in Australia. The aims of PADV were to build strategic collaboration, to test new approaches, to develop and document good practice. The Prime Minister, John Howard, indicated a move away from refuge provision when announcing the funding of the Partnership he said:

The funding of Partnerships is a down payment - we need to find out more about what works then consider future priorities.

(Introduction, Strategic Partners Pty Ltd, 1999)

The PADV 'Meta Evaluation, Current perspectives on Domestic Violence, Review of National and International Literature' (Strategic Partners Pty Ltd, 1999) also raised the issue of removal of victims rather than of perpetrators:

The problems of women and children having to leave the family home and live in temporary and often sub standard accommodation whilst the perpetrator remains in the home.

(Strategic Partners Pty Ltd, 1999, p21)

It can be seen therefore that there were no longer assumptions that feminist refuges were the only policy responses that work in protecting women, both from domestic violence, and from the homelessness attributed to it.

In 'Against the Odds' (Keys Young, for the Federal Office of the Status of Women, 1998) the Commonwealth Government commissioned research in order to question why relatively few women sought assistance from police or from crisis services, and to identify the alternative strategies and services women used to manage or cope with domestic violence. The reasons people gave for not using services were fear, shame, guilt embarrassment and a lack of knowledge of services. Women reported being scared they would be told to leave their partner, that the only option they could be given was a place in a refuge, and a concern that crisis services were anti-men in their approach. The answers respondents gave reveals that the *Feminist Refuge* discourse was now losing its centre ground of support, that is, female victims of domestic violence. The report also confirmed that the rules in some refuges deterred some women from using them and the policies and practices of some refuges resulted in some women not being able to have their needs met. A key factor, though, was how the women themselves defined their situation. For instance, women often did not define their own situation in terms of domestic violence because their situation did not involve life-threatening domestic violence. This shows the disciplinary power of the normalised discourse, which had narrowed the definition of domestic violence, and which had restricted women's views

of whether what they were suffering was abusive, and whether they were eligible for assistance. Survey respondents called for more flexibility in existing service responses, more options available to assist women still living in an abusive relationship, more emergency accommodation options for women who did not want a high security or communal model of living and more outreach services. The increased policy option responses that came about as a result of this report are discussed in the following chapter, *From Refuges to Rights*.

## **Conclusion**

This chapter, *Mainstreaming Feminism*, has focused on the processes and outcomes of power and resistance inherent in provision of accommodation services for victims of domestic violence. In the second phase discourse samples extracted from texts produced during the period 1985 –1999 revealed that there was an increasing rise of the *Progressive* discourse, which called for perpetrators to be removed and for women to remain in the family home with alternative methods of support. Meanwhile, the *Feminist Refuge* discourse declined in mainstream discursive texts, although empirical sources disclose that the *Feminist Refuge* discourse, which eulogised refuge provision as the only acceptable solution to domestic violence, was for some time normalised in the actions and policies of conservative organisations such as the Police and the Justice system.

By 1999 there were 46 refuges in Victoria for women escaping domestic violence and as has been revealed this came about because a normalising *Feminist Refuge* discourse had become embedded within mainstream society. However, feminists who had fought for refuge provision in order to aid the suffering of many women became increasingly portrayed as old fashioned and unwilling to change, as *Progressive* discursive themes came to the fore in State documents. The decline of the *Feminist Refuge* discourse can partly be attributed to the attitudes of publicly funded refuges, which to some extent had caused dissatisfaction amongst clients.

As will be examined in the next and last Victorian phase, *From Refuges to Rights*, there was a shift from the year 2000 from defining victims of domestic violence as needing refuge. An examination of the interplay of the identified discourses in the next phase

will continue to answer the research questions regarding the cultural views of the homeless in Australia and of the organisations that provide for them, and how this has shaped current policies. It will also assist in understanding how homeless people are perceived in Australia, and the effect that this has had on the provision of services and accommodation for homeless people.

The next chapter first looks at the key policy events between 2000 and 2005 before going on to discuss and evaluate the discursive events surrounding them.

## **Chapter Seven**

### **From Refuges To Rights, Phase Three, 2000-2005**

#### **7.1 Introduction**

As with the last two chapters this chapter looks first at the key policy responses which occurred during the phase, before going on to discuss the discursive events and their contribution to the policy responses.

#### **7.2 Key Policy Responses of From Refuges to Rights, Phase Three, 2000-2005**

The final phase takes us to the end of the research period in 2005. What was notable about this phase was the large amount of policy responses relating to domestic violence and homelessness that emerged from the State Government of Victoria during this time. The State Government had recognised that there was an impetus amongst the general public to make homelessness due to domestic violence a thing of the past and the issue had become part of the mainstream political agenda in the State. The topic appeared to have gained a momentum that the State Government chose to encourage and lead.

##### **2001 National Homelessness Strategy**

This was not a single written document, but rather the Federal Government's broad based approach to dealing with homelessness. The Australian Government coordinated its responses to homelessness under this generic banner, by providing input into the development of new programmes and influencing established programmes. The strategy had four themes, working together in a social coalition, prevention, early intervention, and crisis transition and support. These themes reflected the direction of the Australian Federal Government in wider social policy .

In 2000 a discussion paper on the proposed National Homelessness Strategy was published, which again illustrated Australian social policy when it stated:

Our aim is to build a modern social safety net which is not founded on expanding the welfare state but on lessening welfare dependence and broadening the choices available to individuals, families and communities.

(Department of Family and Community Services, 2000, Introduction)

The consultation paper acknowledged that there had been a significant change in the profile of homeless people seeking assistance over the previous twenty years, particularly the increased incidence of women fleeing domestic violence. This mutation of the stereotypical portrayal of a homeless person is traced in this thesis via the discourses that circulated concerning homelessness attributed to domestic violence throughout the period of study. At the time that the National Homelessness Strategy was developed the Federal Government put forty million dollars into a “Stronger Families and Communities Strategy” that addressed family breakdown. This was not a policy response designed to keep women safe from harm, but rather to reduce the rate of divorce and separation. The Homelessness Strategy discussion paper acknowledged that Indigenous Australians have a different construction of what it is to be without a home. It is striking is how little this Strategy directly influenced Victorian Homelessness policy or project implementation. It did however add to the caucus of policy documents noting the changed perceptions regarding women’s and indigenous homelessness. Critics of the Strategy complained that strategies designed to lessen family breakdown were not appropriate to deal with domestic violence, when separation was often the best option.

## **2002 “Victorian Homelessness Strategy” (VHS), Department of Human Services**

The first indication of a change in state policy responses to homelessness attributed to domestic violence was the collection of documents under the banner of the Victorian Homelessness Strategy (VHS). The Victorian State Government commissioned the Victorian Homelessness Strategy (VHS) in 2000 to provide “a blueprint for responding to homelessness more effectively” (Department of Human Services, 2002). It was developed by the Office of Housing, and recognised the need to prevent and respond to family violence as a major factor contributing to homelessness in the State. The

Strategy contained explicit objectives to improve opportunities for women who were experiencing family or domestic violence to access or remain in long-term affordable housing. This was to be carried out by piloting the placement of specialist housing referral workers in three family violence outreach services in Victoria. The Strategy also identified the need for research on the proportion of women in family violence situations who actually require high-security refuge crisis accommodation. This questioning of the need for traditional domestic violence refuges, and the increased use of outreach services and alternative responses to domestic violence are further discussed in the following chapters.

The final report of the Victorian Homelessness Strategy, *Directions for Change*, (Department of Human Services, 2002) stated that increasing existing responses to homelessness were not adequate, and that instead it was necessary to find different ways to deal with homelessness. The report emphasised that what was needed was a whole-of-government approach to effectively tackle homelessness with a strong emphasis on prevention and early intervention strategies, and on getting homeless people into work. The report identified a range of actions and longer-term strategies to deliver sustainable improvements in the service system, including piloting a specialist housing referral service in family violence outreach services, to perform an enhanced specialist housing function. Such referral workers were enabled to move women straight into long-term housing options either in public housing or private rental accommodation. The Victorian Government stated in the report that it intended to support the option of women who were the victims of domestic violence, and their children, remaining in their home, and that this necessitated the development of both options for men leaving the family home, and options for women needing outreach support. These new policy responses were incorporated into the Women's Safety Strategy that followed in 2002 (Drysdale, 2002), as a whole-of-Government approach to domestic violence and its links to homelessness began to filter into policy responses from a range of State Government agencies. In 2003 further VHS policy responses were initiated. Domestic violence specialist housing referral workers were now given access to rental brokerage funds of up to two thousand dollars per applicant to assist women to access or remain in long-term private rented housing. These were funded by the Office of Housing and could be used to subsidise women's rent in the locality where they wished to live.

The Victorian Homelessness Strategy was an important policy response because it explicitly detailed new intervention techniques to women who became homeless due to domestic violence. The Strategy was open in its language about the inappropriateness of refuges for some women, and in its aim to find effective service provision options that enabled women to remain safely in their home.

### **2001 “Growing Victoria Together”, (State of Victoria, 2001)**

“Growing Victoria Together”, (State of Victoria, 2001) set out the priorities of State Prime Minister Bracks’ Government over the next decade. The document stated that the “Victorian Homelessness Strategy” would contribute significantly to achieving the objectives of “Growing Victoria Together”. The document acknowledged that the growing incidence of domestic violence continued to be a major contributor to homelessness, (along with housing market forces, globalisation and broad social changes), and that women and children were forced to leave the security of their home in order to escape violence. Again, this document was explicit that the State Government was pursuing a policy direction to promote and support women’s right to remain in their home. This State document was also explicit that a Homelessness Strategy originating from Victoria could not affect structural causes of homelessness such as inadequate benefits and high levels of unemployment, because these matters were a Commonwealth Government responsibility.

“Growing Victoria Together” was a key policy event because it emphasised that policies that dealt with homelessness attributed to domestic violence were part of the Victorian Government’s overall social policy goals. It also acknowledged that the Crimes (Family Violence) Act 1987 was not used effectively by the courts allow women affected by domestic violence to remain in the family home. This matter had been voiced by feminists and others since the inception of the Act, but was not incorporated into Government policy documents until this time. In 2004 the consultation process on a review of the legislation began

## **2002 “Women’s Safety Strategy” (Office of Women’s Policy, 2002)**

The “Victorian Women’s Safety Strategy” focused on women’s rights to remain in the home and undertook increase women’s options following family violence. The Strategy noted the strong link between violence against women and homelessness, and that in 2001 family violence was the single most frequent reason for people seeking assistance at SAAP agencies (twenty eight per cent of applicants). It also stated that women could not exercise a right to remain in their homes unless a range of well co-ordinated responses was in place to support their choices. The service provisions planned included a crisis protection framework, research on the needs of culturally and linguistically diverse women, behaviour change programs and family violence prevention pilots. The report explicitly accepted an indigenous analysis of the causes of domestic violence within their communities including marginalisation and dispossession, loss of land and traditional culture, and breakdown of community kinship systems.

The Strategy was the Victorian Government’s first comprehensive statement about domestic violence since the start of the research period in 1974 and as the strategy itself noted, marked a landmark in the Governments commitment to addressing the issue. The acceptance of indigenous explanations of the causes of domestic violence, the openness to the need to improve police and judicial responses, and the provision of alternative accommodation policy responses to victims of domestic violence contained within the report were the result of interplays of discourse surrounding homelessness attributed to domestic violence which are further examined in the following chapters.

## **2002 “Family and Domestic Violence Crisis Protection Framework” (Department of Human Services, and Community Programs)**

The “Family and Domestic Violence Crisis Protection Framework” advocated a policy response shift to more locally responsive services, and once more recognized the need for options that allowed women to stay in or close to their existing community. This was a continuation of the shift in thinking from women being whisked away to hidden refuges away from their home and contacts, to being very explicit on the benefits to women and their children of remaining in their existing communities. The framework stated that it was necessary to rethink existing models of service provision and to

develop new approaches. The Framework was designed to improve flexibility which would involve organising family violence services into area-based service responses, and ensuring there were increasing options for women who did not want to go into a high security refuge. In May 2002 the State budget announced initiatives as part of the Crisis Protection Framework including a three-year private rental brokerage programme (which was referred to earlier), three Victorian Housing Strategy pilot projects to increase housing exit options for women and targeting of gaps in domestic violence outreach services. The Framework was a key policy event because it created a very vigorous shake-up of SAAP funded domestic violence refuge and outreach services in Victoria, which was at first strongly resisted by some service providers.

### **2002 “The Victoria Police Violence Against Women Strategy: A Way Forward” (Victoria Police)**

When appointed as Police Commissioner of Victoria, Christine Nixon stated that domestic and family violence would be one of the top four priorities of the Victorian Police. The subsequent “Victoria Police Violence Against Women Strategy” reviewed all matters relating to violence against women by Victoria Police. The review found that internal controls in the existing Family Violence Strategy were not working effectively due to attitudinal issues, time-intensive processes and contradictory policy and procedures. Furthermore the report confirmed that there was persuasive evidence to indicate that the police response did not meet community and victim expectations.

The Review recommended Government, welfare, police and courts to form a joint approach towards family violence and sexual assault, a “Code of Practice for Family Violence”, enhanced training and education of police officers, a review of the role of Family Violence Liaison Officers and increased police accountability when responding to incidents of violence against women. The strategy stated that there would be an attitudinal change by, and education of, Victorian police members and that this would be achieved by reviewing key police processes, leading a multi agency approach, and by exercising internal accountability. The subsequent “Code of Practice for the Investigation of Family Violence” (Victoria Police, 2004), was developed by the police in consultation with specialist family violence service providers. The main aims of the code were safety and support for victims, early intervention, investigation and

prosecution of criminal offences, and minimisation of family violence in the community. The Code gave police greater flexibility to work in partnership with specialist service providers and consolidated legislation and policy and procedure, as well as introducing changes for police officers dealing with family violence incidents. Referral to domestic violence agencies became a mandatory component of any police response. Police officers had to investigate all breaches of intervention orders and police supervisors had to decide whether there was sufficient evidence to warrant prosecution.

The “Victoria Police Violence against Women Strategy” and the subsequent “Code of Practice for the Investigation of Family Violence” marked a new direction in police policy on domestic violence in Victoria, and had the potential to radically alter the way in which victims of domestic violence were treated and to their willingness to report crime.

### **2003 “Government Response to the Victorian Indigenous Family Violence Task Force”**

The “Victorian Indigenous Family Violence Task Force Final Report” (Yarram, 2003) was critical of white feminist approaches to family violence, which were perceived as pressurising women to leave violent men and their families. The Victorian State Government formally endorsed the findings of the task force in the “Victorian Government Response to the Victorian Indigenous Family Violence Task Force Final Report” (Victorian Government, 2004). The report accepted the links between contemporary disadvantage and the history of colonisation, and that the high level of indigenous destructive and violent behaviour was linked to the impacts of dispossession of land and culture, and the breakdown of community kinship systems. The “Indigenous Family Violence Strategy” made some important changes to the family violence services system, in line with the reports recommendations, including the establishment of three holistic Family Healing Centres, counselling services, Indigenous Men’s Advisory Services and a Family Violence division of the Magistrate’s Court. Indigenous domestic violence service system responses were now to be delivered under the themes of safety and security of victims of violence, emotional and spiritual healing, making the family violence sector more culturally responsive to indigenous people and empowering Indigenous communities to address family violence. The 2004 Strategy

was a key policy response because it marked a milestone in the acceptance of the impact of colonisation on domestic violence levels in Victoria and that culturally specific solutions to this situation needed to be created.

**2005 “A Fairer Victoria - Creating Opportunity and addressing Disadvantage”  
(Department of Premier and Cabinet)**

“A Fairer Victoria” was a five to ten year State Plan that aimed to address disadvantage by creating opportunities. Several reforms were announced including giving victims of family violence more accommodation options in addition to traditional refuges. This included for the first time introducing new emergency housing options for re-housing male perpetrators in order to assist women and children to remain in the family home. Two million dollars of funding over four years was provided to support this initiative and provide practical support for women wherever they were currently living. This would include in some cases the alleged perpetrator being given short-term emergency accommodation to encourage him to leave the family home. Pro-active policing, family violence courts, greater counselling support for women and children, and men’s behaviour change programmes were included in the strategy. Five million dollars over four years was provided for new and strengthened justice system responses which included more police prosecutors, training for court staff, and new family violence specialist services at three Magistrates’ Courts.

These recent policy initiatives marked a further step in creating a situation that make it easier for women to remain in their homes. The provision of short-term accommodation (including the incentive of motel vouchers) to perpetrators, in order to encourage them to leave the family home marked a further step in the development of policy responses designed to provide alternatives to refuge provision for women suffering domestic violence.

## 7.3 The Discourses regarding Homelessness attributed to Domestic Violence during From Refuges to Rights, Phase Three, 2000-2005

### Introduction

The previous chapter on Phase Two, Mainstreaming Feminism, covered the period between 1985 and 2000. During this time the *Feminist Refuge* discourse had begun to decline in mainstream society, as the *Progressive* discourse rose to prominence. This section examines the discursive activity during the last phase, From Refuges to Rights, which started in the year 2000 and continues beyond the completion of the PhD research period in 2005. The analysis revealed that during this time the *Progressive* discourse became normalised and that as a result of this the *Feminist Refuge* and *Reactionary* discourses both shrank in visibility. The normalisation of the *Progressive* discourse led to increasing calls for perpetrators to be removed from the home and for policy responses to be developed that were incentives to this process. At the same time the *Indigenous* discourse, although still affecting only a very small percentage of the population, was also successful in influencing policy responses to homelessness attributed to domestic violence.

This chapter looks first at the how the *Feminist Refuge* and *Reactionary* discourses diminished, before charting the normalisation of the *Progressive discourse*. The progress of the discourses was tracked through analysis of research reports, policy documents, media articles and interview transcripts conducted with policy makers, police officers and clients of domestic violence services.

### The Diminishing *Feminist Refuge* Discourse

From the year 2000 onwards there was a shift in the perception of the type of women who are likely to seek support in a domestic violence refuge. An interview with the Homelessness Assistance Manager at the Office of Housing for Victoria revealed “a lot of women, particularly younger women or middle class women are not interested in congregate care”. This was also confirmed in an interview with the Manager of WIRE (Women’s Information in Melbourne):

There seems to be much more focus on women in domestic violence from a lower socio economic background who are homeless and fall into refuge category, and I think they are a particular sort of woman. So they're more commonly a woman who maybe has got an alcohol problem, who has a lower level of education, in a lower socio economic family, and has very little to draw on other than going to the refuge.

(Manager, WIRE Women's Information)

The fact that the *Feminist Refuge* discourse was no longer normalised and that refuges were no longer the natural policy response for all victims of domestic violence was also picked up during analysis of the Victorian media:

Domestic violence transcends class boundaries. Professional highly educated women are just as likely to end up in a violent relationship but they seek help from family and friends or use private counselling services rather than state-funded refuges....while other women end up in a refuge, middle-class women might be able to move out into a flat.

(*The Sunday Age*, 17<sup>th</sup> February 2002)

Refuges were therefore now perceived as places to go for those who had no choice because of their economic means, they were the solution of last resort, rather than the first resort response that a normalised discourse had previously brought about. It also became apparent that the refuges' other main perceived users were culturally and linguistically diverse (CALD) women. A resource guide for child protection and family violence services titled "Towards Collaboration" (Family and Community Support Branch; Child Protection and Juvenile Justice Branch; Office of Housing, Community Programs Group, 2004) noted that a high proportion of women and children using family violence services were from CALD backgrounds. This 're-invention' of the refuges' raison d'etre was also picked up in an interview with an ex-refuge worker:

Some of the refuges have a definite focus on non-English speaking background women. The policy will exist to give those women priority.

(Sue, outreach worker and former refuge worker)

The reasons why CALD women, like poor women, were seen as vulnerable and therefore still in need of refuges was explained in an article in *The Age*:

The issues that make it difficult for women to seek support are compounded for women from non-English speaking and culturally diverse backgrounds.

(*The Age*, 24<sup>th</sup> February 2004)

However as late as 2005 funding for domestic violence services in Victoria was mostly directed to refuge provision, rather than to the alternative policy responses that are discussed below in a later section of this chapter. An interview with the Manager of Homeless Support, Office of Housing, revealed how the funding was biased towards refuge responses to homelessness attributed to domestic violence. In 2004/5 of a total budget of fifteen million dollars per annum, nine million dollars was being spent on refuge responses and the remainder on outreach services. However the 2005 budget demonstrated the new priorities:

With this new money that'll kind of tip that balance so that we'll have a little more funds allocated to outreach responses.

(Diane Godfrey, Manager Homeless Support, Office of Housing)

This indicates that the change in discourse prominence regarding refuge provision had an impact on policy responses to homelessness attributed to domestic violence, and that this shift in funding emphasis marked a discursive tipping point in which the *Feminist Refuge* discourse demonstrably no longer held the power that it once did.

The further diminishment in power of alternative discourses due to the normalisation of the *Progressive* discourse during this phase can also be observed in the next section on the impact of the *Reactionary* discourse during this period.

### **The Remnants of the *Reactionary* Discourse**

This section examines some of the manifestations of the *Reactionary* discourse that were still apparent from the year 2000 onwards. These include police attitudes to both 'mateship', and to family violence within indigenous communities. It also includes discussion on the impact of proponents of the *Reactionary* discourse within Prime Minister Howard's Federal Government. Criticism of the *Reactionary* discursive theme of mateship was exhibited in an article entitled "The ugly side of the bush - in depth" (*Sunday Herald*, 2<sup>nd</sup> April 2000), which detailed how a husband had been informed of his wife's complaint by a police officer. However, this patriarchal attitude is now observed as a preserve of rural life rather than a feature of all Victorian society as it had been during earlier phases:

There are unique aspects to domestic violence in the bush...mateship is big in country towns. One woman tells how she went to the police about her husband's violence. By the time she got home he was waiting for her. "Why did you do me in?" he wanted to know.

(*Sunday Herald*, 2<sup>nd</sup> April 2000)

Two years later the police were also openly criticised in the media for holding *Reactionary* attitudes to family violence in indigenous communities. The manager of Elizabeth Hoffman House, a high-security refuge for Koori<sup>14</sup> women, (and who was also interviewed for this thesis), stated that different standards are applied by police officers when dealing with indigenous family violence. She was quoted in the article as saying:

I don't like telling the women who present here to go to the police and get intervention orders only to find the women are ignored. It happens all the time. I recently got rung up by a police officer who was dealing with a woman I'd referred to the police and asked, 'Do you think she provoked the assault?' That tells me that something is wrong.

(*The Age*, 25<sup>th</sup> March 2002)

However she also held up hope that things would be different under the auspices of Christine Nixon, the recently appointed police commissioner for Victoria:

I want the police commissioner to take an interest in violence and sexual assault against Aboriginal women and children and to recognise that there is not a level playing field for these women when it comes to the justice system.

(*The Age*, 25<sup>th</sup> March 2002)

The impact that Christine Nixon did have on both discourses and policy responses in the Victorian Police Force is evaluated later in this chapter.

The *Reactionary* discursive themes of Resistance and Patriarchy were also evident in analysis of attitudes to immigrants to Australia who suffered domestic abuse.

Individuals wishing to reunite with their partner in Australia were first granted a two-year visa before being eligible for permanent residency. Under the domestic violence provisions for immigrants introduced in 1991, partners were sometimes eligible for permanent residence immediately if they left their partners because of violence. The

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<sup>14</sup> Indigenous Australians frequently identify themselves as Koori in Victoria and New South Wales. Indigenous Australians often prefer the term because it is a native word rather than a word that has been imposed from another language.

number of such people alleging that they were victims of domestic violence increased every year after the provisions were introduced, reaching a peak of four hundred and seventy three (including sixty six males) in 2001/02. The issue of whether all such cases were bone fide was picked up in several newspaper articles, at a time when the Federal Government wanted to introduce 'uniform standards' for immigrant domestic violence claims across the States and Territories. Some articles with titles such as "Real victims missing out on assistance" (*Weekend Australian*, 8<sup>th</sup> February 2003) and "Big Surge in immigrants faking abuse" (*The Age*, 8<sup>th</sup> February 2003) openly displayed key phrases regarding this issue, which helped to identify this manifestation of the *Reactionary* discourse. The use of the words 'alleging' and 'misusing' in the quote below cannot help but convey the sense that Australians would not act in such a way, and therefore claims by recent immigrants must be false:

There has been a dramatic surge in the number of immigrants alleging they are beaten by their Australian partners, with claims increasing more than five-fold in five years. Federal government officials fear the rise could indicate a new trend in people misusing the system to obtain immediate permanent residency, and want to set up an independent review process.

(*The Age*, 8<sup>th</sup> February 2003)

The problems for women coming from overseas to pre-arranged marriages with patriarchal Australian men was highlighted in a newspaper article in 2004. Sheila Jeffreys, Associate Professor of political science at Melbourne University and spokeswoman for the Coalition Against Trafficking of Woman was quoted as saying:

A lot of men aren't able to let go of their privileges and relate on an equal level with women. They expect the women to fit into the traditional family that the man controls, and sometimes controls through violence.

(*The Age*, 18<sup>th</sup> February 2004)

However, even she relayed the discursive theme that abuse of the system was likely:

Thankfully, those Russian women who do find themselves in abusive relationships are fairly well protected under Australian law, says Jeffreys. If they leave their husbands after alleging domestic violence they are not barred from applying for permanent residency and remaining in the country, but the system is also open to abuse.

(*The Age*, 18<sup>th</sup> February 2004)

During the fieldwork in Australia several immigrant women were interviewed. One gave this rather different interpretation of how she came to Australia:

That how I met my husband, but we never go out, or anything like that, We just met each other, and he's looking for someone to marry....He can't get a woman, well you know, because he's already forty-nine.

(Isobel, ex-sufferer of domestic violence)

The issue of immigration is very contentious in contemporary Australia, and it is telling that the *Reactionary* discourse is both visible and not disputed when related to this aspect of domestic violence.

Further manifestations of the *Reactionary* discourse regarding the resistance to feminist interpretations of the causes of domestic violence, which had been displayed in earlier decades, were occasionally visible. Now though they were dismissed, even by previously conservative organisations such as the justice system, a very different situation from earlier phases. This was picked up by the press:

The mythology that portrayed men as victims was driving debate over domestic violence, child custody and child support issues, the Chief Justice of the family court, Alistair Nicholson, said yesterday. Justice Nicholson said there was a common view that men were victimised by the Child Support Scheme and the myth was at its most extreme with claims that men were as often victims of family violence as they were the perpetrators of it.

(*The Age*, 26<sup>th</sup> November 2003)

In 2003 there was a strong opposing reaction when it became apparent that proponents of the *Reactionary* discourse within the Howard Commonwealth Government had cancelled an anti-domestic violence advertisement campaign, on the grounds that it only showed male aggressors and because:

At least two of the Liberal Politicians at the committee argued that what was portrayed in the ads "was not really violence".

(*The Australian*, 16<sup>th</sup> December 2003)

The proposed advertising campaign had been organised by The Office of the Status of Women in the Prime Ministers Department. *The Australian Financial Review* estimated

that because of the last minute decision by Government to change the whole focus of the campaign at least \$3.53m of taxpayers' funds had been wasted:

This shift in emphasis clearly reflects the Prime Ministers strong preference in social policy for "common sense" and "practical" policies rather than symbolic measures or approaches that smack of social engineering.

(*The Australian Financial Review*, 31<sup>st</sup> May 2004)

However the article, alongside others that branded the Prime Minister 'out of touch', questioned the discourse exhibited by the Federal Government:

Depending on who you believe it's either a case of a campaign which ran off the rails in the hands of bureaucrats and had to be refocused by their political masters, or its a case of the Government interfering for ideological reasons with scant regard for the cost to taxpayers.

(*The Australian Financial Review*, 31<sup>st</sup> May 2004)

Some two years later, when interviewed for this thesis, the Manager of WIRE was still smarting with indignation at the inability of Federal Government ministers to accept that domestic violence, as portrayed in the original planned campaign, incorporated financial abuse and social isolation, as well as physical violence. She was also furious at the power these proponents of the *Reactionary* discourse had been able to exert in preventing the campaign. However, she also noted the outrage within the press and by opposition party politicians to these patriarchal discursive themes by the Federal Government.

The *Reactionary* discourse was still visible during the period 2000-2005, and its proponents still had power to exert on policy responses. However, analysis revealed that during this phase manifestations of the discourse were less visible than during the two earlier periods and were often met with highly vocal opposition. The next sections looks at how the *Indigenous* discourse gained sufficient credibility to exert influence on policy responses regarding indigenous sufferers of domestic violence.

## The Effects of the *Indigenous* discourse on Policy Responses

During this last phase of the study it became evident that the discursive themes of 'Difference' and 'Impact of White Settlement' of the *Indigenous* discourse were, for the first time, having an impact on policy responses to indigenous family violence<sup>15</sup>.

It was becoming increasingly acknowledged that indigenous people are more likely to access SAAP homelessness services. The year 2000 document "Working towards a National Homelessness Strategy" (Commonwealth Advisory Committee on Homelessness, 2001) reported that whilst indigenous people made up two percent of the total Australian population they constituted fourteen percent of the SAAP homeless population. The Homelessness Assistance Manager at the Victorian Office of Housing pointed out during an interview for this research that in Victoria four percent of all people who access SAAP services are indigenous Australians, but only one percent of these go on to receive transitional public housing<sup>16</sup>. He pointed out that there was a current a debate concerning whether policy responses for indigenous people should be completely specific and separate, or, as the Office of Housing were promoting, that the indigenous service sector should become 'homelessness savvy' and the homelessness sector should become 'indigenous savvy'.

Indigenous women are more likely to be the victims of domestic violence than mainstream Australians. A report in *The Age* in 2000 stated, "Domestic violence is regarded as virtually normal within Aboriginal communities" (*The Age*, 13<sup>th</sup> July 2000), and that erosions of traditional values, alcohol and boredom were to blame for this. This was confirmed in an interview with the Manager of Elizabeth Hoffman House refuge:

One of the indicators there for us is the number of young Aboriginal women who access our service. They are getting younger and they're getting more problematic because their violent experiences over the years has been embedded in them, and it's become trans-generational. So it's not unusual for these young

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<sup>15</sup> As discussed in previous chapters, indigenous communities often prefer the term family violence because it incorporates violence that might occur between family members across generations, in addition to partners, and therefore more accurately reflects extended kinship ties, (Office of Women's Policy, 2001).

<sup>16</sup> This is public housing accommodation which is available for a six month period only.

women to believe it's quite normal. In fact we hear statements like, you know, if he doesn't hit me, he doesn't love me.

(Manager, Elizabeth Hoffman House Refuge)

A discussion paper on indigenous homelessness prepared for the Aboriginal Housing Board of Victoria by researchers from RMIT in 2001 (Berry et al, 2001), accepted the *Indigenous* discursive themes of the effects and impacts of colonisation, dispossession, disempowerment and loss of cultural identity, and stated that the impact of these issues should not be underestimated. The report also noted that prior to white settlement, indigenous peoples collectively occupied a land to which they were culturally and religiously deeply connected, and that contemporary indigenous culture incorporated moving between residences. Indigenous cultural practices of family obligations and sharing of material wealth, could mask the problems of homelessness, especially for women and children whose homelessness was often less visible. The report also addressed the difficult issue of the higher levels of family violence amongst indigenous Australians:

Family violence is one of the most difficult issues confronting Indigenous women. Of 9,300 female SAAP clients escaping family violence in Victoria in 1998-99, 450 (4.8%) were Indigenous Australian.

(Berry et al, 2001, p59)

Analysis revealed that policy responses specific to indigenous family violence were increasingly called for and expected. The discursive theme of Difference was picked up and turned into a specific policy response in the 2002 Victorian State Budget, when grant funding was allocated in order to: "help aboriginal communities find their own solutions to deal with family violence (*The Age*, 15<sup>th</sup> May 2002).

The issue of the high incidence of violence against women in indigenous communities, and the need for indigenous specific responses was noted at national level in press articles (*The Age*, 19<sup>th</sup>, 23<sup>rd</sup>, and 31<sup>st</sup> July 2003) following a summit on the issue attended by indigenous leaders and the Prime Minister John Howard:

John Howard said yesterday he was ready to embrace radical new ideas to tackle growing family violence and child abuse in Aboriginal communities. The Prime Minister said he wanted to respond positively to a "cry from the heart" from

indigenous leaders who say violence is destroying families and communities and creating a permanent underclass.

(*The Age*, 23<sup>rd</sup> July 2003)

The *Indigenous* discourse was very apparent in an article entitled “White way 'won't solve' black domestic violence” (*The Australian*, 31<sup>st</sup> July 2003) when Jackie Huggins the co-chair of Reconciliation Australia was quoted as saying:

“White feminist approaches to domestic violence did not work for many indigenous women and a national effort steering away from criminal justice answers was required”.

(*The Australian*, 31<sup>st</sup> July 2003)

Ms Huggins explained that Indigenous women had to be involved in solving the problem, which she said would not come through;

Inappropriate, culturally insensitive unworkable solutions that are foisted upon us ... Past failures should have made it blatantly clear that our women won't go to refuges that refuse their sons. We won't be part of a separatist regime that vilifies men, and the statistics show that our women will almost always return to their men.

(*The Australian*, 31<sup>st</sup> July 2003)

The use of words and phrases such as ‘inappropriate’, ‘culturally insensitive’, ‘foisted’ and ‘separatist regime’ here make blatant the opposition of proponents of the *Indigenous* discourse to the *Feminist Refuge* discourse. In August 2003 the power of the Indigenous discourse had grown strong enough to create a policy response. The “Aboriginal and Torres Strait Islander Commission Plan” (ATSIC, 2003), contained indigenous specific responses to family violence including night patrols<sup>17</sup>, substance-abuse mentoring, training of police aides, funding for legal prevention services and funding for community awareness and education programs. In the same year the Department for Victorian Communities published the “Indigenous Family Violence Task Force Final Report” (Yarram, 2003). The report called for a holistic approach to family healing and stated that:

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<sup>17</sup> Night patrols remove intoxicated men from the home but not into the criminal justice system, and thereby keep women safe and men out of prison.

The responses to family violence need to build on the strengths of indigenous families and communities and encompass indigenous concepts of social, emotional, cultural and spiritual well-being.

(Yarram, 2003, p12)

The report acknowledged that in Victoria family violence remains a sensitive and difficult problem for many within Indigenous communities. The report's stance on accepting indigenous explanations for the causes of violence against women as a way of overcoming this difficulty was very apparent:

Situating family violence as an effect of colonialism provides a platform from which all members of Indigenous communities can address loss and grief issues and take responsibility for current behaviours in a 'no blame' framework

(Yarram, 2003, p13)

It would appear therefore that the *Indigenous* discourse was consciously adopted by policymakers as a way of allowing indigenous leaders to comfortably confront the problem of family violence within their communities. In 2004 the Victorian Government Response (Victorian Government, 2004) to the "Victorian Indigenous Family Violence Task Force Final Report" was released. Both the Response (and the "Code of Practice For the Investigation of Family Violence" (Victoria Police, 2004) of the same year, accepted and promoted the *Indigenous* discourse. They did this both by endorsing the findings of the Task Force and by accepting that destructive and violent behaviour was linked to the impacts of dispossession of land and culture, and to breakdown of community kinship systems. Proponents of the *Indigenous* discourse viewed domestic violence in terms of men's compensation for lack of status, esteem and value, and therefore stressed the impact of the violence on the whole family or community, rather than solely on women and children (Yarram, 2003). The Government Response detailed how the Victorian Government would work in partnership with indigenous people to design, deliver and manage projects to ease family violence. This included targeted initiatives to address indigenous family violence, including holistic family healing centres, family support and counselling projects, establishment of a family violence division of the Magistrates Courts, and establishment and ongoing support of Local Area Groups<sup>18</sup>, and Support Workers. In

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<sup>18</sup> Local Area Groups raise awareness of Indigenous family violence issues within local communities and develop local solutions to prevent and respond to local issues of family violence

2004/05 four million dollars was budgeted over four years to establish the holistic family healing centres and for scholarships for indigenous counselling students.

Although these policy responses had come about as a direct result of the *Indigenous* discourse they received criticism from some members of the indigenous community. During an interview for this research the Manager of the Elizabeth Hoffman Koori refuge criticised the Task Force Report for “not being worth the paper it was written on” and the Government responses as being “all talk, no action”, and said that she could use the “Victorian Government Response to the Victorian Indigenous Family Violence Task Force Final Report” (Victorian Government, 2004) to “just use the paper to go to the toilet with”:

Some of these initiatives are fantastic but for example, the family violence course they've said they've put money into that, and the men behaviour change programme, that's not true, the money's moved about but its not additional money.

The government has agreed to fund healing centres. But it's an idea that came out of the Taskforce report but nobody really knows what a healing centre is going to look like and what's it going to do. Indigenous women are eight times more likely to experience family violence. Yet the government's response has not got one thing of Aboriginal women and their children. I cannot believe it.

(Manager, Elizabeth Hoffman House Refuge)

Some of this criticism may have come about because the manager is a proponent of some of the discursive themes of the *Feminist Refuge* discourse, regarding the need for separation. In 2004 in an article in *The Age* titled “Aboriginal victims of violence get \$4m aid”, she was quoted on her opinion that the measures in the strategy did not go far enough, and on the need for more refuges, saying:

All of these things are really good, but if you don't deal with the immediate crisis, how can we even begin to deal with this problem in our community.

(*The Age*, 12<sup>th</sup> October 2004)

Whatever the reasons for the manager not being in full support of the Strategy, the fact that the *Indigenous* discourse was now to be found in policy responses to homelessness attributed to domestic violence was remarkable. Time will tell what effect they have on

lowering rates on family violence in indigenous communities, and it is intended that this matter shall be the subject of further research after completion of the PhD thesis. The plight of indigenous women is still not treated with the compassion others receive, as poignantly elaborated in the interview:

I don't understand why there doesn't appear to be the same sense of outrage that we demonstrate when we hear about women being stoned to death in other countries. I fail to understand why the same level of compassion isn't shown to these women, because their lifestyles have been a continual crisis.

(Manager, Elizabeth Hoffman House Refuge)

This section has given an overview of how, some two decades after first becoming discernible, proponents of the *Indigenous* discourse successfully lobbied for policy responses to domestic violence, and the homelessness attributed to it, that were specific to their needs. The next section appraises how the *Progressive* discourse became normalised and what impact this had on policy responses to the homelessness attributed to it.

### **The Normalisation of the Progressive Discourse**

This section looks at the normalisation of the *Progressive* discourse during the period 2000-2005, and the impact that this had in the creation of funding for alternative policy responses.

At the start of this final phase a research report was published with the support of the Commonwealth Partnerships Against Domestic Violence (PADV). The report, "Reshaping Responses to Domestic Violence" (Bagshaw et al, 2000), was based on an analysis of the needs of victims, perpetrators and young people who had witnessed domestic violence. As a whole the document gave more attention to "planning to leave" than to remaining in the family home, however it did state:

All women expressed a strong preference for the perpetrator to be removed and for the women and children to be allowed to stay in the home safely.

(Bagshaw et al, 2000, p23)

In 2001 the Commonwealth Advisory Committee on Homelessness published a follow on document; “Working Towards a National Homelessness Strategy” (Commonwealth Advisory Committee on Homelessness, 2001) which noted that most women and children experiencing domestic and family violence were “forced” to leave their homes and seek alternative accommodation. Twenty three percent of people using SAAP services in the year 2000 gave the reason as domestic violence. The document concluded that the extent to which people rely on SAAP to “parachute” them out of untenable family situations demonstrated the extent to which domestic violence left people vulnerable to homelessness. Although the National Homelessness Strategy had only a very limited impact on policies regarding homelessness, (because it was not backed up by legislation or any other device to give homelessness people any rights to assistance), this did mark a discursive tipping point. The extent to which victims of domestic violence become homeless as a result, (and consequently users of homelessness services), was now fully recognised and disapproved of in both Federal and Victorian State documents.

An important national research document, “Home Safe Home: The link between domestic and family violence and women’s homelessness” (Chung et al, 2000) was extremely open in its *Progressive* discourse and illustrated that the newly dominant *Progressive* discourse was becoming the accepted storyline. The report led to changes in policy responses regarding homelessness attributed to domestic violence:

A key issue in the research around domestic violence and homelessness is that if rigorous and enforced legal sanctions were in place women and children would be able to remain in the home and the perpetrator removed  
(Chung et al, 2000, Introduction)

The report recommended challenging “prevailing orthodoxy” that the women and children should leave the family home to escape domestic violence, and stated that homelessness for women and children who have experienced domestic violence was the result of social failure to fully accept and deal with the criminality of the perpetrators’ behaviour. The report also stated that the policy that the combination of concerns about safety for women and children and the availability of refuges, made a woman's removal from home the easiest and most practical option for police should be challenged. “Home

Safe Home” called for a change in service orthodoxy and legal, judicial, police and housing responses to ensure women’s and children’s safety.

Jocelyn Newman, Families and Services Minister, embraced the *Progressive* discourse contained within the report. She was quoted in an article in *The Age* newspaper as using the "excellent research" of “Home Safe Home (Chung et al, 2000) to justify the lessening of dependence on refuges as the only form of provision:

We should stop viewing women as victims who need protection and seclusion. We need to treat them as citizens with the same rights as anyone else in the community, and to provide them with the support they need.

(*The Age*, 1<sup>st</sup> December 2000)

Other newspaper articles also reported on the *Progressive* discursive themes of the ‘Home Safe Home’ report:

Violent men should be ordered by the courts to leave the family home instead of women victims and children having to flee for safety.

(*The Advertiser*, 8<sup>th</sup> February 2001)

The Labor Victorian Government released several policy documents in quick succession which articulated the Progressive discourse by giving support to enabling women and children experiencing family violence to remain in their homes, whilst the perpetrators of violence were removed. These policy documents included the “Victorian Homelessness Strategy” (Department of Human Services, 2002), the “Family and Domestic Violence Crisis Protection Framework” (Department of Human Services' et al, 2002) and the “Women’s Safety Strategy” (Drysdale, 2002). The DVIRC<sup>19</sup> discussion paper “Family Violence and Homelessness: Removing the Perpetrator from the home” (Southwell, 2002) noted that there were however patriarchal reasons preventing women from remaining in the family home, including the ineffective enforcement of intervention orders by the Police and Courts:

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<sup>19</sup> Domestic Violence and Incest Resource Centre, Melbourne

Many magistrates appear to view the exclusion of a man from his home as too serious a penalty to be justified on the balance of probability that violence or threats of violence have been perpetuated.

(Southwell, 2002)

The Paper recommended *Progressive* policy responses including improving police responses to breaches of court orders, providing court-based domestic violence advocacy services, accommodating perpetrators, establishing domestic violence courts and undertaking law reform. As will be discussed during the rest of this chapter several of these proposed policy responses designed to remove barriers to women remaining in the family home were quickly instigated.

Between 2001 and 2005 a raft of policy documents were published in Victoria that utilised the *Progressive* discursive themes of Criminalisation and Removal of the Perpetrator. The “Women's Safety Strategy: a Whole-of-Government Response to Violence Against Women” (Department of Premier and Cabinet, 2001) demonstrated a feminist understanding of domestic violence but displayed solutions promoted by proponents of the *Progressive* discourse. This document outlined the Government's proposed key directions to reduce violence against women. This included supporting women to stay in the home and violence prevention. The following year “Acting on the Women's Safety Strategy” (Dysdale, 2002) stated that the Women's Safety Strategy would be implemented through training for judicial officers, behaviour change programs, family violence prevention pilots and gender education strategy for schools.

“Directions for Change: Victorian Homelessness Strategy Action Plan and Strategic Framework” (Department of Human Services, 2002) contained the State Government's policy direction for delivery of services for homelessness in Victoria. This is a remarkable document, not least because Victoria, like all the States and Territories, does not have any statutory duty towards homelessness apart from administering joint Commonwealth/State funds available through the SAAP agreements. The taking of a lead on policy direction and providing State funding for some homelessness services demonstrated a commitment to the *Progressive* discourse by the Victorian Government, headed by Prime Minister Steve Bracks.

“Directions for Change” argued that although the Crimes (Family Violence) Act 1987 provided a legal mechanism through which courts could prevent men from approaching or entering the home as a condition of an intervention order, anecdotal evidence suggested that the courts did not consistently apply this provision. “Directions For Change” stated that the Victorian Government intended to implement a framework to support the option of women and their children remaining in the home. This would be done by increasing the amount of outreach services to provide direct support for women and their children and by providing early intervention support. This marked a discursive tipping point in the dependence on high security refuges as the policy response to homelessness attributed to domestic violence in Victoria.

The cost of homelessness, and domestic victims heavy use of SAAP services was justified as one of the reasons for the change in policy direction. It would seem therefore that proponents of the *Progressive* discourse still felt the need to repel *Reactionary* discursive themes regarding domestic violence.

An interview with the Manager Homeless Support, at the Victorian Office of Housing revealed that the Victorian Homelessness Strategy had led to “quite a few new initiatives” including an integrated whole-of-government family violence system, which incorporated the services for which the Office of Housing were responsible and that the services that the Office for Children are responsible for delivering. This was coordinated with the police response, under the “ Code of Practice For the Investigation of Family Violence” across Victoria. She also spoke of the police role in preventing homelessness attributed to domestic violence, which is discussed in more detail in the following section:

Before the onus was all on removing, because they’re there to see a crime isn’t committed they would take the women to a place of safety.

(Manager Homeless Support, Office of Housing)

However, staff interviewed from a feminist refuge were sceptical about the real impact of an integrated service:

At the moment there’s a lot of discussion on integrating services. So I think sometimes the language just changes, and it’s the same thing, you know.

(Sarah, Feminist Refuge Manager)

The “Family and Domestic Violence Crisis Protection Framework” (Department of Human Services, 2002) portrayed the *Progressive* discourse and frequently used the word ‘forced’ to describe how women had to leave intolerable living conditions and that it was this situation that turned domestic violence into a significant cause of homelessness. The policy report stated that traditional accommodation and support models were struggling to respond to the complexity of women’s needs and it was therefore necessary to rethink existing models and develop new approaches. The document stated that outreach support assistance to improve security of property should be carried out to assist women to remain in their home. The *Feminist Refuge* discursive stance about the need for separation of female victims to refuges had now become abnormal. It is notable that refuges are portrayed in this document as unwilling to adapt to the new flexible service system. An interview with Project Officer at DV Vic<sup>20</sup>, confirmed that this document had “caused a lot of ripples”.

### **Alternative Policy Responses to Refuge Provision**

The analysis revealed that policy responses to homelessness caused by domestic violence increasingly moved away from refuge provision to alternative non-accommodation based services such as outreach work. At the same time, new ways of assisting women who did have to temporarily or permanently leave the family home were being explored. The 2002 Victorian State budget announced several initiatives, as part of the Crisis Protection Framework, including a three-year private rental brokerage programme for women that have experienced family violence. Under the scheme specialist housing referral workers were given access to rental brokerage funds to help homeless victims of domestic violence access or remain in long-term affordable housing. The Homelessness Assistance Manager at the Victorian Office of Housing described the Rental Brokerage Scheme in an interview for this thesis as:

Where we will subsidise your rent so that you can stay in a locality you want to live in, where you’ve got your links, but where your income is insufficient to maintain that property.

(Homelessness Assistance Manager, Office of Housing)

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<sup>20</sup> Domestic Violence Victoria Inc. (DV Vic) is a peak advocacy organisation committed to the rights of women and children to live free of violence.

A domestic violence outreach worker further described the scheme as:

They had this program it was called the Rental Brokerage. And what it meant was that clients who did not wish to go to refuge, or who did not have any other options could access the private rental market, and they would be assisted to do that, to the tune of two thousand dollars. You know you could have it pay the first two month's rent, if that's what you wanted, and that was in addition to the bond. It was just fantastic.

(Sue, Domestic Violence Outreach Worker)

The use of private rented accommodation as an alternative to refuge provision, which is designed to allow women to remain close to their neighbourhood, and therefore retain some sense of home, did not come about as a result of the *Feminist Refuge* discursive theme of Separation. Again, the cost-effectiveness reasons for the move towards housing victims of domestic violence in the private rented sector, rather than in refuges or the very limited public housing available, was confirmed in the interview:

In terms of 'bang for your buck' you get much better and you're actually using the private rental market to get your outcome.

(Homelessness Assistance Manager, Office of Housing)

The Victorian Office of Housing also devised a homelessness prevention scheme which assisted domestic violence victims to remain in their homes. The Housing Establishment Fund (HEF), was used for all SAAP clients, including victims of domestic violence:

We've got about \$6.6 million in what we call the 'Housing Establishment Fund', which is a sort of flexible fund. HEF is a one-off assist to either keep people out of the homeless service system so if they've got four weeks in arrears, we'll pay that to keep them in their current property. Or to give them four weeks rent in advance so they can stay in the private rental market and just keep them out of our service system. Or it can be used to move people on. So it can be used to buy a fridge or it can be used for removal costs or getting stuff out of storage. But generally it's about keeping people in the private rental market or moving them on. Or queuing them, waiting for a place to become available.

(Homelessness Assistance Manager, Office of Housing)

The Victorian Government maintained its *Progressive* stance about dealing with homelessness when launching the social policy action plan "A Fairer Victoria: Creating Opportunity and Addressing Disadvantage" (Department of Premier and Cabinet, 2005). Strategy three, of the fourteen listed in this policy document, was about

responding to family violence more effectively. The State Government committed thirty five million dollars to provide a twenty four hour response service, a wider choice of emergency housing, and more opportunities for women and children to stay in the family home. On the 7<sup>th</sup> June 2005 I attended a speech by Hon Bronwyn Pike MP, Minister for Housing and Senior Victorians at which she said that the commitment of thirty five million dollars, and the creation of more opportunities for women to stay in the home was the thing she was most proud of in all her years in working in politics. This and the raft of documents displaying the *Progressive* discourse and the policy responses created as a result of this normalisation demonstrated that the *Progressive* discourse had now become completely adopted by the Victorian State Government.

In the next section the marked changes in discourse that emanated from the Victorian Police Force during the period 2000-2005, and the policy response changes that came about as a result are discussed, and offered as further evidence of the normalisation of the *Progressive* discourse.

### **The Impact of Proponents of the *Progressive* Discourse on the Victorian Police Force**

This section discusses the impact of proponents of the *Progressive* discourse on the Victorian Police Force and its subsequent effects on reducing homelessness attributed to domestic violence. As discussed in previous chapters, the police had always been regarded as a conservative organisation that since the commencement of the feminist refuge movement had demonstrated the discursive themes of the *Reactionary* discourse. In this last phase evidence emerged of a visible reduction in this, and a “sea-change” in the discourse emanating from the Victorian Police Force.

In October 2001 the new Victoria Police Chief Commissioner, Christine Nixon, ordered a review of police procedures in dealing with violence against women which was widely supported in the press. A newspaper article about the review quoted Dr Rhonda Cumberland of the Women’s Domestic Crisis Service of Victoria. She illustrated the *Progressive* discourse by stating; “It is now time to stop treating domestic violence as a welfare issue but as a criminal issue.” (*The Age*, 5<sup>th</sup> October 2001).

Subsequently “A Way Forward: Violence Against Women Strategy: A Summary Of The Review Into All Matters Related To Violence Against Women” (Victoria Police, 2002) was open about the attitudinal issue problems of the police. The review recommended enhanced training for police officers, a new police code of practice to respond to domestic violence, improved data collection, streamlining access to intervention orders, review of the role of family violence liaison offices and increased police accountability when responding to incidents of violence against women. The document not only acknowledged that the Victorian Police Force must improve its response to victims of domestic violence but also stated that the police were committed to taking on a social leadership role regarding violence against women.

This confrontation of the problems within the police force and determination to lead change was positively received in the media, indicating that the discursive themes of the *Progressive* discourse were now mainstream. *The Age* newspaper, in an article entitled “A fresh approach to domestic violence” stated: “Moves to make the police more responsive to a widespread malady deserve support” (*The Age*, 15<sup>th</sup> April, 2003). The article also noted how quickly the police had transferred from displaying the discursive themes of proponents of the *Reactionary* discourse, to the discursive themes of the *Progressive* discourse:

Only two years ago crisis-service workers were complaining that police could be slow to respond to domestic violence calls and that a blame-the-victim attitude persisted...Christine Nixon has been right to focus attention on an area that has been under-resourced, and that contributes to related problems such as teenage homelessness. If the reforms result in a safer environment for women and children and a more responsive force, they will be worthwhile.

(*The Age*, 15<sup>th</sup> April, 2003)

The “Code of Practice For the Investigation of Family Violence: Supporting an integrated response to family violence in Victoria”, (Victoria Police, 2004) consolidated legislation and policy and procedure, as well as introducing changes. The Code outlined how police would respond to reports of family violence, and emphasised that police would treat all such reports seriously. The main changes were that the police would follow a step by step process when dealing with domestic violence

The Code reinforced that Police officers could instigate an intervention order without the agreement of the victim and that they must make an application wherever the safety, welfare or property of a family member appeared to be endangered. Several interviewees highlighted what a difference the change in discourse in the police force, and the policy responses that had come about as a result, had made to homelessness attributed to domestic violence:

We started getting the court to order and the police to remove the men who were just digging in and staying in the home. This is what we're really pushing, to get a complete sea-change. For the society to understand that, when these things happen, the woman and children are not going to be necessarily out on the streets.

(Sue, Outreach Worker)

The Manager of Homeless Support at the Office of Housing discussed the new ability to work effectively with the police:

We're working really hard under the whole of government approach to develop our service system response so that the police will take a more active role in responding to family violence and making the perpetrators accountable.

(Manager Homeless Support, Office of Housing)

At the time of the launch of the Code of Practice the press were again very positive about the changes that were likely to incur as a result. Commentators recognised that a new era of policy responses was occurring and that this would have an impact on the homelessness situation of victims of domestic violence:

The new procedures, developed over two years, are expected to try to keep women who are usually the victims, and children in the family home while moving perpetrators.

(*The Age*, 17<sup>th</sup> June 2004)

As had happened two years earlier when the Violence Against Women Strategy had been launched, it was Christine Nixon who was credited with instigating these changes:

When she was appointed, Commissioner Nixon gave notice that tackling domestic violence would be one of the highest priorities for Victoria Police. She is to be congratulated for keeping to that pledge... The seriousness of family

violence has not always been recognised. In the past a man's home was seen as his castle, and calls for help from frightened women could be dismissed by police as 'just a domestic'.

(*The Age*, 3<sup>rd</sup> September 2004)

This also came out in analysis of interviews with domestic violence professionals;

But the Assistant Commissioner to New South Wales came down to Victoria, and, so she's really set the scene in Victoria for reforming the Police State Department. Domestic Violence was one of her four priorities.

(Manager WIRE)

In recent times we've had great assistance from the police. Because Christine Nixon, this very progressive commissioner of the police in Victoria. She seems to have been determined to change the police culture.... Formally the idea was that the woman left with the kids. Either she went to a women's refuge, or she had to go into some sort of government provided housing, or she stayed with family or friends, or is she had the means she went into a private rental, but she rarely, if ever, remained in the family home. There is more push on the police to actually take out the orders themselves. They don't have to have the woman taking them the order and of the fifty or sixty Exclusion Orders that we did last year, only one broke down because of safety concerns.

(Sue, Outreach Worker)

It had therefore emerged during analysis of this last phase that the championing of the way that domestic violence was dealt with by the police, and normalisation of the *Progressive* discourse within the police force had the capability to make a major impact on preventing victims of domestic violence from becoming homeless. The next section looks at how the *Progressive* discourse had become so normalised within the Office of Housing that a policy response designed to assist women and children to stay in the family home was developed that provided financial incentives for perpetrators to leave the family home.

### **Incentives for Perpetrators to Leave the Home**

This section examines a policy response development from the end of the research period that occurred as a result of the normalisation of the *Progressive* discourse: the use of incentives for perpetrators to leave the home. A range of Victorian Policy

documents<sup>21</sup> had in the years 2000-2005 displayed the now normalised *Progressive* discourse by focusing on the right of women to remain in the home. This had been done through the development of policy responses which included piloting the placement of specialist housing referral workers in family violence outreach services, and the strengthening of resolve to use existing legislation such as the Crimes (Family Violence) Act 1987 in order to increase the use of Exclusion Orders to remove perpetrators. In 2005, in an attempt to further the discursive theme of Removal of Perpetrators, an innovative policy response in which perpetrators were given inducements to leave the family home was introduced. The reason for the introduction of financial inducements became clear through an interview with a police family violence liaison officer. Some police officers were still finding the concept of the removal of men difficult, in spite of the vigorous efforts of their Chief Commissioner, Christine Nixon. In talking of removing perpetrators of domestic violence, the police officer said:

And there's really no mechanisms to put them anywhere I guess what we rely on is for them to have a bit more ingenuity and find somewhere. And I guess what we and the government or society's realised is that we have a problem with that.

(Police Sergeant, Domestic Violence Liaison Officer)

The solution that the Office of Housing came up with was to provide motel vouchers up to the value of three hundred dollars to some perpetrators of domestic violence. During an interview the Manager of Homeless Support defended the spending of homelessness funds in this way on the grounds that "it's kind of stretching the fact that the perpetrator would be homeless". Furthermore:

If we're going to implement Exclusion Orders and remove the perpetrator then we need to ensure that there is somewhere for the perpetrator to go. A lot of sole-occupancy orders the magistrates won't grant because the guy gets up there and say's well I've got nowhere else to go, you know, it's my home and blah, blah, and so the magistrate says well then I won't grant an intervention order against you. So as part of the integrated response we have allocated a small amount of funding per annum to provide over-night or short-term accommodation, in the case of a sole-occupancy order being granted and the perpetrator not having anywhere to go. So we provide for overnight

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<sup>21</sup> The Family and Domestic violence Crisis Protection Framework, Victorian Women's safety strategy, Victorian Homelessness Strategy

accommodation and it's up to three days so it might be one day, it might be two nights. And it's low-cost hotels, backpackers, caravan accommodation, it's not, you know, we're going to the Hilton for two nights.

(Manager Homeless Support, Office of Housing)

The police officer interviewed was delighted with this new innovation:

They're now brought in a new budget where they are going to provide cash or funds. They give vouchers to put the men in accommodation somewhere. But that would be a great thing for us. In so far as expediency in resolving an urgent issue at the time, there's no longer any issues about where somebody can go.

(Police Sergeant, Domestic Violence Liaison Officer)

However perhaps the most telling words on this subject came from an interview with an ex victim of domestic violence, "and I was certainly never offered, \$200 worth of credits to go and stay in a motel" (Jade, former victim of domestic violence). The Victorian press acknowledged the controversial nature of this new policy approach, but were not negative about it:

If police remove a violent man from his home, he may be eligible for the payment. The idea is that if he is helped to stay away, his victim gets to keep her home.

(*The Age*, 24<sup>th</sup> March 2005)

In the same article, Assistant Police Commissioner Reg Mahoney reiterated the new discourse that now permeated through the police force:

Before we would take the women and children to a refuge. The message now is that it makes sense to leave the women and children if they are safe.

(*The Age*, 24<sup>th</sup> March 2005)

An article a month later quoted Acting Premier John Thwaites on this issue;

In the past, the women and children have had to move out into a refuge while the perpetrator of the violence stays in the home. Often that's because the man has said there is nowhere for him to go.

(*The Age*, 24<sup>th</sup> March 2005)

The move was also reported on the same day in *The Australian* newspaper in an article entitled “Violent husbands to be sent to motels” (*The Australian*, 28<sup>th</sup> April 2005) Again this article was positive, and heralded the Victorian scheme as being an Australian first:

Under the policy, police or social workers would be able to give taxpayer-funded vouchers to violent men to set them up in cheap accommodation in hostels, rooming houses, hotels or caravans for up to 3 nights, in a policy to cost \$600,000 over four years.

(*The Australian*, 28<sup>th</sup> April 2005)

At the conclusion of the research the policy response of inducements to perpetrators had only very recently been introduced, and its effectiveness in allowing women to remain in their home was impossible to evaluate. What can be noted however is what a remarkable policy response this was, and how it demonstrated how determined the proponents of the *Progressive* discourse were to ensure that victims of domestic violence were prevented from having to leave their homes. The need for such radical measures was demonstrated in an interview with a former victim of domestic violence:

This housing situation is not going to be resolved for years to come yet. We still don't have, we have never had, from the moment we left, we've never had stable housing. I think that basically my kids and I have suffered for somebody else's crime and he's living quite well and we're not.

(Jade, former victim of domestic violence)

This final phase of the Australian analysis, *From Refuges to Rights*, was the period when the *Progressive* discourse became normalised, as the *Feminist Refuge* and *Reactionary* discourses became less visible. Refuges had to reinvent themselves as ‘last resort’ temporary accommodation for disenfranchised groups such as the poor and recent immigrants, rather than the default policy response to homelessness attributed to domestic violence as before. Proponents of the *Reactionary* discourse were, in most cases, not successful in creating or stopping change. Where they were, as in the curtailing of the Commonwealth advertising campaign, they were openly criticised. In Victoria the *Progressive* discourse became normalised, and a whole-of-Government approach was devised to ensure that this was the case in all Government agencies. The effect of this was a shift in policy responses towards preventing victims of domestic violence becoming homeless because they had to leave the family home, and the

funding of Rent Deposit Schemes that helped women to remain in the local area when structural factors, such as cost, prevented them from doing staying in the family home. The *Indigenous* discourse became visible and powerful enough to allow the creation of policy responses specific to indigenous peoples needs.

The next section summarises the conclusions that can be made from charting the ebb and flow of discourse prominence throughout the thirty one years covered in the Australian research.

## **7.4 Discussion of the Australian Findings**

Chapters Four to Seven have focused on the three phases of the Victorian analysis. The key features of the four discrete competing discourses in each country and their discursive themes were revealed through a critical discourse analysis of historical and contemporary texts. The inter-relationships between these discourses were examined in order to discover how each was able to influence policy responses regarding homelessness caused by domestic violence. This was done in order fulfil the aim of this thesis, to explore and understand how policy responses have developed as products of culture and attitudes to actual welfare provision.

The findings of the analysis show that in Victoria the *Feminist Refuge* discourse competed with a *Reactionary* discourse, both against the rights of women not to live in a violent home, and for refuge provision to be provided so that women did not have to stay in such an environment. The normalising of the *Feminist Refuge* discourse, regarding the right of women not to have to remain in the home and endure domestic violence, are evidence of a triumph over the *Reactionary* discourse, who's proponents failed to prevent the emergence of a widespread state funded refuge network across Australia. Later, a competing *Progressive* discourse can be recognised, whose supporters called for perpetrators to be removed, and for women to remain in the family home with alternative methods of support. At that time the *Feminist Refuge* discourse began to loose its dominance. The *Indigenous* discourse sought, and gained, recognition

that the high levels of indigenous domestic violence came about as a result of colonisation.

Each discourse therefore had an effect on Victorian policy responses towards homelessness attributed to domestic violence. As Table One has indicated, the findings suggest that the *Feminist Refuge* discourse altered the stereotypical view of homeless people as single male alcoholics, and influenced the provision and Government funding of refuges, although the discourse also produced a prejudice against alternatives to refuge provision. The *Indigenous* Discourse influenced State funding from the removal of women to refuges, and the criminalisation of perpetrators, towards indigenous holistic family healing centres. The *Progressive* discourse increased options for women to stay in the home, and encouraged the removal of men by the hotel voucher scheme, specialised domestic violence courts, and increased provision of outreach services. The Australian manifestations of the *Reactionary* discourse led to opposition of acceptance of feminist explanations of causes of domestic violence, and caused inequitable treatment of women in the justice system, and negative stereotyping of immigrants.

The analysis therefore has contributed to a resolution of the research questions regarding how provision for the homeless is placed within social policy, historically and currently. Australia has not developed a strong welfare state, and instead has focused on minimum earnings and conditions for wage-earners. In Australia the dominant theme of social policy during the research period has been that of self-reliance and promoting independence. Policy responses arising from the *Feminist Refuge*, *Indigenous* and *Progressive* discourses have developed within this context and have centred on short-term accommodation with support, in order to enable people to solve their own homelessness situation, normally by entering the private rented sector.

The charting of the discourses, and their impact on policy responses has assisted in an understanding of how homeless people are perceived, and the history of the cultural views of the homeless and the organisations that provide for them. In Chapter Twelve the rise and fall from influence of each of the Victorian discourses is compared with the English discourses, in order to aid understanding of how policy responses developed as products of culture, and why and how differences in conceptions and discourses

surrounding homelessness have developed in two nations with similar language, legal systems and rates of owner occupation.

Chapters Five to Seven have each looked at the discourses that have impacted on homelessness caused by domestic violence in Victoria, since the beginning of the feminist refuge movement in Victoria in 1974 to the end of the research period in 2005. Together they have exposed a storyline, (Hajer, 1995) whereby it has been possible to assess retrospectively their individual and collective impact on policy responses. The next Chapter turns attention to the English material. In a similar format to the Australian analysis, this commences in Chapter Eight with an introduction to the English discourses, their analytical framework, and key policy responses. Chapters Nine to Eleven then each focus on one of the three chronological English phases.

## Chapter Eight

### Introduction to the English Discourses, Analytical Framework and Key Policy Responses

#### 8.1 Introduction

Attention is now directed to the English half of the research. Chapters Nine to Eleven look in detail at the key English policy responses of each of the English phases, and the analysis of the inter-relationship of the English discourses. In this chapter the four identified and named English discourses are introduced. This is followed by explanation of the analytical framework which has been developed for the English data. Lastly, a brief overview of the English key policy events of the research period is given.

#### 8.2 The Discourses regarding policy responses to Homelessness attributed to Domestic Violence in England

This section presents the identification of the discourses regarding homelessness attributed to domestic violence in England during the time between the commencement of the feminist refuge movement in 1971 until 2005. The characteristics of the discourses and their discursive themes are examined here, before beginning to look at the inter-relationship between the discourses in the next chapter. The four competing English discourses I have identified and named as: *Feminist*, *Local Authority*, *New Labour* and *Reactionary*.

##### *Feminist* Discourse

The *Feminist* discourse was recognisable in calls for the right for women to have choices, both to remain in their homes and live free from violence, or if necessary to be rehoused elsewhere. The key discursive themes of the *Feminist* discourse have been identified as Feminism, Equal Rights and Self-Determination for Women, and Women's Rights to Safety. Unlike the situation in Victoria, feminists in England did not

focus their attention on the need to remove female victims from the family home and domestic violence was not constructed as a problem of homelessness to such an extent as in Australia. That is not to say that the creation of feminist refuges were not an integral part of the policy responses that proponents of the *Feminist* discourse wished to see, but rather that my analysis revealed that this was one part of a policy response package needed to create “women’s right to chose”, an emotive phrase which helped to identify the discourse.

The Women’s Aid Federation of England (WAFE), a feminist organisation, aimed to provide refuges, but also, from its onset in 1974, aimed to encourage “women to determine their own future”. This included choosing where, and how, they should live free from violence. Therefore, early joint ambitions of proponents of the *Feminist* discourse were that violent men should be made to leave the family home in order to create safety for family members, and that all women who did leave should have a place to go (Abrar et al, 2000).

Proponents of the discourse pushed for change regarding the need to challenge patriarchal attitudes to ‘wife beating’. Analysis of the data revealed that proponents of the *Feminist* discourse were crucial in creating a discursive environment that made possible the enactment of legislation to protect women. The power of the *Feminist* discourse was rendered visible by the creation of the Matrimonial Proceedings and Domestic Violence Act 1976, which was designed to remove perpetrators, and the Housing (Homeless Persons) Act 1977, designed to provide housing for some homeless people, including victims of domestic violence who had to leave the family home. By influencing legislation, the discursive themes of the *Feminist* discourse became normalised within official Government policy language, from the early 1970s until they were replaced by a *New Labour* discourse from 1997 onwards. The power of the *Feminist* discourse was also evident in the maintenance of high profile media exposure, on how the effectiveness of the Domestic Violence and Matrimonial Proceedings Act 1976, in removing male perpetrators, was limited by sexist attitudes within the police and judicial systems, and in how proponents of the *Feminist* discourse opposed the Gate-Keeping discursive themes of the *Local Authority* discourse. The strong resistance that occurred to the normalisation of the *Feminist* refuge process from proponents of competing *Local Authority* and *Reactionary* discourses are discussed below.

## *Local Authority Discourse*

The key discursive themes of the *Local Authority* discourse are identified as Gate-Keeping, Control, Resistance, Cost Saving, Localism and Tradition. This is a particularly English discourse, that came about in reaction to calls for the rights to housing for vulnerable groups, including victims of domestic violence, and the subsequent inception of statutory homelessness legislation from 1977 onwards. Proponents of the discourse were most frequently local authority councillors, officers and their supporters, who were striving to maintain the independence of local authorities from central government, and to save costs by limiting those whom they housed.

From 1977 onwards local authorities in England were charged with a statutory duty to investigate the housing situation of those who presented themselves to the authority as homeless and, until 1996, to provide permanent housing for those applicants that were found to be statutorily homeless. This included some women who left the family home in order to escape domestic violence, and from this time there became visible a varied local authority response throughout England to those who had become homeless in this manner. Proponents of the *Local Authority* discourse, as some of the managers of supply and demand of council accommodation, developed a gate-keeping attitude between the homeless and the limited number of houses which were available to house people (Watson and Austerberry, 1986). This could be recognised in arguments over whether or not homes left due to domestic violence were “fit to occupy”, on whether the applicants were indeed “homeless”, and later, on restrictions on what circumstances made people “vulnerable” and in “priority need”, (and so falling within the remit of the definitions of statutory homelessness). The discourse could also be recognised in some authorities refusal to house victims of domestic violence until their divorce was finalised, or their insistence on previous rent arrears being paid off before agreeing to house applicants, even if it was their ex-partner who had built up the arrears. Adversarial interviewing techniques intending to deter applicants and apply pressure on women to return to the family home in order to save costs of temporary housing, are also evidence of the discursive themes of the *Local Authority* discourse of cost saving and localism, which were indicated in some local authorities’ attempts to “reduce housing pressure” and “reduce over demand”.

## *New Labour* discourse

The *New Labour* discourse was identifiable in calls for women's rights to remain in the home, and for the perpetrator to be criminalized. The discourse appeared during the New Labour election campaign, and subsequent election to government, in 1997, and remained visible and normalised until the end of the research period in 2005. The discursive themes of the *New Labour* discourse included Expanded Choice for Women, Homelessness Prevention, Avoiding Repeat Homelessness and Housing Related Support. From 2000 onwards there were increasing calls by proponents of the discourse, who were in the main supporters of the New Labour Government, for alternative policy responses to be developed for women escaping domestic violence. Refuges were now seen as the 'last place' that anyone would want to go, although, funding for refuges actually increased under the New Labour Government at the same time that other policy options were explored. There was not, therefore, the 'kick back' against feminist refuge provision to the extent that proponents of the *Progressive* discourse displayed in Victoria. Feminist Groups such as the Women's Aid Federation for England (WAFE) did not resist the *New Labour* discourse to the extent that proponents of the *Feminist Refuge* discourse had done with the *Progressive* discourse in Victoria. The effect of this was to ease the normalisation process of the *New Labour* discourse.

Cost saving measures such as avoiding repeat homelessness and homelessness prevention were typical of this discourse, and these themes influenced policy responses such as Sanctuary Schemes, which enabled women to stay more safely in their own homes (and in doing so negated the need to be assisted under the homelessness legislation). Government proponents of the *New Labour* discourse also explicitly linked homelessness to social exclusion, and the prevention of homelessness, to the prevention of social exclusion, which was one of the key aims of the New Labour Government.

Within the *New Labour* discourse there was also a strong emphasis on the need for the majority of homeless persons to receive housing related support in order to assist them to avoid repeat homelessness. The Supporting People policy regime and funding programme was instigated under the influence of this discursive theme.

## *Reactionary Discourse*

As in Victoria, my analysis revealed manifestations of a *Reactionary* discourse. Again, these manifestations shared a common discursive theme of resisting the change that newly normalised discourses had created. The key discursive themes of the English *Reactionary* discourse included Patriarchy, Anti-Feminism and Resistance, but in England the discursive themes demonstrated different distinctions and nuances from those in Australia, according to the particulars of the discourse, to which they were reacting.

- *Reactionary* to feminist explanations of causes and solutions to domestic violence

This manifestation of the *Reactionary* discourse was recognisable in the use of the term “battered wives”, (which labelled women by their marriage status) rather than as “battered women”), or the use of the term “violence against women”, which was preferred by proponents of the *Feminist* discourse. The discourse could also be identified in the labelling of domestic violence as a “woman’s issue” instead of a mainstream debate concerning criminals who perpetuated violence. This was particularly evident from the time of The House of Commons Select Committee on Violence in Marriage in September 1975, and continued to some extent throughout the three phases of the study.

- *Reactionary* to removing perpetrator from the home

The Domestic Violence and Matrimonial Proceedings Act 1976 created Injunction Orders to exclude violent partners who were still living in the home, and to allow victims to return safely to the home if they had left to escape the perpetrator’s violence. The *Reactionary* discourse around this was recognisable in deliberate delays to the passing of the legislation by proponents who argued that property rights should prevail over women’s safety, and who called the Bill “repugnant”, and that an “Englishman’s home is his castle”. The discourse was also evident in interpretations of the Act that Exclusion Orders should be short term arrangements only, while women found

somewhere else to live, and that men should not be ‘turned out’ by the ‘nanny state’. Perpetrators of the discourse also objected to cohabiters having any rights to remain in homes owned or co-tenanted by their violent ex-partners. These two examples of the *Reactionary* discourse led to an opposing outpouring of the *Feminist* discourse in an effective attempt to halt attempts to normalise the *Reactionary* discourse. Elements of the *Reactionary* manifestation could be seen as late as the end of the research period, when women were still experiencing difficulty in recovering equity from jointly owned homes.

- *Reactionary* discourse of the justice system

As in Victoria, police and court attitudes to domestic violence regarded domestic violence as a ‘private matter’ beyond the ‘sacredness of the front door’. In both locations, this reluctance to treat domestic violence in the same way as other violent crimes disadvantaged women who did make formal complaints, and provided disincentives to others to do so. Police policies and attitudes were traditionally anti-arrest for domestic violence crimes, and when this was mitigated by policy responses influenced by the *Feminist* and *New Labour* discourses, often became pro-arrest for not only perpetrators of domestic violence but also for their victims, who were accused of being complicit by their partners.

Reactionary attitudes within the justice system led to the courts attempting to make the legislation designed to protect victims of domestic violence unhelpful to women. This occurred both in terms of the homelessness legislation (where women were portrayed as ‘manipulative and grasping’), and the Matrimonial Proceedings and Domestic Violence Act 1976, (where men’s rights under property law were prioritised over the safety of women).

- *Reactionary* to women’s rights to housing

Unlike Victoria, homelessness legislation in England from the time of the original 1977 Act offered a right to housing for some women who met the criteria of ‘statutorily homeless’. Over time, changing definitions of how homelessness was constructed and

of how vulnerability and priority need were defined led to more women becoming eligible for the 'full duty' of securing permanent accommodation. Analysis revealed visible evidence of reacting opposing discourses, both in terms of the Gate Keeping discursive themes of the *Local Authority* discourse, and in terms of manifestations of the *Reactionary* discursive themes of public opposition to the feminisation of the social housing tenure. This was caused by the perceived 'advantage' that women had within the homelessness legislation, and therefore in priority for receiving social housing.

As with the Australian analysis, not all the English actors would necessarily have recognised the labels that I have attached to the discourses. Likewise, not all would have perceived their own narrative within my framework, however the analysis again revealed that there were common key features, phrases and themes. The following table details the key features and identifying phrases of each of the four English discourses, where they were first recognised, and how each of them has influenced policy responses. Chapters Nine, Ten and Eleven go on to examine the inter-relationship of these over the period of analysis, in order to chart their effect on policy responses and the provision of services, for those made homeless because they were victims of domestic violence. After the table the three phases of the English analytical framework are introduced.

**TABLE FOUR**

**Key Features Of The Discourses Regarding Homelessness  
Attributed To Domestic Violence In England**

<b>DISCOURSE</b>	<b>DISCURSIVE THEMES</b>	<b>KEY PHRASES WHICH IDENTIFY DISCOURSE</b>	<b>WHERE IDENTIFIED</b>	<b>INFLUENCE ON POLICY RESPONSES</b>
<b><i>FEMINIST</i></b>	<p>Feminism</p> <p>Equal rights for women</p> <p>Self-determination for women</p> <p>Personal rights over property rights</p> <p>Need to change male attitudes</p> <p>Unacceptability of policy and state responses to DV</p> <p>Male violence</p> <p>DV as an overt and unacceptable face of patriarchy</p>	<p>“Forced to leave”</p> <p>“Injustice”</p> <p>“Effectiveness of law is limited by sexist attitudes”</p> <p>“Women’s right to choose”</p>	<p>Growth of feminist refuge movement</p> <p>Media debate on relevant legislation</p> <p>Within Parliament by proponents of discourse e.g. Jack Ashley MP Baroness White Jo Richardson MP</p>	<p>Domestic Violence and Matrimonial Proceedings Act 1976</p> <p>Housing (Homeless Persons) Act 1977</p> <p>Campaigns to combat opposition to policy responses brought about through legislation</p>
<b><i>LOCAL AUTHORITY</i></b>	<p>Gate keeping</p> <p>Control</p> <p>Resistance to Central Gov - Subversion of targets</p> <p>Cost saving</p> <p>Old School</p> <p>Localism</p> <p>Tradition</p>	<p>“Discretion of LA”</p> <p>“Over-demand”</p> <p>“Housing Stress”</p> <p>“Pressure on housing stock”</p>	<p>Mostly hearsay from homelessness advocacy groups and from homelessness clients</p> <p>Response to Government consultation documents</p> <p>Attitudes to homeless victims of domestic violence</p> <p>Resistance to implementation of legislative responses developed in response to <i>Feminist</i> discourse</p>	<p>LA varied attitudes influences how statutory policy responses are actioned</p> <p>Deterring women who present as homeless</p> <p>Applying pressure to return to marital home</p> <p>Adversarial interviewing techniques</p> <p>Arguments of “vulnerability” and “priority need” definitions in homelessness legislation</p> <p>Refusing to house DV applicants until former tenant arrears paid off</p>

**Table Four Continued**

<b>DISCOURSE</b>	<b>DISCURSIVE THEMES</b>	<b>KEY PHRASES WHICH IDENTIFY DISCOURSE</b>	<b>WHERE IDENTIFIED</b>	<b>INFLUENCE ON POLICY RESPONSES</b>
<b>NEW LABOUR</b>	Expanded choice for women  Homelessness Prevention  Avoid repeat homelessness  Link between DV and homelessness  Housing related support  Partnership working  Blue Sky Thinking  Criminalisation of DV	“Protect and support”  “New approaches”  “Homelessness is a manifestation of social exclusion”  “Housing choice and options”  “Informed decisions”  “Women’s rights to remain in the home”  “Perpetrators are criminals”	In New Labour policy documents and responses  In consultation responses from WAFE and Shelter post 1997  Media debate  In relevant legislation post 1997	Legislation post 1997  Homelessness Act 2002  DV, Crime and Victims Act 2004  Removal of perpetrators from home and protection for women  Specialist DV courts  Supporting People Programme  Sanctuary Schemes
<b>REACTIONARY</b>	Patriarchy  Property rights prevail  Resistance  Anti-feminism	“Women manipulative and grasping”  “Keep families together”  “Sacredness of front door”  “Men turned out”  “Englishman’s home is his castle”  “Nanny State”  “Battered wives”	Media debates on DV and Matrimonial Proceedings Act 1976  Police and justice system attitudes to DV cases  Sexist attitudes to DV  Protest at women’s property rights especially women cohabiting with men	Delayed passing of legislation in 1976 and 1977  Created lengthy court cases on legislation  Prevented women getting fair treatment from police

### 8.3 Introduction to the Three Phases of the English Analytical Framework

The four discrete competing English discourses: *Feminist*, *Local Authority*, *New Labour* and *Reactionary*, rose and fell from prominence at different times during the research period. The inter-relationships between these discourses have been put into an analytical framework covering three time periods. The framework has been developed in order to explain how proponents of the discourses competed for them to become normalised, and how by creating discursive tipping points, proponents of the discourses were able to influence policy responses regarding homelessness caused by domestic violence in England. As with the Victoria data, three time periods in England have been identified where the varying power and dominance of each discourse can be seen clearly. However, in each country both the discourses and the time periods have been defined in terms of the specific discourses identified, and they occupy different time periods. The English phases have been identified as: Phase One, Refuges and Legal Protection, 1971-1978, Phase Two, Resistance and Stagnation, 1979-1996, and Phase Three, Support and Criminalisation, 1996-2005.

Phase One, Refuges and Legal Protection, 1971-1979, witnessed the commencement of the feminist refuge movement in the early 1970s. This time period saw the emergence of the *Feminist* discourse with discursive themes of Equal Rights and Self-Determination for Women. Proponents of the *Feminist* discourse influenced the instigation and wording of legislation designed to remove perpetrators from the home and to house victims of domestic violence who either had, or chose, to flee a violent home. Two other discourses have been identified as circulating during this time period. The *Local Authority* discourse was especially visible in the run up to, and after, the homelessness legislation was enacted in 1977, and manifestations of a *Reactionary* discourse whose proponents opposed the changes influenced by the *Feminist* discourse.

Phase Two, Resistance and Stagnation, 1979-1997, lasted the full term of the Conservative Government. Relatively little development of new policy responses regarding homelessness attributed to domestic violence were developed during this time. Mostly the eighteen years between 1979 and 1997 were a period of consolidation,

and ‘bedding down’ of responses developed in the 1970s. It was a time when the Conservative Government was concentrating on alternative areas of economic and social policy, and domestic violence and homelessness were not uppermost on the policy agenda. There was a strong *Reactionary* resistance to change regarding homelessness attributed to domestic violence during this period and the Gate-Keeping discursive theme of the *Local Authority* discourse reached a peak of visibility’

Phase Three, Support and Criminalisation, 1997-2005, commenced when the New Labour Government came to power in 1997. This period witnessed the rise and normalisation of the *New Labour* discourse, which influenced the creation of legislation to criminalize perpetrators and to increase the protection of victims’ ability to remain in the home. In contrast to the inertia of the Conservative era, the New Labour Government introduced several new pieces of relevant legislation in quick succession, which worked together to widen protection for those affected by domestic violence. Political change at a Government level had provided opportunities for alternative discourses to gain influence.

The following table describes how the discourse rose and fell from prominence during the three English phases:

TABLE FIVE

**The Rise And Fall Of The English Discourses During The Three English Phases**

DISCOURSE	PHASE ONE 1971-1978 Refuges & Legal Protection	PHASE TWO 1979 – 1996 Resistance & Stagnation	PHASE THREE 1996 – 2005 Support & Criminalisation
<i>Feminist</i>	Became the normalised discourse during this phase	Normalised within legislation which commenced before the start of the phase, otherwise less visible during phase two	Mostly overtaken by the <i>New Labour</i> discourse during this phase
<i>Local Authority</i>	Became visible from the instigation of the Housing (Homeless Persons) Act 1977	Grew most visible in this phase	Remained, but grew less visible in this phase
<i>New Labour</i>	Not visible in this phase	Not visible in this phase	Became the normalised discourse during this phase
<i>Reactionary</i>	Visible especially concerning male perpetrators being required to leave the family home	Visible especially concerning women receiving priority for social housing, and to male perpetrators being required to leave the family home	Less visible in this phase

The next section introduces the key English Policy events regarding homelessness attributed to domestic violence. This is followed in Chapter Nine by a detailed examination of the policy responses of Phase One and an evaluation of the discourses surrounding these responses.

## **8.4 Introduction to the Key Policy Events in England regarding Homelessness attributed to Domestic Violence 1971 – 2005**

### **Introduction**

This chapter examines the key policy events affecting those who experienced homelessness due to domestic violence in England between 1971, when the feminist refuge movement started, to 2005 when the study finished. Over the thirty four years of the research period a plethora of domestic violence and homelessness policy responses were developed. The thirteen policy events highlighted in this chapter have been chosen

because they played a key role in developing the policy response framework to homelessness attributed to domestic violence in England. In the following chapters the interweaving of the discourses that influenced how each policy response came to be, and how they came to be superseded, are revealed.

The following table lists the origin of each policy event, whether its emphasis was on homelessness or domestic policy, and its date of origin. It also highlights the prevalence of legislative, rather than voluntary, policy responses in England, which compares markedly with the situation in Victoria.

**TABLE SIX Key Policy Events In England**

<b>YEAR</b>	<b>KEY POLICY EVENT</b>	<b>LEGISLATION OR VOLUNTARY</b>	<b>DOMESTIC VIOLENCE EMPHASIS</b>	<b>HOMELESSNESS EMPHASIS</b>
<b>PHASE ONE 1971-1979</b>	<b>REFUGES</b>	<b>AND</b>	<b>LEGAL</b>	<b>PROTECTION</b>
1971	Feminist refuge movement commenced in England	Voluntary	Yes	Yes
1976	Domestic Violence and Matrimonial Proceedings Act	Legislation	Yes	
1977	Homelessness Legislation commences	Legislation		Yes
<b>PHASE TWO 1979-1997</b>	<b>RESISTANCE</b>	<b>AND</b>	<b>STAGNATION</b>	
1985	Housing Act	Legislation		Yes
1996	Housing Act	Legislation		Yes
1996	Family Law Act	Legislation	Yes	
<b>PHASE THREE 1997-2005</b>	<b>SUPPORT</b>	<b>AND</b>	<b>CRIMINALISATION</b>	
1997	Protection from Harassment Act	Legislation	Yes	
1998	Crime and Disorder Act	Legislation	Yes	
1999	DV Awareness Campaigns	Voluntary	Yes	
2002	Homelessness Act	Legislation		Yes
2003	Supporting People Programme commences	Legislation		Yes – Housing related support
2004	Domestic Violence Crime and Victims Act	Legislation	Yes	
2005	Strategy for tackling homelessness	Voluntary		Yes

## **Conclusion**

This chapter has served as an introduction to the English discourses, analytical framework and key policy responses. The next three chapters each focus on one of the phases, in order to explore in dept the policy events, and the discursive events surrounding and influencing them.

# **Chapter Nine**

## **Refuges and Legal Protection, Phase One, 1971-1979**

### **9.1 Introduction**

This chapter starts by looking at the key policy events that occurred during the first English phase, between 1971 and 1979. In 1971, the first refuge for women escaping domestic violence in the world opened in Chiswick, London. From the start the refuge attracted much publicity about the situation of women caught in violent relationships, and this contributed to the summoning of a Parliamentary Select Committee on Violence in Marriage in 1974. As a result of this the Domestic Violence and Matrimonial Proceedings Act 1976 was passed, which helped to protect women and to prevent some homelessness caused by domestic violence. A year later in 1977 the first homelessness legislation providing statutory assistance for some homeless people in certain situations, including those made vulnerable due to domestic violence, went before Parliament. Below these events are discussed in more detail, followed by an analysis of the discourse circulating at that time and their influence on these policy responses.

### **9.2 Key Policy Responses of Refuges and Legal Protection, Phase One, 1971 – 1979**

#### **1971 First Feminist Refuge opened**

In 1971 Chiswick Women's Aid opened the world's first refuge for women and children escaping domestic violence. A group of women had come together to protest about the high prices of food in their local Chiswick high street, and whilst doing so came into contact with young mothers who complained of isolation. As a result Women's Aid was formed, and they created a community centre where women and children could meet which was obtained through the help of the Local Authority and personal benefactors.

Although it was originally intended to run only as a drop in centre, the house soon became known as somewhere where women suffering domestic violence could both escape to and stay at (Pizzey, 1974). Women and children needing help flocked to the refuge in large numbers. In a short time the purpose of the group, and other feminist Women's Aid groups that followed, became the exposing and uncovering of this previously repressed and ignored social problem. The first refuge was set up before the homelessness legislation was introduced in England, so at first feminists in England and Australia campaigning for refuge provision were working in similar environments and there are clear parallels between the two countries at this time. The first English refuge was introduced some three years before the first Victorian refuge opened. By 1978, there were one hundred and fifty refuges in the UK.

In the early 1970s Women's Aid was located as a central and symbolic part of the women's movement. They campaigned for refuges but also for protection through the courts for women from domestic violence, and in this context they saw refuges as a desperately needed backup, to be used where legal rights were not sufficient. Following a series of media campaigns and lobbying by feminists, the House of Commons Select Committee on Violence in Marriage reported in September 1975. The committee of thirteen Members of Parliament recommended that the Government should finance twenty four hour family crisis centres in every large town, and provide one refuge family space for every ten thousand heads of population. As well as measures to support women to leave the family home, the committee also recommended that Magistrates should be able to make an injunction temporarily excluding violent partners from the home. The coalition of support for victims of domestic violence continued to grow and led to the Domestic Violence and Matrimonial Proceedings Act 1976, which is discussed below.

### **Domestic Violence and Matrimonial Proceedings Act 1976**

The Domestic Violence and Matrimonial Proceedings Act 1976 began life as a private members Bill, and finally came into force on the 1<sup>st</sup> June 1977. The Bill had previously twice failed to get a second reading in the House of Commons because of objections by Conservative Members of Parliament. The legislation brought about four major changes in law: procedure for obtaining a non-molestation injunction without the need to start

other proceedings, power of arrest to the police if the perpetrator broke the terms of the injunction. An Exclusion Order which could exclude a violent partner from the family home, and which allowed the victim to return to the home if she had left following the perpetrators violence. Within a few months of the legislation becoming law it was challenged by those outraged that the Act could impinge on the property rights of the property owning (normally male) spouse, particularly in cases where the couple were not married. However, in *Davis v Johnson* (1979) AC 264, after a protracted process through the County Court and Court of Appeal, the House of Lords unanimously backed the right of an unmarried woman to have her violent partner excluded from their shared home (which he owned), thus giving her the same rights as married women.

Research on the Domestic Violence and Matrimonial Proceedings Act 1976 Act (Ansell, 1978) concluded that the legislation had resulted in small gains for battered women, especially in the amount of protection offered to cohabitees, and the discretionary powers of arrest able to be attached to the injunctions. However, as the police powers of arrest were not mandatory, the research showed that women lacked confidence in the protection that they received from the police, even when they had succeeded in getting an order (Ansell, 1978). The Act did however mark a turning point by explicitly linking domestic violence and the victim's housing situation by creating exclusion injunctions for perpetrators. Along with the Housing (Homeless Persons) Act 1977, which is discussed below, these measures did provide statutory protection to some women facing homelessness due to domestic violence.

### **Housing (Homeless Persons) Act 1977**

The Housing (Homeless Persons) Act 1977 was enacted only six years after the first refuge was established in England, and one year after the Domestic Violence and Matrimonial Proceedings Act 1976. Five charities, including the feminist Women's Aid, campaigned for the legislation, thus demonstrating that they clearly recognised the link between homelessness and domestic violence. The Housing (Homeless Persons) Act 1977 imposed on local housing authorities obligations to assist, and in certain cases to secure<sup>22</sup> accommodation of indefinite duration to persons who met the criteria needed to

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<sup>22</sup> This was normally done at this time by priority allocation to council housing.

be defined 'statutorily homelessness'. The Act was quite specific that this duty was on housing rather than welfare agencies and that homelessness should be regarded as a housing problem. The wording of the legislation drew on property law, in that it defined a homeless person as one who had no 'interests in property' or 'no licence to occupy'. The definition included a homeless person who was not able to occupy property in which they had an interest or licence, which included the occupation of accommodation that would probably lead to violence, (or threats of violence) "from some other person residing in it". The Act was therefore explicit in defining some victims of domestic violence as 'homeless persons'.

Before a local housing authority could be under the full duty to secure permanent accommodation for a homeless person, or a person who was threatened with homelessness, four basic conditions specified by the Act had to be met. These were: that the applicant must be homeless or threatened with homelessness, that they had a priority need, had not become homeless or threatened with homelessness intentionally, and normally that they must have some local connection with the housing authority that was to provide the accommodation (Hoath, 1983). Assistance was therefore only available to those who were deemed not to have contributed personally to their homelessness and who were unintentionally homeless. This definition was designed to limit those applicants to whom there was a duty to house, by establishing the need for applicants to exhibit a "priority need" for housing, which, as discussed above, could include those who were vulnerable as a result of domestic violence. Furthermore there was no right to assistance after one offer of suitable accommodation had been made to those who are eligible.

In England homelessness legislation has continued to be not only the main policy response to homelessness, but also how homelessness is most frequently defined. From 1977 until the end of the research period in 2005 homelessness has tended to be described in England along the lines of the homelessness legislation. The use of phrases such as a "non-statutory homeless person" make little sense until the contents of the legislation are reviewed (Burrows, Pleace, Quilgars, 1997). Although the passage of the Act through Parliament was eased by the 1977 Lib-Lab pact between the Labour Government and the Liberal Parliamentary Party, several of the original aims were diluted, and the legislation was a compromise between vested interests.

The original 1977 Act generated a good deal of case law, including Lord Brightmans decision in *R v Hillingdon LBC ex p Puhlhofer*, that no qualifying adjective was to be implied around the meaning of the word 'accommodation'. The issue of suitability of accommodation was, and remains, a battleground between permissive and restrictive constructions of homelessness legislation (Hudson, 1997). A number of definitions of 'vulnerability' have also been suggested during judicial hearings. In *R v Waveney Dc ex p Bowers* the definition "less able to fend for oneself so that injury or detriment will result when a less vulnerable man will be able to cope without harmful effects" was used (Partington & Hill, 1991). Webster J *R v Lambeth LBC ex p Carroll* used "less able to fend for oneself when homeless or in finding and keeping accommodation" to define vulnerability (Partington & Hill, 1991). Although the local housing authority did not include a duty to provide accommodation for everyone who was homeless, the 1977 Act did require local authorities to make enquiries in any case where they had reason to believe that the applicant was homeless or threatened with homelessness.

Depending on the applicant's circumstances the local authority then had to take action, which could range from advice and assistance to the securing of permanent accommodation for the applicant. A Code of Guidance was created for the Housing (Homeless Persons) Act 1977 (and also later for subsequent Acts), which stated local authorities, "shall have regard of in the exercise of their functions" (Hoath, 1983). The courts have since decided that as long as local authorities have regard to the Code they are not necessarily bound to follow it, and the discretionary nature of this guidance was to go on to be the cause of much discursive debate. The relevant statutory provisions of the Housing (Homeless Persons) Act 1977 were subsumed in Part III of the Housing Act 1985. Around fifty thousand households were accepted as statutory homeless in each of the first few years of the homelessness legislation.

### **9.3 The Discourses regarding Homelessness attributed to Domestic Violence during Refuges And Legal Protection, Phase One, 1971-1979**

#### **Introduction**

The eight years between 1971 and 1979 witnessed the instigation of the first refuges for women escaping domestic violence, and the creation of two pieces of legislation, the Domestic Violence and Matrimonial Proceedings Act 1976 and the Housing (Homeless Persons Act) 1977, designed to assist women to remain in their home, or to be rehoused if remaining was not a viable option. This section looks at the discourses circulating during Phase One, and their impact on policy responses.

The problems of homeless families had begun to become apparent in 1966, when a groundbreaking BBC documentary, “Cathy Come Home” (Loach, 1966) portrayed the plight of families who became homeless, and of the four thousand children per annum who were removed from their parents and put into care as a result. The television documentary was viewed by a quarter of the UK population, and played a part in influencing the formation of the housing and homelessness charity Shelter, which went on to campaign for legislation to protect homeless people. However, it was not until the commencement of feminist refuges for women escaping domestic violence in 1971<sup>23</sup> that the subject of domestic violence and the homelessness that could be caused to its victims, was openly discussed (Dobash & Dobash, 1979). It was a result of this, and the subsequent creation of refuges, that the specific housing needs of such women became visible.

At that time domestic violence was not openly talked about, due partly to a belief in the sanctity of the family, which had developed in the belief that this protected family members from the evils of the outside world, and which allowed family members to be nurtured in a secure setting (Dobash and Dobash, 1979). Some contemporary studies interpreted the social and economic difficulties facing women who wanted to leave a

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<sup>23</sup> Which had been motivated by a growing socio-political awareness of the oppression of women (Chiswick Women’s Aid, 1977).

violent husband, as psychiatric symptoms, rather than realising that if a woman had no independent income and had small children to look after she may be unable to leave, or may be forced to return after a short period because of the lack of alternative provision for her and her family. The charity NSPCC christened this the “yo-yo” syndrome and publicly blamed wives for this inconsistent behaviour (Watson, 1983). It was not until the emergence of the second wave feminist movement during the 1970s that criticisms of such constructions of domestic violence were openly voiced, when feminists such as Erin Pizzey who set up the first refuge, began to state publicly that violence in the home is “frequent, normally against women, and is an extension of domination and control of husbands over their wives” (Dobash and Dobash, 1979). Watson also noted that after 1945 the expanding welfare state and full employment made poverty seem avoidable. This led to poor families being seen as inadequate and viewed as ‘problem families’. Wife beating was just one part of their general slovenly behaviour, which was associated with drunkenness and squalor of the wife’s own making. As noted above, family life was seen as the one great source of happiness and fulfilment and social workers were instructed at all costs to prevent family breakdown (Watson, 1983).

Until the *Feminist* discourse became visible, domestic violence was traditionally seen “as somehow less serious, less threatening, more containable than violence in the streets” (*The Times*, 9<sup>th</sup> November 1977). This patriarchal standpoint had led to the housing needs of women escaping domestic violence not being accepted. Female victims who presented themselves to social services departments were frequently told that they had left ‘voluntarily’, and that the departments were under no obligation to help, although they would take the children into care if necessary (Ashby, 1974).

The first homelessness legislation was enacted in 1977, six years after the first refuge was developed. The *Local Authority* discourse first became visible in its proponents’ opposition to *Feminist* discourse demands for increased options for women. Until 1977 housing departments set their own priorities as to how their waiting list should be administered. Some authorities with a housing shortage displayed elements of the gate keeping *Local Authority* discourse when protesting that “to encourage families to break up so that they need two lots of accommodation instead of one looks like madness” (National Women’s Aid Federation, circa 1975). As will be seen, it was discursive themes such as these that helped to create a groundswell of opposition powerful enough

to push for and succeed in creating statutory duties for local authorities, regarding some homeless victims of domestic violence.

From the start of the *Feminist* discourse in England, differences were discernable from the *Feminist Refuge* discourse that was to develop in Victoria a few years later.

Although both shared the discursive themes of Feminism and Equal Rights for Women, the Victorian *Feminist Refuge* discourse centred on the discursive theme of ‘Removal to place of Refuge’, and the consequent need for the funded policy response of refuge provision for victims. However, in England proponents of the *Feminist* discourse stated from the outset that refuges were “no picnic” (National Women’s Aid Federation, circa 1975) but that women went to them anyway because of a lack of alternatives. The discursive themes of the *Feminist* discourse called for a range of options, including the right to remain in the family home with the perpetrator being removed, and the provision of alternative accommodation for women. This chapter will demonstrate how those early themes influenced the enactment of legislation within a relatively short time period. In Chapter Twelve the reasons for the differences between Victoria and England are examined and the consequence of these differences are evaluated.

### **The Emergence of the *Feminist* Discourse in Parliament**

The problems for women who attempted to escape domestic violence was first brought before Parliament in March 1973, when Baroness White<sup>24</sup> raised the issue in a debate on homelessness in the House of Lords. She raised examples of the *Local Authority* discourse: of the issue of women being told they could not be assisted because they had left ‘voluntarily’, and also of their children being taken into care. The matter was reported in the *Observer* newspaper under the title “More back battered wives” (*Observer*, 25<sup>th</sup> March 1973). This demonstrated that the *Feminist* discourse was not only gaining momentum, but that there was an acknowledgement in a national newspaper that this was the case. The use of the term ‘battered wives’, rather than ‘battered women’, or ‘violent husbands’ is discussed later in this section.

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<sup>24</sup> A Labour Member of Parliament and journalist, with a particular interest in housing policy, who retired from the House of Commons in 1970, and was then made a life peer.

Domestic violence was highlighted again in Parliament in July of that year, when a proponent of the *Feminist* discourse, Jack Ashley MP<sup>25</sup>, raised a dossier of complaints that he had received from Chiswick Women's Aid regarding women's treatment. *The Times* newspaper quoted Mr Ashley from his speech in Parliament, which clearly displayed the discursive theme of Inequality:

The existence of a problem of this size and nature (he said) is a badge of shame, reflecting on our society, on our police who allow it, on our lawyers who are often so inadequate, on our legal system which is so cumbersome, and on our social services who ignore it. All of them bear a responsibility which is not, so far, been fully accepted.

(Jack Ashley MP, quoted in *The Times*, 17<sup>th</sup> July 1973)

Jack Ashley called for a 'radical transformation' in the attitude of the police. This was the first time that the attitude of the police regarding domestic violence as a private affair between husbands and wives had been criticised so visibly, and was a very public display of the *Feminist* discourse. In defence the Minister, Mr Carlisle MP, was reported by *The Times* as acknowledging:

The police did not neglect their duty but they were sometimes prevented from doing it by the situation in which they found themselves.

(Mr Carlisle MP, quoted in *The Times*, 17<sup>th</sup> July)

A few days later, a proponent of the *Reactionary* discourse, who was a QC, and therefore a senior member of the Justice System, was outraged enough by the growing emergence of the *Feminist* discourse to write a reply to the 17<sup>th</sup> July article in *The Times*. In his letter to the editor he stated:

Those who are campaigning for action to deal with this social problem complain that if and when wives are finally spurred to report the matter, the police often do nothing about it. But this reluctance of the police to intrude into the domestic hearth, except where really serious injury is involved, is sensible. The policeman is not an appropriate agent for the regulation of family life, because he brings the apparatus of the criminal process into an area where it is only social remedies rather than penal sanctions that are relevant and tolerable.

(Louis Blom-Cooper QC writing in *The Times*, 22<sup>nd</sup> July 1973)

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<sup>25</sup> A Labour Member of Parliament.

The use here of the phrases “finally spurred” when talking about “wives” reporting their partners criminal behaviour to police cues the reader to reader to understand that this is not a serious matter. This is reinforced by his view that the police should not get involved in family life. Louis Blom-Cooper QC went on to comment “people in this country do not ordinarily think of violence between husband and wife as criminal behaviour”(The Times, 22<sup>nd</sup> July 1973). He therefore made clear his patriarchal attitude and unwillingness to accept a change in society regarding this matter. However, such displays of the *Reactionary* discourse were not enough to overcome the growing strength of the *Feminist* discourse by members of Chiswick Women’s Aid and their supporters. In the same month the Prime Minister, Edward Heath, agreed to have individual cases of where the police had failed to take action re-examined, and to look at the general accommodation problems of women in violent relationships, which had also been raised by Mr Ashley.

### **Further Manifestations of the *Reactionary* and *Local Authority* Discourses**

From the commencement of the feminist refuge movement onwards the term “Battered Wives” was identified during analysis as a term used to describe women who had been subjected to domestic violence, both in the media and in Parliamentary debate. This identification of victims by their marriage status, rather than their gender, or the identification of their ‘violent husbands’, illustrated a *Reactionary* view of women as chattels of their husbands. This became normalised and as such became an accepted term that was commonly used even in media articles that displayed *Feminist* discursive themes. Newspaper articles titles such as “Battered wives: why they are born victims of domestic violence” (The Times, 4<sup>th</sup> September 1974), and “Battered wives: Breaking down the myth of the ‘sacred front door’ (The Times, 20<sup>th</sup> October 1974) might at first sight appear to carry *Reactionary* discursive themes resisting the change that the feminist refuge movement was bringing about. In fact the first article was complaining about the cultural acceptance of ‘wife beating’, and the second was positive about a campaign by the National Association of Probation Officers for police to treat domestic violence in the same way as other cases of assault. The term ‘battered wives’ had become so frequently used that its underlying message regarding the status of women was accepted without question.

## The Discursive Battle over the Funding and Provision of Refuges

The *Local Authority* discourse was identified in the difficulties that feminists had in achieving public funding for refuges. The refuge at Chiswick was at first funded by voluntary contributions from business' and individuals. Later when the Hounslow Local Authority did contribute funding, it was with stipulations concerning overcrowding and fire regulations that were at odds with the refuge's determination not to turn women away. The refuge's founder, Erin Pizzey, effectively used the press to make the *Feminist* discourse visible, in order to counter the effect of the negative discursive themes of Over Demand and Discretion of Local Authority, stating "We are overcrowded because there is nowhere else for them to go" (*The Times*, 2<sup>nd</sup> October 1973). When the Greater London Council said that it was not within its power to provide funding for projects such as Women's Aid, and justified this on the grounds that the Department of Health and Social Security was 'hoping to get together groups for informed discussion' she countered publicly with "We don't need discussion, we need £3million to set up a network of 40 centres throughout the country" (*The Sunday Times*, 3<sup>rd</sup> March 1974).

The battle between some members of the Local Authority, who wished to exert power over the way in which the Chiswick refuge operated, and Chiswick Women's Aid continued into 1975. Newspaper article titles such as "Council limits Women's Aid" (*The Guardian*, 22<sup>nd</sup> October 1975) and "Curb on Wives' Refuge", (*The Mirror*, 22<sup>nd</sup> October 1975), reflected this fight and also the way in which proponents of both discourses were using the media as an arena in which to play out the battle. When the number of residents at the refuge reached one hundred and ten, Hounslow Council decided to prosecute unless the number of residents was reduced. Erin Pizzey again publicly countered this with "I'll go to prison before turning anyone away" (*The Daily Mirror*, 22<sup>nd</sup> October 1975). The power struggle was evident again a month later in an article entitled "Storm over Erin Pizzey's wives refuge" (*Evening Standard*, 17<sup>th</sup> January 1976), which detailed how Hounslow Housing Committee, instead of providing domestic violence victims with accommodation themselves, had voted to prosecute Chiswick Women's Aid who did so voluntarily, on the grounds of overcrowding. This revealed the extent to which the majority of members of the housing committee Local

Authority had not only not taken on board responsibility for those who became homeless due to domestic violence, but felt anger at those that did.

As well as attempting to exert control over the Feminist Refuge movement through the withholding of public funds, and threats to prosecute over overcrowding, planning permission was also used as a tool for proponents of the *Local Authority* discourse to exert their power and discretion. A supportive newspaper article entitled “‘Battered wives need hostel Yes” (*Evening Standard*, 11<sup>th</sup> December 1975) described how when Tory councillors of a London Local Authority decided that they were unable to afford to offer “the wives a refuge”, they reacted angrily to a Labour councillor “flourishing” the keys of an empty property in front of them. The councillor gave the council keys to the local feminist collective. Having been thwarted in this way from preventing a refuge from opening, proponents of the *Local Authority* discourse within the committee took “a serious view of the way the women moved in” and attempted to use the technical issue of lack of planning permission to gain back the power that had been taken from them. This demonstrates the power struggles that were going on within local authorities, and the internal diversity and struggles under the surface of statutory policy responses to women who became homeless due to domestic violence. These were in spite of the government’s attempts to quell proponents of both the *Local Authority* and *Reactionary* discourses, which are discussed below. This power struggle was recognised by the media: “The authorities must not be allowed to hide behind their own safety regulations” (*The Observer*, 21st September 1975).

A “Joint Circular on Homelessness” (Department of Environment, 1974) attempted to offset the *Local Authority* discourse by stressing that housing authorities should increasingly undertake the prime responsibility for homeless people. The Circular stated that this should include those in ‘priority groups’ such as families with dependant children, and homeless adults who were vulnerable due to ‘special reasons’. The Circular made clear that the situation seen in the documentary “Cathy Come Home” (Loach, 1966), (where a husband was excluded from temporary housing assistance) was not acceptable unless a wife was seeking ‘temporary refuge following a matrimonial dispute’ (Department of Environment, 1974). Local authorities were therefore clearly instructed by this 1974 Circular that the housing of victims of domestic violence by refuge provision was within their remit. However, some still resisted doing so. The

Housing (Homeless Persons) Act 1977, and the creation of statutory duties to Local Authorities regarding homeless persons, can therefore be explained as a central Government attempt to overcome the *Local Authority* Gate-Keeping discourse, by means of embodying the normalised *Feminist* discourse within legislation. A newspaper article entitled “£10,000 saves wives refuge” (*The Times*, 23<sup>rd</sup> December 1977), published after the legislation was enacted, detailed how funding for refuges had become easier since the Act. A woman at the refuge explained the difference when she said that before: “We were always asking the council for help...but they said they could not afford it” (*The Guardian*, 23<sup>rd</sup> December 1977). This demonstrated that the provision of homeless persons legislation was effective in pushing previously reluctant Local Authorities into providing a policy response regarding women who became homeless because of domestic violence.

At the same time that the discursive battle over the funding of refuges between proponents of the *Local Authority* and *Feminist* discourses was taking place, other areas of contestation on the construction of homelessness attributed to domestic violence were occurring in England. These were between proponents of the *Feminist* discourse, with their desire to achieve rights and self-determination for female victims of domestic violence, and proponents of the *Reactionary* discourse who did not wish to see policy responses changed as a result of the growing power of the *Feminist* discourse. In the same way that proponents of the *Local Authority* discourse were not ultimately successful in avoiding statutory responsibility for some of those made homeless due to domestic violence, proponents of the *Reactionary* discourse were not able to prevent an official normalisation of the *Feminist* discourse through the implementation of the Matrimonial Proceedings and Domestic Violence Act 1976.

This is not to say that there was not an ongoing interaction between the discourses during this first phase, after the implementation of the Housing (Homeless Persons) Act 1977 and the Matrimonial Proceedings and Domestic Violence Act 1976. As will be seen later in this chapter a discursive power struggle over the policy responses implemented as a result of these two pieces of legislation continued to be played out via court cases and the media.

## The Official Normalisation of the *Feminist Discourse*

The discursive tipping point regarding the normalisation of the *Feminist* discourse over *Reactionary* discursive themes, was identified during analysis of the “Violence in marriage: report from the Select Committee on Violence in Marriage”, only four years after the opening of the first feminist refuge. The Select Committee report made a series of recommendations that were in accord with the discursive themes of the *Feminist* discourse. These included the provision of one family refuge place for every ten thousand heads of population, a review of police policies, increased powers for the courts regarding injunctions, and increased research into domestic violence<sup>26</sup>. The following quote displays how closely honed the discourse of the Select Committee Report was to the *Feminist* discourse, and the extent to which the normalisation of the discourse had occurred:

Immediate action can be taken, including instructions to the police to be more ready to help in cases of domestic violence and greater willingness of local authorities to provide housing for battered wives and their children...Refuges should be available very readily and rapidly.

(*The Times*, 19<sup>th</sup> September 1975)

The normalisation process is especially apparent because the Select Committee Report recommendations directly linked into the clauses of the private members bill which was to go on to become the Matrimonial Proceedings and Domestic Violence Act on 1<sup>st</sup> June 1976, less than one year later, and the Housing (Homeless Persons) Act 1977 the year after that. Media articles picked up on the growing normalisation of the *Feminist* discourse that the Select Committee Report evidenced, as revealed in articles with titles such as “Women welcome report” (*Evening Standard*, 18<sup>th</sup> September 1975), which quoted a representative of the National Women’s Aid Federation:

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<sup>26</sup> Binney, Harkell and Nixon (1981) *Leaving Violent Men: A study of Refuges and Housing for Battered Women*. Women's Aid Federation. The findings of this research are discussed in Chapter Ten of this thesis.

If the MP's recommendations were implemented they would be of enormous value in beginning to come to terms with the problem of battered women. The proposals concerning the police and courts would be of particular value.

(Representative of National Women's Aid Federation quoted in *Evening Standard*, 18<sup>th</sup> September 1975)

Contemporary editorial media articles demonstrated a moving of opinion towards the *Feminist* discourse, with newspaper articles such as "Scandal of the Battered Wives – Get tough on these bullies" (*The Mirror*, 19<sup>th</sup> September 1975) and the following quote from an editorial article in the same edition of *The Mirror*:

A wife's problem is that if she walks out, she probably has nowhere to go and that the police can't or won't act vigorously against the husband.

(*The Mirror*, 19<sup>th</sup> September 1975)

The use of the term "nowhere to go" clearly conveys the discursive themes and aims of the *Feminist* discourse.

Evidence emerged that the report of the Select Committee and the general shift in public resonance towards the *Feminist* discourse, were also having an impact on the *Reactionary* attitudes of the police. In a newspaper article entitled "Police give a warning to wife beaters" (*Daily Mail*, 26<sup>th</sup> February 1976) Bedfordshire Police Chief Anthony Armstrong announced a pro-arrest and prosecution policy for perpetrators of domestic violence, which was in line with the recommendations of the Select Committee Report. At the same time Mr Armstrong acknowledged the *Reactionary* discursive themes of 'privacy' and "sacredness of front door" when he stated "police forces are generally reluctant to prosecute in such cases for fear of interfering with a client's private lives" (*Daily Mail*, 26<sup>th</sup> February 1976).

The Matrimonial Proceedings and Domestic Violence Act 1976 began life as a private members Bill sponsored by Jo Richardson, Labour MP for Barking. As described in the previous section, the Bill met with some *Reactionary* opposition from Conservative Members of Parliament, who deliberately delayed its passage through the House. When moving the second reading of the Bill, Miss Richardson was reported as acknowledging the *Reactionary* discursive themes, which had contributed to the lack of protection or

options for women made homeless due to domestic violence until the introduction of the Bill:

Some men thought it was their right to beat their women and that any interference from outside was an unwarranted intrusion. The problem had now become one of general public concern. Centres for battered women began springing up three or four years ago and there were now more than 40 women's aid centres. They were a godsend to women forced to leave their homes because of their husbands' brutality. If women in this position had a stronger law to protect them they could remain in their own homes.

(Josephine Richardson's MP speech to Parliament, as reported in *The Times*, 13<sup>th</sup> February 1976)

The *Feminist* discursive themes of women's rights to choose and opposition to inequality are clearly on show here, and contrast markedly with the *Feminist Refuge* discourse displayed during this time in Victoria, which also had a Labour (Labor) Government at this time.

The Labour Government supported the Bill, and MP's were furious at the deliberate "talking out" of the Bill in order to try to prevent its passage through Parliament. However, proponents of the *Reactionary* discourse did not exert enough power to prevent the enactment of the Matrimonial Proceedings and Domestic Violence Act 1976. The Act marked the formal acceptance of the *Feminist* discourse within legislation, and brought about policy responses concerning removing perpetrators from the family home, only some five years after the instigation of the first feminist refuge.

The enactment of the Matrimonial Proceedings and Domestic Violence Act 1976 prompted an outpouring of the *Reactionary* discourse that can be compared with the *Reactionary* cry of disapproval that occurred in Victoria at the publication of the National Strategy on Violence Against Women (Federal Government of Australia, Committee on Violence Against Women, 1992), and which was examined in Chapter Six. In both situations proponents of a *Reactionary* discourse were reacting against the incorporation of the language of the *Feminist* or *Feminist Refuge* discourses within official Government documents, in an attempt to revert back to the position of power that they previously held. The English example regarding court cases concerning the

Matrimonial Proceeding and Domestic Violence Act 1976, is further illustrated in the following section.

### **Reactions against the Normalisation of the *Feminist* Discourse**

My analysis revealed that the first incident of the justice system being used by proponents of the *Reactionary* discourse, to attempt to limit the housing options that the Matrimonial Proceedings and Domestic Violence Act 1976 had given to women, came about in a court case in October 1977. A County Court ruled that a victim of domestic violence who had lived with her partner for eleven years had no right to use the 1976 Act to evict him from their home, because the Act did not over-ride the property rights of the man because the couple were not married. The National Women's Aid Federation issued a statement designed to counter this *Reactionary* stance:

Every woman, whether she is married or not, should have adequate protection. Parliament recognises it. Now three judges have completely ignored the needs of women and the will of Parliament.

(*The Times*, 15<sup>th</sup> October 1977)

Shortly after, the Court of Appeal ruled that even when the “mistress” was a joint tenant with her violent partner an injunction ordering the perpetrator to leave the property could not be made, and the most the Court could do was order the man to allow the “mistress” to return to their shared home. This was because the Court ruled that the new law on domestic violence did not give mistresses the same protection as a wife. The situation thereby created by the Courts was that only if the home was solely owned or rented in an unmarried female victim's name could she have a violent partner removed, and therefore she received no protection from the Act that was not already available to her under property law. This *Reactionary* decision of the court to limit the housing options of women to that of having to remain in a violent relationship or leave the family home, was in accord with the views of members of the general public who were also proponents of the *Reactionary* discourse, as this following published letter to the Editor of *The Times* reveals:

However well intentioned Parliament may have been in enacting the Domestic Violence and Matrimonial Proceedings Act 1976, it is not surprising that the Courts have found repugnant an interpretation of that act that would confer upon

a person who had entered into cohabitation with the owner or tenant of a house, a right not merely to stay in the house, but also to exclude from it the person lawfully entitled to it. For if the mere fact of cohabitation however short or long, is to have that effect, then the potential abuses far outweigh the evil with which Parliament was concerned.

(David Green in Letter to the Editor, "Abuse of trespass law", *The Times*, 27<sup>th</sup> October 1977)

The use of terms such as "repugnant" and "abuses" clearly convey that the letter writer was enraged that the *Feminist* discursive themes of the Matrimonial Proceedings and Domestic Violence Act 1976, to increase the housing options of women affected by domestic violence, might be considered for unmarried women as well as "wives", who were defined by their relationship to their husband.

The next day Josephine Richardson, the MP who had sponsored the Domestic Violence Bill made clear the power struggle that was going on when, in an article entitled "MP attacks courts over battered women Act" she stated, "I am furious....The Act is clearly not being interpreted in the way it was intended", (*The Times*, 28<sup>th</sup> October 1977). *The Times* Law Section reported on the 18<sup>th</sup> November 1977 on the "B v B" case discussed above:

Justices had held that section one was a procedural provision only enabling the county court to grant an injunction excluding a party from the 'matrimonial home' and did not alter the substantive law; and that right of property were of such fundamental importance that the court could not interfere with them unless the Act by its provisions showed plainly that they were meant to do so.

(*The Times*, 18<sup>th</sup> November 1977)

The discursive battles continued throughout November 1977, and the next day *The Times* Law Section commented on the Davis v Johnson arguments regarding joint tenancies in the Court of Appeal, which was ultimately to set legal precedent:

The new Act, counsel said, had taken the sensible robust view that the most important thing in everyday life was really the roof and an unmolested right to live under the roof. An Englishman's house was his castle – but his right in his home as his castle had been eaten into in one way and another. A married woman got all her rights under the matrimonial code; and now under the new Act, Counsel submitted, if the Englishman brought another woman into his castle she also had rights such as might enable her to turn him out of his castle by going to the local court.

(*The Times*, 19<sup>th</sup> November 1977)

On the 29<sup>th</sup> November 1977, *The Times* reported positively on the favourable decision of the Court of Appeal in this case, in an article entitled, “Court upholds right of unmarried woman to evict her partner”. Josephine Richardson MP claimed the decision as a “blow for freedom” in that it made clear that the courts no longer saw women as the chattels of their men (*The Times*, 29<sup>th</sup> November 1977). The emotional language used in both the title and the article clearly emphasised the *Feminist* discourse, and the phrase “blow for freedom” used here emphatically portrayed the discursive battle that had been taking place.

The battle was still not over however, as an article entitled “Woman still homeless after historic ruling” (*The Guardian*, 8<sup>th</sup> December 1977) made clear. Despite the court judgment in her favour, Ms Davis found when she returned to her jointly tenanted property that her former partner had left it empty of furniture and belongings. Furthermore, because the House of Lords were to hear Mr Johnson’s appeal in the next month, the local authority exhibited the *Local Authority* discourse, in using this as grounds to refuse to transfer her tenancy whilst the Lords appeal was still outstanding:

The council believes that it is legally restrained from issuing her a licence for temporary accommodation outside the borough in the meantime.

(*The Guardian*, 8<sup>th</sup> December 1977)

The local authority stated that to transfer Ms Davis’ joint tenancy, “would interrupt the course of justice” (*The Guardian*, 8<sup>th</sup> December 1977). It is interesting to note how similar arguments to those that had been used to justify why women had to leave, were now used to justify why a male should not lose his home.

The *Reactionary* discourse, with its discursive theme of putting property law over personal rights, was clearly exhibited in a letter to the editor of *The Times* on the 10<sup>th</sup> December. Regarding the Matrimonial Proceedings and Domestic Violence Act 1976, a D C Bradley wrote, “Its primary purpose was seen as conferring only short term protection from homelessness while permanent accommodation was found” (*The Times*, 10<sup>th</sup> December 1977). This interpretation of the Act by the letter writer clearly conveys a viewpoint that policy responses should reflect that it was the victims of domestic

violence who should leave their home to move into alternative accommodation, rather than the perpetrators.

In January 1978, proponents of the *Feminist* discourse demonstrated outside the Parliament to support the “right of mistresses to live without fear of violence in their homes” (*The Times*, 18<sup>th</sup> January 1978). The protesting women were reported as giving out a statement that revealed that they understood exactly how this case was at the core of the *Feminist* discourse, and of policy responses designed to assist women whose housing situation was in jeopardy: “This case will decide whether a man's property rights are more important than a woman's right to safety” (*The Times*, 18<sup>th</sup> January 1978).

Evidence emerged that the *Feminist* discourse was now sufficiently normalised to exert power over the Justice System, as well as within the official language of legislation. In March 1978 the House of Lords ruled unanimously that in cases of violence, personal rights took priority over property rights, and Mr Johnson lost his appeal to the Lords. This was a discursive tipping point within the legal system. In spite of strong vocal opposition both in Court and in the media, the *Reactionary* discourse had not been able to exert enough influence to restrict a policy response designed to assist the housing situation of victims of domestic violence, regardless of whether they were the owner or tenant of their home.

Only a few months later the *Reactionary* discourse was again visible as further legal arguments developed over how long injunctions removing the perpetrator should last, and whether they were designed to prevent the long or short-term homelessness of victims of domestic violence. Manifestations of the *Reactionary* discourse remained visible in various forms throughout the next phase, Resistance and Stagnation, which is discussed in the following chapter.

## **Conclusion**

The Period Refuges and Legal Protection lasted for only the eight years between 1971 and 1979, but these eight years witnessed a transformation in the way that victims of domestic violence and their housing situation were perceived. As a result of the normalisation of the *Feminist* discourse, a range of policy responses for victims of

domestic violence whose housing situation was threatened were developed. These included legal protection to remain in the family home, and in some cases a statutory duty to be rehoused by local authorities where remaining was not the best option. The power of both the *Local Authority* and *Reactionary* discourses were overcome by a sustained campaign by proponents of the *Feminist* discourse in order to achieve these aims. Without the normalisation of the *Feminist* discourse the development of these policy responses would not have been possible.

It is notable that the extent of media attention regarding property rights in England far exceeded that demonstrated in Victoria. It can be considered that this is because the construction of an “Man’s home is his castle” is more ingrained in English culture than in Australia, but this research reveals that it is also because there was so much more at stake for proponents of the *Feminist* discourse in England. After an early short fight for the provision of refuge accommodation, English feminists chose to fight on, for victims of domestic violence to have the right to remain in the family home, and for the right to be permanently rehoused where this was not possible. Victorian proponents of the *Feminist Refuge* discourse in contrast fought for the right to leave the relationship, and for the right to enter temporary refuge and. Although they decided to link domestic violence with homelessness, they did not seek to ensure the provision of permanent accommodation for victims of domestic violence. It is my deduction that this was not because proponents of the *Feminist Refuge* discourse in Victoria viewed themselves as less powerful, or less capable of influencing policy responses than their English counterparts, but rather because the construction of homelessness in Victoria had come about from the deeply ingrained Australian ethos of self-reliance and mateship, which had developed from the country’s frontier history. This social construction prevented proponents of the Victorian *Feminist Refuge* discourse from being able to imagine that policy responses could, or should, include such permanent and radical measures.

The English proponents of the *Feminist* discourse, however, were products of a construction of society based on a welfare state that was much more developed than in Australia. The “cradle to grave” philosophy of this construction had come about because of existing attitudes to welfare provision that allowed the English feminists to imagine their right to permanent resolution of their homelessness situation as a statutory duty of a local authority, rather than as a product of their own individual self-reliance.

For Victorians, permanent accommodation could only come about from an individual responsibility to achieve their own housing solution through their own personal efforts.

The next chapter first examines the key policy responses that occurred during Phase Two, Resistance and Stagnation, and then moves on to chart and analyse the influence of the discourses circulating at that time. Phase One, discussed in this chapter, exhibited a drive, energy and passion, which led to a fundamental difference in the way that homelessness caused by domestic violence was perceived and responded to during the 1970s. In contrast Phase Two demonstrated mostly a stagnation of policy responses to homelessness attributed to domestic violence.

# **Chapter Ten**

## **Resistance and Stagnation, Phase Two, 1979-1997**

### **10.1 Introduction**

The long period of Phase Two was headed by a Conservative Government in England. The eighteen-year period between 1979 and 1997 was mostly silent in terms of the development of policy responses to domestic violence and to homelessness. However after seventeen quiet years, two pieces of legislation regarding homelessness and domestic violence entered the statute book, the Family Law Act 1996, and the Housing Act 1996. This chapter first looks at the policy events that did occur during this time period, and then goes on to examine the discursive battles around them.

### **10.2 Key Policy Events of Resistance and Stagnation, Phase Two, 1979-1997**

#### **Family Law Act 1996**

The Family Law Act 1996 introduced a simplified and more consistent set of civil orders to deal with domestic violence and occupation of the family home. An Occupation Order decided who was allowed to occupy the home, and could direct another party to leave. A Non-Molestation Order prevented the respondent from molesting the applicant. The Family Law Act 1996 repealed the Domestic violence and Matrimonial Proceedings Act 1976, which was discussed in the previous chapter. A much wider range of people were able to apply for orders under the Family Law Act 1996 than under the previous legislation. The 1996 Act gave courts powers to order a permanent transfer of tenancies between divorcing husbands and wives, and also between heterosexual cohabitants once they ceased to live together as man and wife. The Act also placed on the courts requirements to attach powers of arrest where there had been actual or threatened violence. After the introduction of the Act, the power of

arrest was attached in seventy five percent of occupation orders and eighty percent of non-molestation orders (Department for Constitutional Affairs, 2005).

## **Housing Act 1996**

Part VII of the Housing Act 1996 was the last piece of legislation introduced by the Conservative Government, and has been described as having more in common with the draconian Poor Law Amendment Act of 1834 than the previous homelessness legislation (Burrows, Pleace, Quilgars, 1997). The 1996 Housing Act received substantial opposition from pressure groups such as Shelter, as the legislation was now slanted towards advice provision rather than a straight forward obligation to provide permanent accommodation (Hudson, 1997). The premise of the legislation was that the allocation of all social housing should be through a single housing register, and that homeless people should no longer be allowed to ‘jump the queue’ for social housing<sup>27</sup>. Unlike the previous homelessness legislation there was no longer a duty to provide accommodation of indefinite duration to those who were unintentionally homeless and in priority need. The full housing duty was now “interim” and was to provide accommodation for a minimum period of two years only, while applicants joined the waiting list for permanent social housing with everybody else (Burrows, Pleace, Quilgars, 1997). Although housing authorities were given the power to continue to provide accommodation after two years if there was no other suitable accommodation available in the area, it was not expected by Central Government that this would be the norm. In addition, those subject to immigration control under the Asylum and Immigration Act 1996 now became ineligible for assistance, and those with accommodation outside the United Kingdom were no longer classified as homeless. One of the first actions of the Labour Government elected in May 1997 was to repeal the interim duty of local housing authorities to provide accommodation for a minimum of two years. The remainder of the 1996 Housing Act legislation remained on the Statute Book until amended by the Homelessness Act 2002, which is discussed in Chapter Eleven.

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<sup>27</sup> Social housing is the generic term used in England to include local authority (council) housing and housing association properties regulated by the Housing Corporation.

Domestic violence was given a new definition under the Housing Act 1996:

Violence from a person with whom he is associated, or threats of violence from such a person which are likely to be carried out.

(Housing Act 1996)

This expanded the definition from that in the homelessness legislation of 1977 and 1985, as these defined domestic violence as only from a person residing in the same home as the victim. The 1996 definition did therefore allow more applicants to successfully qualify as statutorily homeless. Local housing authorities had a duty under this Act to secure suitable accommodation for households experiencing domestic violence who were unable to remain in the family home and who were assessed as being unintentionally homeless and in priority need. The Act set out a new statutory definition of homelessness<sup>28</sup>, and applicants were defined as being homeless if it would be unreasonable for them to remain in their accommodation because they would be at risk of violence from an “associated person. Applicants were defined as having a priority need if they had dependant children, their household included someone who was pregnant, or if they were assessed as being vulnerable in some specific way.

The Housing Act 1996 added a domestic violence ground to possession clauses for social landlords, which gave them powers to seek possession orders against perpetrators of domestic violence. The ground applied where the dwelling was occupied by a married couple, or by a couple living together as man and wife, whether or not there were other people living there. The Court had discretion to decide whether it was reasonable to grant possession, and had to be convinced that domestic violence was real, and was the overriding cause of the departure of the partner. Research published by the Government in December 2002 showed that only five percent of local housing authorities had used this provision, although almost half had highlighted the risk of

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<sup>28</sup> “(1) A person is homeless if he has no accommodation available for his occupation, in the United Kingdom or elsewhere, which he-

(a) is entitled to occupy by virtue of an interest in it or by virtue of an order of a court,

(b) has an express or implied license to occupy, or

(c) occupies as a residence by virtue of any enactment or rule of law giving him the right to remain in occupation or restricting the right of another person to recover possession”

(Section 175, Part VII, Housing Act 1996)

eviction in information they provided to tenants. The clause may therefore have had some effect in preventing domestic violence.

### **10.3 The Discourses regarding Homelessness attributed to Domestic Violence during Resistance and Stagnation, Phase Two 1979-1997**

#### **Introduction**

The Conservative Government of 1979-1997 was driven by neo-liberal principles in contrast to the previous Government. They used tight control of public expenditure as a means of economic management, and housing policies during this period were based on; “Home ownership, choice in renting, and the effective use of resources to provide help where it is needed” (Department of the Environment and Welsh Office, 1995). These two factors meant that policy responses to homelessness attributed to domestic violence were not a priority during this long period, and for this reason I have named this time period Resistance and Stagnation. Indeed, not only did this Phase see little attention given to this matter within Parliament, the elected Government also both reflected and directed the mood of the general public, and as a result discursive debate in the media on homelessness attributed to domestic violence was extremely low. There was a stagnation of interest in the topic influenced by the regime in power.

The later stages of the phase did see the implementation of two new pieces of legislation, the Family Law Act 1996 and the Housing Act 1996, that impacted on the situation of women threatened with homelessness due to domestic violence. The second of these produced a widened definition of homelessness that assisted victims of domestic violence, but, any advantages in this were offset by a reduced level of housing security offered to those who were accepted as statutorily homeless. This legislation came about due to a *Reactionary* discursive theme concerning the perceived abuse of housing waiting lists by some, particularly female, applicants. There were some minimisation in the *Reactionary* discourses emanating from the police and justice system during this Phase, however the introduction of the Family Law Act 1996 was

hindered and delayed by proponents of the *Reactionary* discourse within Parliament. The Act itself was introduced in an attempt to oppose *Reactionary* elements within the justice system, by streamlining the civil remedies to deal with domestic violence and to regulate occupation of the family home. There was a continued discursive battle over property rights versus women's rights to safety during this time, and this period also saw a considerable growth in the *Local Authority* discourse, which is discussed in the next section.

### **The Growing Influence of the *Local Authority* Discourse**

During Phase Two, a manifestation of the *Local Authority* discourse became more prominent, and analysis revealed the increased impact of the discursive themes of Gate Keeping and Discretion of the *Local Authority* discourse, on the housing outcomes of women made homeless by domestic violence in some local authority areas where there was an excess of demand over supply<sup>29</sup>. The discourse became visible in several ways, including some local authority officers insisting on the use the provisions of the Matrimonial Proceedings Act 1976 as an excuse not to house women made homeless by domestic violence under the provisions of the homelessness legislation of 1977 and 1985. The failure of the legislation to live up to expectations, due partly to the impact of the *Local Authority* discourse was noted in a contemporary report of the time:

Two major pieces of legislation intended to confront domestic violence, the Matrimonial Proceedings and Domestic Violence Act 1976 and the Housing (Homeless Persons) Act 1977, have been shown to be quite insufficient to help women escape domestic violence, and as a result many women are forced to return or to remain in their relationship.

(Carew-Jones and Watson, 1985, p200)

Furthermore the report's authors were clear that it was the local housing authorities, attitude regarding the Housing (Homeless Persons) Act 1977, and proponents of *Reactionary* discourses within the police and justice system that were to blame, stating: "The spirit of these laws is reasonable, but adequate practical application is lacking,

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<sup>29</sup> The discourse was shaped by the context of each Local Authority Area, as well as by the ideology of those influencing and making policy. Over demand for housing stock was caused by such matters as limited supply, lack of affordability of other tenures and percentage of population eligible for statutory re-housing.

(Carew-Jones and Watson, 1985, p200). These comments demonstrated that proponents of the *Feminist* discourse were aware that proponents of the *Local Authority* discourse were acting in such a way as to diminish the provisions of the homelessness legislation. Further visibility of the *Local Authority* discourse was identified in the use of adversarial interviewing techniques by some local authorities. This came to light in one of the interviews held with a past survivor of domestic violence:

There must be people who cheat the system, I know that, but they must personally treat every individual as they find them sort of thing. I found it quite degrading really sometimes.

(Jenny, Women's Aid Client)

An interview with the Head of a Homelessness Unit at an English Local Authority also revealed the *Local Authority* discursive attitude regarding the type of people likely to repeatedly present as homeless:

The people who tend to present have problems with independent living, it can go right back to childhood in some cases. Now that can apply also in the area of domestic violence... I mean basically people suffering from domestic violence have difficult coping mechanisms. Now it can happen in two ways, they may have been very good at coping and they've lost it because that is a certain result of repeated violence abuse, but also what concerns me, it's not necessarily a PC [politically correct] thing to say, but I think sometimes when you look at homelessness categories you can predict sometimes the people that are going to have the problems. One of the things I noticed when I looked at homelessness generally, and I'll bring this back to domestic violence in a minute, but basically if you had for instance say low-income, low-educational family that had problems with parental upbringing, and if your parents or siblings made a homelessness application you're virtually twice as likely to make a homelessness application yourself.

(Head of Homelessness, Local Authority Borough Council)

The problems that applicants had during this time, with the attitudes of Local Authorities was confirmed in an interview with the Director of the Greater London Domestic Violence project:

There was a really wide discrepancy in the way housing departments treated women who came to them, directly related to the availability of stock.

(Director Greater London Domestic Violence Project)

These instances of the *Local Authority* discourse demonstrate that officers had stereotypical images of homeless people including those made homeless due to domestic violence. Attitudes of local authorities can be traced to their need to ration the housing stock, which differed throughout England.

Strong evidence of the impact of the *Local Authority* discourse was also found in a contemporary research report entitled “Leaving Violent Men: A study of Refuges and Housing for Battered Women” (Binney, Harkell and Nixon, 1981). The authors found that although The Housing (Homeless Persons) Act 1977 had improved women's chances of finding permanent accommodation, forty three percent of domestic violence homelessness applicants in the study were still refused accommodation. This was found to be because the Act was sometimes ignored, but mainly due to restrictive covenants that some authorities put on the Act. These were contrary to both the wording of the Act and the accompanying Code of Guidance. Women staying in refuges were frequently found to be "not homeless", "not in priority need" or "intentionally homeless", or were told they were the responsibility of another authority. All these application decisions meant that local authorities evaded responsibility for housing the applicant. One third of applicants were not accepted onto the normal housing list, since it was considered that they had accommodation at the refuge where they were temporarily staying. The feminist group, Women's Aid Federation of England (WAFE) had unsuccessfully campaigned to make the Code of Guidance regarding the homelessness legislation legally enforceable. This would have lessened the impact of the *Local Authority* discourse subjugating the intentions of the homelessness legislation and:

So the good intentions within the Code could be put into practice and women could be offered a means of escape from violence, instead of falling through loopholes in the Act.

(Carew-Jones and Watson, 1985, p200).

Binney, Harkell and Nixon (1981) found that although many victims of domestic violence did see the homelessness legislation as a route out of their housing problems, it was in fact only successful for less than half of them, as forty four percent of refuge residents moved onto council accommodation. Furthermore seventy one percent of women in the study who had visited housing departments had not found the visit useful, and some were given false information, being told such things as: “It was up to me to

find somewhere”, “They couldn't do anything while my husband was still in the house”, or being told; “There is no housing available” or “We are doing the best we can with limited supply” (Binney, Harkell and Nixon, 1981). The phrases identified in the study are typical of the *Local Authority* discourse. When such phrases were told to women who were presenting themselves as statutorily homeless they worked to dissuade the applicant from pursuing her application, and also gave the impression that the Local Authority had discretion in the delivery of the policies laid down in the Housing (Homeless Persons) Act, 1977. By 1981, only four years after the homelessness legislation was introduced, the growing power of the *Local Authority* discourse had therefore reduced the effectiveness of the homelessness legislation in protecting women made homeless due to domestic violence.

The problem of local authorities only having to “have regard” for the Code of Guidance, and the wide discretion that local authorities were showing in departing from the Code, was also noted nine years later in an Advisory Governmental Committee report “What chance of a home? A study of homelessness particularly as it affects women” (Women’s National Commission, 1990). The Committee recommended that a new Code of Guidance should specifically define the term “vulnerable” to include women who were at risk of abuse. In response in 1991, the Department of the Environment issued a revised Code of Guidance which did advise that it would not be reasonable for someone to continue to occupy accommodation if they were a victim of domestic violence, or if there were threats of domestic violence from inside or outside the home. The Code confirmed that in these instances, and where there was a dependant child or the woman was pregnant, the local authority should normally accept a duty to rehouse them as they should be found to be unintentionally homeless and in priority need. The Code also advised that local authorities should if possible provide accommodation for men and women without children if they risked violence if they were to return home. The impact that the power of the *Local Authority* discourse was having on women made homeless due to domestic violence, had now come to the attention of central government, and from this time a gradual lessening of influence of the discourse can be observed. However, this cannot be described as a discursive tipping point as the *Local Authority* discourse continued to be strongly visible throughout the PhD research period. 1991 does, however, mark the time when analysis revealed that policy responses designed to limit the power of the *Local Authority* discourse began to be considered.

Three years later, another research report focused on the difficulties faced by those affected by relationship breakdown, including domestic violence. The report highlighted that women who left home because of violence were not always dealt with “promptly, supportively or sympathetically by agencies”, and that local authorities often made applicants feel blamed, stigmatised and disbelieved (Bull, 1993). Bull’s research also found that many authorities had adopted an approach that relied almost exclusively on the enforcement of family law remedies as a way of attempting to resolve the housing difficulties of those approaching them for help, just as Binney, Harkell and Nixon (1981) had found twelve years earlier. There was therefore a growing bank of evidence (in the form of contemporary reports and studies) that local authorities were not always fulfilling their duties to women made homeless by domestic violence, and that they had adopted a discretionary rationing attitude quite removed from the wording of the legislation. My analysis did not identify that this matter had become a matter of general public interest, and the issue did not appear in mainstream contemporary newspaper reports in the way that the attempts made by proponents of the *Reactionary* discourse to curtail the effectiveness of the Matrimonial Proceedings and Domestic Violence Act 1976 had during Phase One. Furthermore, the lack of media interest in issues relating to homelessness attributed to domestic violence at the time in England was very different from the situation in Victoria, which was experiencing a furore over the *Feminist Refuge* discourse explanations of the causes of domestic violence. In contrast, in England between 1979 and 1997 there was mostly silence (a very effective form of resistance) on the issue of homelessness attributed to domestic violence. As a result, the identified English competing discourses did not have anything to fight against and a discursive silence was created. This was in part caused by the growing strength of the *Reactionary* discourse, which was being maintained by the Conservative government, and which fuelled antagonism towards single parent families.

### **The Continuing Visibility of the *Reactionary* Discourse, .**

During the entire period of the Conservative Government from 1979 to 1997, there was a continued visibility of the *Reactionary* discourse, as proponents of the discourse continued to react against the provisions of the Matrimonial Proceedings and Domestic Violence Act 1976. Reactionary members of the Conservative Government also

engineered restrictions to the provisions of the homelessness legislation through enactment of the Housing Act 1996, and delayed the enactment of the Family Law Act 1996. As in Phase One, Phase Two saw further instances of proponents of the *Reactionary* discourse attempting to find ways to circumnavigate the intentions of the Matrimonial Proceedings and Domestic Violence Act 1976, from the start of the period until the time the legislation was altered by the Family Law Act 1996. An example of this came to light in 1980 when *The Times* newspaper reported on a case where the County Court had agreed with a male perpetrator that he and his wife were not living together as ‘man and wife’ (although they lived in a very small flat), and that therefore she could not be granted an injunction against him (*The Times*, 22nd July 1980). Here the defendant was claiming that the Act covered married couples only, and that as he and his wife were sleeping in separate rooms they should not be considered man and wife, and that therefore an injunction against him to prevent his violence was not possible. Further evidence of the *Reactionary* discursive theme of expectation that women were the ones who should give up their homes, in cases of domestic violence, was found in a media law report from a few months later. A ‘mistress’ was awarded an occupation rent from her ex-partner, who was still living in their jointly owned home, rather than the woman being allowed to sell the house (*The Times*, 26<sup>th</sup> February 1981). Analysis revealed an instance two years later of a court determining that those whose marriage was dissolved were not covered by the Act, and so divorced women were not protected (*The Times*, 15<sup>th</sup> February 1983). These examples demonstrate that there was still an underlying *Reactionary* discourse within the justice system concerning women’s inequality regarding rights to property and women’s inequality regarding rights to safety.

The *Reactionary* discourse was also evident in a practice notice designed to “assist in the burdens of the police”, which was sent to judges reminding them that a time limit of three months should be set on injunctions excluding a party from a matrimonial home or specified area. Although the practice note did specify that “in a few cases” an application might be made to the court to extend the injunction, here the “burdens of the police” were being prioritised over the safety of women and this demonstrates again that women’s safety was not given high priority in the *Reactionary* discourse. Proponents of the *Reactionary* discourse were still attempting to exert power in order to make the legislation unhelpful to women, and there was still an expectation that a normalised

situation was one in which women were “forced to leave” the family home because of their partner’s violence.

This was confirmed in an interview with a domestic violence worker:

Non-molestation orders and occupation orders are great, if the perpetrator is a compliant type of perpetrator, in that he’s frightened of authority. And that he will listen to the law and that he’ll be frightened.

(Outreach Services Co-ordinator, Metropolitan Area Women’s Aid)

As in Victoria evidence of the *Reactionary* discourse emerged concerning immigrants to England. The Third Report from the Home Affairs Committee to Parliament in June 1993 recommended that the Home Office should inquire further into the scale of the problem, of the effects of domestic violence on women with insecure immigration status, and consider what changes might be appropriate to accommodate cases of genuine hardship. However the recommendation also stated that this should be done “whilst avoiding any collusion or deception intended to circumvent the immigration rules”. This demonstrates the *Reactionary* discourse because it contains an expectation that false allegations of domestic violence would be made by immigrants. What the Government did agree to do was for Home Office officials to ‘consider in more detail’ the possibility of developing practical ways of ensuring that those women who felt especially vulnerable were informed of their correct immigration status. This response therefore also demonstrates the *Reactionary* discourse of resisting change and expecting fraud. Immigrants to England were also affected by the Housing Act 1996, which marked the zenith of the *Reactionary* discourse. This is discussed below.

### **The Instigation of the Housing Act 1996**

Although the homelessness legislation of 1977 had been consolidated into the Housing Act 1985, the homelessness legislation in England did not undergo any fundamental change until the enactment of the Housing Act 1996. Since coming to power in 1979 the Conservative Government had set about decreasing the power and autonomy of local authorities’ housing function by introducing the Right to Buy, which by 1995 had brought about the sale of one and a half million council houses to their occupiers. Local

authorities' role was reduced to that of 'enablers', by encouraging the transfer of housing stock to housing associations (Department of the Environment and Welsh Office, 1995). The promotion of owner occupation was a central plank of the Government's philosophy regarding social policy. This supported privatisation and required "each individual to exercise personal and social responsibility" (Department of the Environment and Welsh Office, 1995). This had much in common with the self-reliance theme of social policy in Australia. This manifestation of the *Reactionary* discourse had an adverse effect on homeless people by reducing the amount of social housing available to them, thereby increasing waiting times in temporary accommodation. In January 1994 the *Reactionary* discourse reached its zenith, when the Government issued a Consultation Paper that proposed reforms to the homelessness legislation which included a reduction in the length of time for which accommodation for those found to be statutorily homeless needed to be made available. Following this, in June 1995 the Government went on to publish a White Paper on Housing "Our Future Homes: Opportunity, Choice, Responsibility", which was to become the backbone of the Housing Act 1996.

The heart of Part VII of the Housing Act 1996 was that the allocation of housing should be through a single housing register. The Conservative Government was concerned that homeless people, including those made homeless due to domestic violence, were "jumping the queue" and getting placed at the top of the housing register in front of those that "had the best claim to it" (Department of the Environment and Welsh Office, 1995). Part VII of the Housing Act 1996 was therefore based on the discursive themes of the *Reactionary* discourse of homeless people as 'manipulative and grasping', and contained reaction to the feminisation of the social housing tenure, which proponents of the *Reactionary* discourse perceived had come about from a perceived advantage for women within the homelessness legislation. This was opposite to the *Feminist* understanding that women were dominating the social housing tenure because they did not have the opportunity to enter the alternative tenures of owner-occupation and private renting, which were based on choice rather than allocation.

Although some local authorities mirrored the views of Central Government that some homeless applicants (particularly women) were using the homelessness legislation to get unfair priority on council waiting lists, it was also true that most local authorities did

not like the removal of discretion that the patriarchal discursive themes of the *Reactionary* discourse within the Housing Act 1996 was taking from them. The full local authority housing duty was reduced to that of providing accommodation for a minimum period of two years, but housing authorities were given power under the Act to continue providing accommodation over and above that length of time in certain circumstances. Some local authorities did this, in a display of the *Local Authority* discourse in order to exert their own authority. This was noted in an interview with the Head of a Local Authority Homelessness Unit:

The '96 Act of course brought in this situation not of prevention but of providing accommodation for two years. So in theory Local Authorities could discharge the duty other than by accessing the public sector. Now in actual fact the vast majority didn't do that, none of us really, really felt well we'll go down that route, so in effect the 1996 act was a continuation in some ways of the earlier legislation.

(Head of Homelessness, Local Authority Borough Council)

This illustrates the extent to which the *Reactionary* discourse was resisted by proponents of the *Local Authority* discourse as local authorities were determined to maintain their independence from central government.

The *Reactionary* discursive themes of opposing immigration was also visible in the Housing Act 1996, as those who were subject to immigration control under the Asylum and Immigration Act 1996 were made ineligible for assistance if they became homeless. This meant that immigrants without access to the 'public purse' were not assisted if they became homeless, and this had an adverse effect on refugees who had to either turn such women away or assist them without funding or housing benefit entitlement.

The 1996 Housing Act did however have something to offer proponents of the *Feminist* discourse, in that it made a new provision for domestic violence. Under the new Act accommodation was deemed unreasonable for occupation to continue where this would lead to domestic violence against the applicant<sup>30</sup>. Domestic violence in the Housing Act 1996 was therefore defined by reference to the relationship between the perpetrator and

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<sup>30</sup> Or domestic violence against a person who normally resided with the applicant, or any other person who might reasonably have been expected to reside with the applicant.

the applicant, as opposed to the residence-based test that was used in the original legislation. In spite of this, there was widespread opposition to the Housing Act 1996 by proponents of the *Feminist* discourse. In an interview for this research, a Policy Officer for the charity Shelter explained that they had lobbied successfully for the original homelessness legislation, but did not have the 'ear' of government during the Conservative era, and were therefore not able to influence discourse on homelessness at a central level during this eighteen-year period. This was also true of other proponents of views that were not held by Government at this time, as the strength of the *Reactionary* discourse was such that other discourses were not permitted to be heard near the seat of power. This enabled the *Reactionary* discourse to remain normalised for longer than might otherwise have been the case. A sidelined Shelter held a conference on the subject of Domestic Violence and Homelessness in March 1997, where it was noted that:

The Housing Act 1996 significantly reduced the rights of people who are homeless. Shelter welcomes the new definition of domestic violence but is concerned that changes to Local Authorities obligations to provide housing will leave people fleeing domestic violence more vulnerable.

(Domestic Violence and Homelessness Conference 5th March 1997, p1)

At the same conference Linda Delaney, the National Housing Officer for the Women's Aid Federation of England stressed the need for both temporary and permanent accommodation for individuals and children fleeing domestic violence. She commented that a lack of suitable housing was one of the major factors that prevented women leaving a violent relationship and that the Housing Act 1996 "will marginalise women escaping domestic violence by condemning them to live in temporary accommodation" (Domestic Violence and Homelessness Conference 5th March 1997). The Housing Act 1996 marked the height of visibility of the *Reactionary* discourse regarding homelessness. Although the *Feminist* discourse was normalised, *Reactionary* and *Local Authority* discourses demonstrated inter-discursivity by combining to thwart change, and the 1996 Act created a situation whereby those made homeless due to domestic violence felt subjugated and unprotected. The Act did have major implications for women who became homeless at this time, but its long-term effects were mitigated by the landslide victory of the New Labour Government which came to power shortly after, and who quickly rescinded the temporary nature of homelessness assistance provided

under the Housing Act 1996. However, the Housing Act 1996 was not the only manifestation of the *Reactionary* discourse during this time as the discourse remained visible within the police force and justice system.

### ***Reactionary Attitudes of the Police***

During Phase Two, Resistance and Stagnation, my analysis revealed continuing *Reactionary* attitudes within the police. A feminist research report published by the Women's Aid Federation, but commissioned and paid for by the Department of the Environment (Binney, Harkell and Nixon, 1981), found that women contacted the police more than any other agency concerning domestic violence, but that sixty four percent had not found the police useful. The most frequent complaint was that police were unwilling to intervene because the matter was a 'domestic'. Respondents complained that police were reluctant to answer calls for help in the event of a broken injunction, and even more reluctant to press charges. Thirty-two women in the study had obtained Exclusion Orders but were still living in a refuge, either because they were afraid to go home or because the partner had refused to move out of the family home.

This element of the *Reactionary* discourse was confirmed in an interview conducted for this thesis:

The police said, "let him sleep in shed", even though I had an injunction. He had a joint tenancy and the police said, "he has nowhere else to go".

(Pam, ex-victim of domestic violence)

This exemplifies that proponents of the *Reactionary* discourse, including those within the police force, still saw a man's property rights as more important than a woman's rights to safety. The continuing *Reactionary* police attitudes were also confirmed by analysis of contemporary news reports. *The Times* newspaper reported in 1985 on a publication from the Women's National Commission that stated that many women were still frightened of reporting rape and violence against them, because of the treatment they received from the police and the courts. In the article a police officer was quoted as stating:

The police would not accept that a callous approach is typical. That suggestion

is very unhelpful and damaging. Very often if this does occur it is through inexperience rather than malice.

(*The Times*, 11<sup>th</sup> December 1985)

The police spokesperson was therefore confirming that there were elements of the *Reactionary* discourse in the culture within the police force which led to callous treatment. However, during the mid 1980s a pioneering new approach to policing domestic violence in the UK was piloted which involved setting up Domestic Violence Units, and which were evidence of a diminishing *Reactionary* discourse within the police force.

### **The Limited Visibility of the *Feminist* Discourse**

During the Phase Two the *Feminist* discourse in England continued to be recognisably different from the identified *Feminist Refuge* discourse in Victoria. In England proponents of the *Feminist* discourse within the Women's Aid Federation of England, (WAFE) continued to emphasise that they were willing to:

Offer support, advice, and help to any woman who asks for it whether or not she is a resident, and also to offer support and after-care to any woman or child who have left the refuge.

(Carew-Jones and Watson, 1985)

This was quite different from the situation in Victoria during this time when the themes of the *Feminist Refuge* discourse centred on the victim's right to leave the family home and to enter a refuge. Unlike the *Feminist* discourse in England the Victorian discourse, *Feminist Refuge*, created a feeling of antagonism to those victims who did not to choose to enter, or remain, in a feminist refuge. By 1985 there were one hundred and forty two Women's Aid refuges in England, most of which were now funded at least in part by Local Authorities, and to which there was a growing expectation that the police would refer victims to. It is likely that this came about as a result of the *Feminist* discourse contained within the Women's National Commission Report. This led to a Home Office Circular to police forces requesting that they review training and record keeping on domestic violence, and that they consider arresting protagonists and taking victims to a refuge, if necessary. It is noteworthy however, that the matter was still left to the discretion of local Chief Police Officers. Three years later a further Home Office

Circular, (60/1990) made further advances in defeating the *Reactionary* discourse within the police force. The new Circular adopted a much wider perspective on domestic violence, including approving the setting up of specialised police domestic violence units. The police were instructed for the first time to treat domestic violence at least as seriously as other crimes, and told that their primary duty was to protect victims from crime by referring or taking them to a refuge. It was also made clear in the Circular that a positive response by Chief Police Officers was expected. My analysis revealed that this was the start of a minimising of the visibility of the *Reactionary* discourse within the police force, and was one of the limited advances made by proponents of the *Feminist* discourse, regarding homelessness attributed to domestic violence, during this long period of Resistance and Stagnation.

Analysis revealed that other instances of heightened visibility of the *Feminist* discourse during Phase Two were relatively scarce, as the *Reactionary* Conservative Government resisted change. However, there was a gradual widening of the definitions of domestic violence through the Appeal Courts during this time. Instances of this were found in a *Times* Law Report from 1982 which reported on the inclusion of frequent telephone calls to the victim's workplace as being accepted as within the scope of an injunction (*The Times*, 19<sup>th</sup> February 1982). During this time feminists sought to establish broader, more inclusive definitions of domestic violence (Hooper, 1996), and to highlight ways in which general inequalities in society made it possible to perpetuate a normalised construction of male authority and female independence within families. In 1991, a further feminist advance was made when rape within marriage was recognised in English law. However, as Hooper noted at the time, England had much to learn from Australia regarding domestic violence, including legislative changes, policing practice and liaison with voluntary agencies. Towards the end of this second phase, and the end of the Conservative Government, a legislative change in the form of the Family Law Act 1996, which feminists had been lobbying for, was enacted.

### **The Discursive Events Leading to the Family Law Act 1996**

In 1989 the Law Commission produced a consultation paper (Law Commission, 1989) that examined the remedies provided by family law relating to occupation of the family home and the protection of family members from domestic violence and other forms of

molestation. After the *Reactionary* battle over the Davis v Johnson case, which was discussed in Phase One, the Law Commission pointed out in 1992 that there was still uneasiness and confusion in the courts, especially where the woman did not have a clear legal right to occupy the family home. Their report recommended rationalising the civil legislation on domestic violence and drew up a draft Family Homes and Domestic Violence Bill, which proposed providing a single clear set of domestic violence remedies to be available in all courts.

The 1993 House of Commons Home Affairs Select Committee accepted the recommendation to rationalise legislation, and after much delay the draft Bill was put before Parliament in 1995. However, after the Bill was introduced, proponents of the *Reactionary* discourse within Parliament, who felt that men's rights in the family were being undermined, forced the abandonment of the Bill late in 1995. For the first time in Phase Two, domestic violence had become highly politicised. The substance of the Bill was reintroduced in 1996 as part of the Family Law Bill and, after many amendments and compromises, was enacted. One of these compromises involved distinguishing between married and unmarried couples, in relation to the property rights of the parties, when deciding the length of occupation orders. However, Part IV of the Family Law Act 1996 did provide for a single set of civil remedies to deal with domestic violence and to regulate occupation of the family home. The Act had been fought against by proponents of the *Reactionary* discourse, and had been lobbied for by proponents of the *Feminist* discourse since as long before as the early 1980s. The Family Law Act 1996 marked one of the few instances within this phase when the *Feminist* discourse exerted enough power to influence a policy response, albeit one that contained many compromises engineered by proponents of the *Reactionary* discourse.

The 1992 Law Commission report also led to a 1993 inquiry by the Home Affairs Committee, which concurred that domestic violence was under policed and under prosecuted and that there was frequently a downgrading of charges in domestic violence cases (Home Affairs Committee, 1993). Their report also followed the *Feminist* discourse by acknowledging how important refuges were, and that any inadequacy of refuge provision resulted primarily from an inadequacy of funding. The report did not contain many housing recommendations, but it did recommend the establishment of a central co-ordinated policy for refuge provision throughout the country and also

recommended that local authorities be advised to: "put an end to the nonsense where a victim fleeing domestic violence is deemed to have made herself intentionally homeless" (Home Affairs Committee 1993, p xivii). It is interesting to note that the report also gave examples of good practice in Australia, which was deemed to have more public awareness of domestic violence policy responses. The Government in turn reflected the *Feminist* discourse when it responded to the Home Affairs Committee Report by stating:

The Government ... acknowledges the valuable role played by refuges in providing an emergency response to those fleeing from domestic violence; and in helping to provide the support and advice needed for victims to recover from violence and start their lives afresh.

(Secretary of State for the Home Department, 1993, p16)

This was one of the very few instances found of the Conservative Government directly commenting on refuge provision. The Government response also stated:

It also hoped that policies pursued in other areas will in the long-term make it less necessary for victims to have to leave their homes... The Government is entirely convinced that domestic violence must be tackled vigorously and that it must be treated as a crime.

(Secretary of State for the Home Department, 1993, p16)

These statements reflect a turning point towards the criminalisation of perpetrators of domestic violence. The above quotation portrays a markedly different view from that of Louis Blom Cooper QC in the previous phase. The Government had now adopted the *Feminist* discourse regarding refuge provision and had also accepted the *Feminist* discursive theme of the rights of women to be able to remain in their own home. The Government response also accepted many of the *Feminist* discourse recommendations regarding the *Reactionary* attitudes of the police, and in April 1993 the Crown Prosecution Service issued a public statement containing a pro-prosecution policy in relation to the handling of criminal cases involving domestic violence and accepted that historically such offences may have been "under policed and under prosecuted", (Secretary of State for the Environment, 1993, p16).

## Conclusion

The second identified English phase marked a long period of Resistance and Stagnation regarding homelessness policy responses attributed to domestic violence. At the end of the phase, proponents of the *Reactionary* discourse within the Conservative Government succeeded in undermining the safety net provisions of the homelessness legislation, that had until then allowed victims of domestic violence who were forced to leave the family home to be provided with alternative permanent accommodation. At the same time the Family Law Act 1996 streamlined policy responses regarding occupation of the family home. This, along with some changes in attitude to domestic violence within the police and justice systems, did mark some evidence of normalisation of the *Feminist* discourse. Proponents of the *Local Authority* discourse were able to exert enough power to render the discourse visible in some local authority areas, and this had an effect on women made homeless due to domestic violence. The dominant discursive 'chattering' of the second English phase was however a manifestation of the *Reactionary* discourse with its discursive themes of opposing change and patriarchy. The end of the Conservative Government and the election of the New Labour Government in 1997 marked a discursive tipping point, and the transition to an identified new phase and a very different interweaving of discourses.

## **Chapter Eleven**

### **Support and Criminalisation, Phase Three, 1997-2005**

#### **11.1 Introduction**

The third and last phase English lasted from the landslide election of the New Labour Government in May 1997 until the end of the research period in December 2005, at which time New Labour were still in Government. The phase has been named Support and Criminalisation, because the New Labour Government instigated radical new policy approaches to domestic violence and to preventing homelessness attributed to domestic violence. They did this both by increasing the criminality of domestic violence through introducing new legislation, and by introducing new homelessness prevention policy responses.

The first relevant action of the new government was to repeal the “interim” duty of the Housing Act 1996 to accommodate homeless people for a two-year period. This was followed by the Protection from Harassment Act 1997, and the Crime and Disorder Act 1998, which were part of New Labour’s manifesto commitment to clamp down on crime. In 1999 a Government led domestic violence awareness media campaign named ‘Break the Chain’ was launched, and, ‘Living Without Fear: An integrated approach to work on domestic violence’ (Cabinet Office and Home Office, 1999) was published. The New Labour Government commitment to address domestic violence, and the homelessness attributed to it, continued to grow from when they came to power in 1997 to the end of the research period. In 2002 major alterations to the homelessness legislation were made in the Homelessness Act 2002. The next year saw the introduction of the Supporting People Programme, which for the first time linked people’s support and housing needs together, and which consequently had a major impact on refuge provision and outreach services for victims made homeless due to domestic violence. In 2004 the Domestic Violence Crime and Victims Act made specific and major changes to the law on domestic violence related crimes. The publication of “Settled Communities: Settled Homes, Changing Lives: A strategy for

tackling homelessness” (ODPM, 2005) at the end of the research period indicated that the momentum may continue through the latter half of the decade.

This chapter first looks at these policy responses in more detail, and then explores the discursive activity of that time.

## **11.2 Key Policy Responses of Support and Criminalisation, Phase Three 1997 – 2005**

### **Protection from Harassment Act 1997**

The Protection from Harassment Act 1997 contained both criminal and civil remedies for domestic violence. People who were not able to apply for an order under the Family Law Act 1996 could use the Protection from Harassment Act 1997. This is because unlike the Family Law Act, the Protection from Harassment Act was available to women who had not lived with their abusive partner, or had children with him. The Protection from Harassment Act 1997 provided civil remedies for restraining respondents and for seeking damages for harassment. However, the Act contained no provision for the court to make occupation orders or any orders concerning property rights, and was limited to non-molestation orders. As well as these civil remedies, the Act also created two criminal offences: criminal harassment and fear of violence. The Act made it a criminal offence to behave in a way which a person knew, or ought to know, would cause someone harassment or fear of violence, and therefore criminalized much psychological domestic violence (Department of Constitutional Affairs, 2004).

### **Crime and Disorder Act 1998**

The Crime and Disorder Act 1998 placed a requirement on local authorities and the police to form Local Crime and Disorder Reduction Partnerships to develop and implement three-year strategies for the reduction of crime and disorder. Although not designed as a piece of legislation specifically to deal with domestic violence or homelessness, the Crime and Disorder Act 1998 had a major role in addressing the priority that domestic violence related crimes received. This was because the legislation

was designed to reduce crime through the identification of the nature and prevalence of all crime locally, including crimes such as domestic violence that had a low incidence of being reported to the police. The high volume of domestic violence related crimes meant that the issue became a priority and that most local authorities developed specific domestic violence sections within their crime reduction strategies. In addition the Minister of State for the Home Office wrote to chief constables and local authority chief executives in November 1998 emphasising the need to cover domestic violence within Crime and Disorder Act audits. As a result many local authorities developed domestic violence related projects. The Crime and Disorder Act 1998 was a prelude to the further development of multi-agency working on domestic violence reduction initiatives that was to occur from 2000 onwards (Home Office, 2000).

**'Living Without Fear: an integrated approach to tackling violence against women report' (Cabinet Office and Home Office, 1999)**

This report by the Cabinet Office and Home Office marked a "step change in our approach and our commitment to tackling violence against women" (Cabinet Office and Home Office, 1999, Foreword). The report stated that the long-term goal of the Government was to prevent violence against women by providing timely support and protection, bringing perpetrators to justice, and by preventing violence. At the same time six million pounds from the crime reduction programme for projects to reduce crimes against women, a twenty-four hour help-line for women, and six million pounds more for the charity Victim Support to assist victims through the legal process, were announced.

The document promoted good practice and promised revised guidance to encourage proactive interagency partnerships and follow up action for 'Break the Chain', (a leaflet and posters campaign of the same year), which had offered practical advice to those experiencing domestic violence. New guidance for the police on the effectiveness of pro-arrest policies was given, and performance indicators on repeat victimisation were set. The following year the 'Multi Agency Guidance for addressing domestic violence' (Home Office, 2000) was published. The document gave guidance to agencies including making clear that local authority housing policies should recognise that psychological abuse could potentially lead to statutorily homelessness, and that women fleeing

domestic violence who did not have dependent children and were not pregnant may still be vulnerable and have a priority need for accommodation. 'Living Without Fear' and the legislation that preceded it, demonstrated that domestic violence was coming to the fore of central government policy.

### **Homelessness Act 2002**

The Homelessness Act 2002 received Royal Assent on 26<sup>th</sup> February 2002, and amended Parts V1 and V11 of the Housing Act 1996, which, as discussed earlier, set out both the legislative framework for assisting homeless people and for allocating social housing. The main homelessness duty had been limited to two years by the 1996 Act, and the 2002 Act removed that limitation. Another main change was the priority need for housing was extended to new groups of vulnerable homeless people (Shelter, 2002). This included, for the first time, young people, people who were vulnerable as a result of violence or threats of violence, and people who were vulnerable as the result of a prison, armed forces or living-in-care background. These additions to the priority need groups had been a 1997 New Labour election manifesto commitment. There was also a new definition of statutory homelessness. The 2002 Act placed an indefinite duty on Local Housing Authorities to secure accommodation for a successful applicant until a settled housing solution was found. Although the main duty was to provide accommodation to homeless people who were in priority need, the 2002 Act gave a new power to housing authorities to secure accommodation for people who were unintentionally homeless but not in priority need. This blurred the distinction between those in and those out of priority need for the first time.

As outlined above, the Act extended the priority need category to new groups, including specifically people who were vulnerable as a result of violence or threats of violence.

The legislation also extended the type of situation in which it was unreasonable to remain in occupation and now encompassed any violence or threats of violence.<sup>31</sup>

Domestic violence was defined in the Act as:

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<sup>31</sup> Section 175 (3) provided that a person shall not be treated as having accommodation unless it was accommodation that it would be reasonable for him or her to continue to occupy. Section 177 (1) provided that it is not reasonable for a person to continue to occupy accommodation if it was probable that this would lead to domestic violence or other violence against the applicant, a member of the applicant's family, or any other person who might reasonably be expected to reside with the applicant.. Violence included threats of violence which were likely to be carried out.

Violence from a person who is associated with the victim, for instance if they are, or have been, married or cohabitants, they live (or have lived), in the same household or if they are related to each other.

(Housing Act, 2002, Introductory notes)

The 2002 Act also strengthened the assistance available to people who were homeless or threatened with homelessness by ensuring that a more strategic approach to tackling and preventing homelessness was taken, by requiring a written homelessness strategy for every housing authority district (ODPM, 2002). The strategy had to be based on a review of all forms of homelessness and these strategies had the effect of bringing to the fore the extent of homelessness caused by domestic violence in England.

### **Supporting People Programme commences (2003)**

The Supporting People programme commenced in April 2003 and was designed to provide housing related support to vulnerable people in order to prevent homelessness, hospitalisation or institutional care, and to help a smooth transition to independent living. The primary purpose of the housing related support provided under the Supporting People programme was to develop and sustain an individual's capacity to live independently in their accommodation (ODPM, 2004). This could include enabling individuals to gain the skills to maintain a tenancy<sup>32</sup>. Groups of society who were eligible to be assisted by the Supporting People programme included those at risk of domestic violence. Most such Supporting People services for people escaping domestic violence was short term, for up to two years. Supporting People support for such women could be facilitated from within refuges, or in other emergency accommodation. It could also include support and safety measures to prevent further violence to women who wished to remain in the original family home or who were living in alternative permanent accommodation (ODPM, 2002). Supporting People services were fundable regardless of the tenure in which the recipient lived. The growth in these alternative responses to homelessness attributed to domestic violence are discussed more fully in the following section.

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<sup>32</sup> This could include budgeting and managing debt, safety and security, reporting and arranging repairs, and enabling individuals to access their correct benefit entitlement.

## **Domestic Violence Crime and Victims Act 2004**

In June 2003, the Government issued a consultation paper entitled “Safety and Justice: The Government’s Proposals on Domestic Violence” (Home Department, 2003). This set out the Government’s new strategy on domestic violence based on prevention, protection and justice and support for victims. The document consulted on the need to improve legal protection available to victims, in particular the need for reform of the Family Law Act 1996, and the response victims of domestic violence received from the Criminal Justice System (Home Department, 2003). This consultation process resulted in the Domestic Violence Crime and Victims Act receiving Royal Assent in November 2004.

The Act reformed both civil and criminal areas, by criminalizing breaches of non-molestation orders issued under the Family Law Act 1996, and by extending the availability of restraining orders under the Protection from Harassment Act 1997. The Act also made common assault an arrestable offence. Breaches of non-molestation orders were now a criminal offence with a maximum penalty of five years imprisonment. Breaches of occupation orders were not made criminal offences, however the new legislation did place a duty on the court to consider making a non-molestation order at the same time as making an occupation order. Other amendments to the Family Act 1996 include adding cohabiting same sex couples to the list of ‘associated persons’, and extending the availability of non-molestation orders to those in domestic relationships who had never cohabited with, or been married to, their violent partner.

## **‘Sustainable Communities: Homes for All’ and ‘Sustainable Communities Settled Homes; Changing Lives’ Strategies 2005**

In January 2005 the Government published a five year plan, ‘Sustainable Communities: Homes for All’ (ODPM, 2005), which was a strategy to tackle homelessness and to halve the number of households living in temporary accommodation by 2010. This document formed one of the Sustainable Communities group of strategies designed to provide everyone with a decent home that they could afford, in a community in which

they wanted to live (ODPM, 2005). Around one hundred thousand households were living in temporary accommodation at the time 'Homes for All' was published, and approximately eighty thousand of these were in rented self-contained accommodation. Eighteen thousand were in temporary shared accommodation (in either bed and breakfast, hostel or domestic violence refuge accommodation). The 2005 strategy included spending £60 million on preventing homelessness, including offering security measures for domestic violence victims. Settled homes would be made available for homeless households by increasing the supply of social housing and improving the availability of existing social housing.

Two months later, in March 2005, 'Settled Homes: Changing Lives' (ODPM, 2005) stated how the Government would tackle social and personal, as well as structural causes, of homelessness. This document detailed how the heart of the government strategy was the continued investment in homelessness prevention. The numbers living in temporary accommodation would be halved<sup>33</sup>. It was announced that funding for homelessness projects would increase by twenty three percent, from sixty million pounds to seventy four million pounds in 2007/08. Two hundred million pounds would be spent over the next three years on homelessness prevention schemes, including Sanctuary Schemes designed to prevent some homelessness attributed to domestic violence by providing security measures that allowed victims of domestic violence to remain in their own homes. Between 1997 and 2004 more than one hundred and forty six thousand households were re-housed by local housing authorities because of domestic violence, and in 2004 thirteen percent of homeless applicants stated that domestic violence was the reason for the loss of their last settled home. Preventing homelessness attributed to domestic violence was therefore seen by government as having the potential to have a major impact on reducing statutory homelessness figures. During 2005 homelessness acceptances reached their lowest level for over twenty years, and one hundred and sixty five local authorities had, or were planning, Sanctuary Schemes for victims of domestic violence (ODPM, 2005).

The Government also gave a commitment to increase the number and quality of refuge places as well as supporting new approaches to domestic violence, and created a Local

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<sup>33</sup> This would be done by preventing homelessness, providing support for vulnerable people, tackling the wider causes and symptoms of homelessness, helping more to move away from rough sleeping, and by providing more settled homes.

Authority Best Value Performance Indicator (BVPI 176), for the number of domestic violence refuge places provided or supported by local authorities. It would seem therefore that although homelessness prevention was now a priority, refuge provision remained an important part of the policy responses to homelessness attributed to domestic violence, more than thirty years after they were first developed as a solution to this problem.

### **11.3 The Discourses regarding Homelessness attributed to Domestic Violence during Support and Criminalisation, Phase Three, 1997-2005**

#### **Introduction**

Phase Three has been named Support and Criminalisation, because the New Labour Government instigated radical new policy approaches to domestic violence, and to preventing homelessness attributed to domestic violence. They did this both by increasing the criminality of domestic violence, through introducing new legislation, and by introducing new homelessness prevention policy responses such as the Sanctuary Scheme. These measures were brought about through the normalisation of a *New Labour* discourse regarding domestic violence and homelessness which began to be visible, and became normalised quickly after New Labour were elected. The discursive themes of the previously unseen *New Labour* discourse centred on homelessness prevention, housing related support, expanded choice for women and the criminalisation of perpetrators of domestic violence.

When New Labour came to power in 1997 there were one million less social homes owned by local authorities and housing associations than in 1977 when the homelessness legislation commenced, and the percentage of social housing had fallen from thirty one percent to twenty percent of all UK housing stock (ODPM, 2002). This had been caused by dramatic cuts in new build investment by the Conservative government during Phase Two, and also by the sale of one million seven hundred thousand homes through the Right To Buy legislation during that time. The impact of this was that there was limited scope to house those in housing need. New Labour were

quick to try to offset the damaging impact of this reduction in social housing stock by the use of 'blue sky thinking' concerning both structural and personal issues concerning housing, in order to prevent and lessen homelessness.

During this period the *Feminist*, *Local Authority* and *Reactionary* discourses remained visible, but to a much less extent than in previous phases. The *Feminist* discourse was to some extent incorporated into the *New Labour* discourse, which encouraged the use of feminist refuge provision as part of the package of assistance to females affected by domestic violence. Proponents of the *Local Authority* discourse continued to resist attempts by central government to lessen the local discretion of their powers, but they were mostly subjugated by the extent of the legislation that was introduced to try and combat the discourse. Likewise the *Reactionary* discourse became barely visible during this phase as it was firmly suppressed by the weight and extent of the normalised *New Labour* discourse.

In this chapter the reduction in visibility of the three minority discourses of this phase, *Feminist*, *Local Authority* and *Reactionary* are discussed, followed by an examination of the impact of the normalised *New Labour* discourse.

### **The *Feminist* Discourse under the New Labour Government**

In 1998, one year after New Labour came to power, Women's Aid, the feminist providers of refuge accommodation and proponents of the *Feminist* discourse, published their agenda for action on domestic violence; "Families without Fear, Women's Aid Agenda for Action on Domestic Violence: Recommendations for a National Strategy" (Harwin, 1998). In the document they acknowledged how successful their twenty five years of campaigning for the rights of female victims of domestic violence had been, and how mainstream the discursive theme of the unacceptability of domestic violence had now become; "What is new, is that domestic violence is no longer acceptable" (Harwin, 1998, p1). However there were still improved policy responses that they wished to see, particularly regarding perpetrators being held accountable for their abusive behaviour, and the increased protection of women and children:

The Home Office should make domestic violence a notifiable offence and a top priority for policing... The provisions of the 1990 Circular to Chief Constables should be reviewed, updated, monitored and enforced.

(Harwin, 1998, p6)

This call for the increased criminalisation of proponents was in accord with the *New Labour* discursive theme of being ‘tough on crime and tough on the causes of crime’, and from this time the *Feminist* discourse became, to a large extent, blended with the *New Labour* discourse. This was partly because proponents of the *New Labour* discourse were not opposed to the use of refuge provision. In 1997, fifty four thousand women and children stayed in refuges in England. As will be demonstrated, this figure increased under the New Labour Government. There were exceptions to the accord between the *Feminist* and *New Labour* discourses, particularly regarding proponents of the *Feminist* discourse stance on some New Labour policy responses, such as Sanctuary Schemes, which are discussed later in this chapter.

Proponents of the *Feminist* discourse continued to campaign against the ideology displayed by proponents of *Local Authority* discourse and to highlight how some Local Authorities used gate-keeping tactics to reduce the amount of women housed under the homelessness legislation. Gate-keeping techniques included such measures as defining victims inappropriately as ‘intentionally homeless’ if they refused to apply for an occupation order, and using the lack of a local connection to penalise women forced to flee their home area: “The code of Guidance on Homelessness should be made mandatory to improve local authority responses to domestic violence” (Harwin, 1998) was a typical complaint of proponents of the *Feminist* discourse. This however was not to occur during the research period.

The following section examines the power of the *Local Authority* discourse during this final English phase and how successful, or not, attempts by proponents of opposing discourses were in diminishing this power.

### **The Continuing *Local Authority* Discourse under the New Labour Government**

An article in the Shelter magazine *Roof*, entitled “The domestic lottery”, discussed how proponents of the *Local Authority* discourse were continuing to put obstacles in the way of homeless women. The article complained “how well the housing systems treats

women fleeing from domestic violence depends where they live”, and that, “some local authorities simply refuse to accept homeless applications from women who have not got injunctions” (Birch, 1999, p14). This was in spite of the fact that the Homelessness Code of Guidance stated authorities should:

Inform applicants of the option to take out an injunction ... but should make clear that there is no obligation to do so if s/he feels it would be ineffective.

(Birch, 1999, p14).

This clear recognition of the effects of the discursive theme of Gate-Keeping on some homeless women continued to be recognisable throughout the phase, in spite of clear guidance by Central Government to the contrary.

The most visible incidence of the *Local Authority* discourse during Phase Three, and a successful attempt to defeat its effects, came about in 2001, when the Court of Appeal heard a case concerning the refusal by a local authority to re-house a mother with two young children. This decision was made on the grounds that it would have been reasonable for her to return to her former accommodation, by taking legal proceedings against her violent partner to eject him from their home, which she had left in fear of domestic violence (*The Times Law Report*, 23<sup>rd</sup> November 2001). In 2000 the County Court had exhibited the *Reactionary* discourse by agreeing with Leicester City Council that the risk of domestic violence appeared to stem substantially from the applicant’s own conduct in continuing contact with the perpetrator, and dismissed Ms Bonds appeal against Leicester City Council. But the Court of Appeal (EWCA Civ 1544) found in favour of the appellant, and that Leicester City Council had erred in law in judging that it was not a question of whether it is reasonable or not to remain when there was violence, but simply whether it was probable that further occupation would lead to violence or threats of violence that were likely to be carried out (Moroney, 2003). In retrospect, it was remarkable that the issue of intentionality regarding women made homeless by domestic violence should have taken so long to successfully reach the Court of Appeal, but when it did the impact was to create case law which was to make future applications to Homeless Departments by women in similar circumstances much easier.

Analysis revealed that there was a growing recognition of the *Local Authority* discourse and acknowledgement of the impact that the discourse was having on some applicants. Research reports commissioned by both Shelter and Women's Aid recognised and commented on the phenomenon. The Shelter research (Cramer and Carter, 2002) stated:

While services may claim to be gender-neutral ... there are historical, structural and social factors that lead to a gender bias or prejudice in service delivery.

(Cramer and Carter, 2002, p5)

The Women's Aid report "Routes to Safety" (Humphreys and Thiara, 2002) also found evidence of varied practice amongst local authorities, including one woman who a local authority refused to class as homeless unless her violent partner also left the property. In an interview for this PhD thesis a Policy Officer at Shelter put the continued reluctance of some local authorities, to welcome and accept homeless victims of domestic violence, down to the pressure on local authorities by the New Labour Government to show a reduction in homelessness levels and acceptances. This she attributed to an affect of homelessness prevention policy responses becoming mainstream and their effects targeted:

Shelter is concerned that the numbers are going down because people are being prevented from making an application. Preventing homelessness and preventing homeless applications are not the same thing.

(Policy Officer, Shelter)

The more 'traditional' gate-keeping discursive theme and distrust of homeless applicants was also visible in an interview with the Head of a Local Authority Homelessness Department:

And of course it is exacerbated by the fact that if you are in a high housing demand area people who want to move from outside, especially where you are in a seaside region, use domestic violence as a way to get in.

(Head of Homelessness, Local Authority Borough Council)

Several interviews with clients raised the difficulty of a new form of gate-keeping by local authorities; that is equity in owner-occupied homes being used as a reason not to permanently re-house homeless victims of domestic violence:

Because there's too much equity in the house they wouldn't give me accommodation so I could either go into a bed and breakfast in [x]. I'm not a very strong person and she [the homelessness officer] said, it's rough, you'd go back to him rather than go there, it's really bad, or they said you can rent privately but I had to have my own key money....

(Jenny, Women's Aid Client)

I felt that I had nowhere to go as I had equity in the property, what can you do? - You can't get help.

(Miranda, EASE member)<sup>34</sup>

In a time of high increase in house prices, local authorities were now stating that temporary accommodation only would be provided whilst the women took divorce proceedings and legal steps to have the family home sold and the released capital distributed by the courts. Responsibility for rehousing would then be their own responsibility.

### **The Diminishing *Reactionary* Discourse under the New Labour Government**

During the third and final phase of the English analysis, the *Reactionary* discourse was much less visible than in the first two phases. However, in attitudes to immigrants who had suffered domestic violence the discourse could be evidenced. In 1999 the Home Office introduced a 'spouses concession', which provided an exemption to the immigration rules for women experiencing domestic violence within their probationary period in the UK. This was introduced to limit the potential for the settled spouse or partner to use their position to exploit women's vulnerability and insecure status during this time. Through the concession, women could be given leave to remain in the country even if their marriage to a settled man had broken down. However, such victims had to provide 'satisfactory evidence' of domestic violence; such as an injunction, non-molestation order, court conviction, or full details of a relevant police caution (Butler, 2002). Although this could be seen to be an improvement for recent immigrants, it still meant that far more evidence was needed than for English women presenting as statutorily homeless. The concession was also granted a full eight years after a similar

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<sup>34</sup> EASE. (East Anglian Survivors Enterprise), is a confidential support group for survivors run by fellow survivors in Norwich

policy response was introduced in Australia. However, unlike Australia, no *Reactionary* backlash against the English provision was evidenced. From December 2002, the concession was altered so that if victims could not produce formal evidence, a medical report from a doctor confirming injuries consistent with domestic violence, or a police report, were allowed. Although this was a further relaxation of a hard line *Reactionary* position from the Conservative Government era, the policy response still displayed elements of the *Reactionary* discourse because discrimination was still being openly directed at immigrants. A Women's Aid briefing paper on this issue published in 2002 stated:

Some immigration laws and regulations effectively prevent women experiencing domestic violence from seeking protection and safety, and can be said to be operating in gross violation of human rights.

(Butler, 2002)

Women's Aid also called for exemption to the 'no recourse to public funds' rule for those experiencing domestic violence and subject to immigration control, stating that "Local refuge providers find it difficult to offer accommodation to women with uncertain immigration status" (Butler, 2002). This was because they received no money for rent or service charges, and the women frequently had no means to provide their own food and necessities. The limited measures that the New Labour Government took to right this situation is discussed in the section on the normalisation of the *New Labour* discourse.

### **The Emergence of the *New Labour* Discourse**

After the New Labour Government were elected in May 1997, they quickly acted to rescind the Housing Act 1996 restriction to house statutorily homeless individuals and families for a minimum period of two years. This had some impact on women made homeless due to domestic violence, although, as discussed earlier, such stringent provisions of the Housing Act 1996 had been restricted by the actions of proponents of the *Local Authority* discourse, and also because the two year restriction was in force for a short period of time. The Protection from Harassment Act 1997, which had been instigated by the previous Conservative administration, had some advantage for women affected by domestic violence who did not live with their partners. Likewise the Crime and Disorder Act 1998 contained grounds for evicting tenants guilty of anti-social

behaviour, which could include domestic violence. The Act also charged local authorities with creating crime reduction strategies, and this highlighted the extent of the crime of domestic violence in England and resulted in the development of domestic violence reduction projects.

However, it was not until the publication of “Living without fear: An integrated approach to tackling violence against women” (Cabinet Office and Home Office, 1999) that the *New Labour* discourse regarding homelessness attributed to domestic violence began to become apparent. The title of this document echoed the earlier “Families without Fear. Women's Aid Agenda for Action on Domestic Violence: Recommendations for a National Strategy”(Women's Aid, 1998), reinforcing the incorporation of elements of the *Feminist* discourse into the *New Labour* discourse. “Living without Fear” outlined a national inter-agency approach to the issue of violence against women and focused primarily on examples of good practice. A year earlier “Living Without Fear” had been projected as a National Strategy of Domestic Violence, but in fact the final document was downgraded from this original aspiration, although it remains the closest the UK has come to a national strategy on violence against women. “Living Without Fear” can be compared with the Australian National Strategy on Violence Against Women which was published in 1992, some seven years earlier. The Australian strategy document had caused a backlash by proponents of the Australian *Reactionary* discourse because it contained feminist interpretations of the causes of domestic violence. “Living without Fear” however contained no such examination of the causes of the problem, but centred instead on the criminal aspect of domestic violence, stating: “Violence against women is a serious crime which this Government is committed to tackling with vigour.”(Cabinet and Home Offices, 1999, Foreword) and: “The legal system must deter crimes of violence against women” (Executive Summary, Cabinet and Home Offices, 1999, p2). This discursive theme of the criminality of perpetrators was to become a recurring theme of the *New Labour* discourse, and led to a change in direction of policy responses regarding victims housing situations. The use of the word “serious” in relation to the crime of domestic violence was echoed in later police policy statements. This example of inter-discursivity, exhibits the power of the *New Labour* discourse, and is discussed in the following section.

By 2001 the discursive theme of criminality could be seen in a variety of documents, including the title of Greater London Authority's domestic violence strategy titled; "Addressing the crime of domestic violence. Developing a strategy for London" (Greater London Authority, 2001). The extent to which the *New Labour* discourse had become visible, and how far removed the discourse is from that of the *Reactionary* discourse can be observed in the following quotation from the strategy:

It is the responsibility of the state and the wider community to hold violent and abusive men accountable and to provide effective protection for abused women and children.

(Greater London Authority, 2001)

The development of the change in normalised discourse regarding domestic violence was picked up by the media. An article entitled "From Little Mo to IDS: Black eyes are the new black. Domestic violence is on the agenda - the first sign of feminised politics" (*The Guardian*, 11<sup>th</sup> December 2002) remarked on how "domestic violence is everywhere as an issue", and that Prime Minister Tony Blair had declared the issue "at the top of the criminal justice agenda". The article author remarked on how the Opposition Conservative Party had agreed to work with the Government to produce a Bill that would really make a difference to victims. This was a very different situation from the previous domestic violence legislation thirty years before, which had been opposed by proponents of the *Reactionary* discourse from within the Conservative Party. It is interesting to note that the journalist attributes the prominence of domestic violence as a policy matter to the feminisation of politics, and therefore as part of a process which can be traced back to the second wave of feminisms in the 1970s, which had also resulted in the founding of the refuge movement.

At this point the *New Labour* discourse had become normalised and this led to a huge raft of policy responses, which marked a turning point in the way that homelessness caused by domestic violence was perceived and dealt with.

## **Police Forces Accept their *Reactionary* Stance**

My analysis also revealed some remnants of the *Reactionary* discourse within the police force during the period between 1997 and 2005, but far more evident was an acceptance by the police that they had exhibited the *Reactionary* discourse in the past, and that this had now lessened. An example of this is evidenced in a newspaper quotation from the Home Secretary, Jack Straw, in which he stated; "We have left the dark days when people were told to stop bothering the police over 'mere domestics'" (*The Guardian*, 3<sup>rd</sup> June 1999). At this time specialist new domestic violence courts were piloted in England, some six years before this happened in Victoria. This policy response, and the situating of civilian crisis counsellors in two police stations to assist victims were some of the first policy responses that came about from the New Labour Government's commitment "to enhance the response of the criminal justice system to the crime of domestic violence." (Kelly, 1999, p111).

This was also evidenced in the widening definition of domestic violence that was used by HM Inspectorate of Constabulary from April 1999:

The term "domestic violence" shall be understood to mean any violence between current or former partners in an intimate relationship, wherever and whenever the violence occurs. The violence may include physical, sexual, emotional or financial abuse.

(Home Office, 2000)

In an article entitled "Police may face dismissal for domestic violence" (*The Guardian*, 5<sup>th</sup> December 2003), the word 'seriously' was used by an Assistant Chief Constable in relation to domestic violence when he stated, "If people don't think we take this seriously enough, how can we convince them to come forward?". In the same year "serious" was also used in the published "Domestic Violence Service Standards" of Norfolk Constabulary; "Every domestic violence incident will be treated seriously. No incident will be considered trivial" (Norfolk Constabulary, 2003). The use of "serious" in these contexts cues the reader to understand the criminal nature of domestic violence, and exhibits the *New Labour* discourse. In using this word the police were acknowledging that they had to convince victims of domestic violence that they would be treated with respect if they made a complaint. The change in police attitudes was

noticed by those interviewed, as demonstrated during an interview with a Local Government Officer:

I mean basically the police have come forward in the last ten years more than they probably have in the previous hundred and thirty; they've made huge strides.

(Head of Homelessness, Local Authority Borough Council)

Some of the reasons for this change of attitude came to light during an interview with the Head of Major Crime, which included the portfolio of domestic violence, for Norfolk Police Force:

Some of that is because the Government has obviously increased the focus on domestic violence, because it clearly has a substantial input, doesn't it, on the economy and the general well being of society and, I think, it has become less of a Cinderella, for want of a better term...

So there is substantial drive at the moment to make domestic violence a priority for police and other agencies. The Government is very concerned about violence and certain behaviour and I think domestic violence fits fairly and squarely in there. It is one where you ought to be able to have a fairly quick win actually. Because for domestic violence, when they do report it, pretty much, you are presented with the victim and offender at one location. So you have got the three things of the problem solving triangle that we all use, you have got them present at virtually every domestic so you should be able to tackle it and detect it all at the same time really, and so the Government have probably identified it, being slightly cynical, as an area where we make some quick wins in driving down violent crime.

(Head of Major Crime, Norfolk Constabulary)

Here then the police officer is making clear that he attributes the most recent changes in police attitudes to the impact of the policy responses that have emanated from the *New Labour* discursive theme regarding criminalising perpetrators.

### **The Normalised *New Labour* Discourse**

In 2002, the Office of the Deputy Prime Minister published "More than a roof: a report into tackling homelessness" (ODPM, 2002). This document was very open in its stance that focusing on the reasons why people became homeless was as important as ensuring an adequate supply of affordable housing. This recognition of agency as well as structural causes to homelessness was very different from that of the last Labour

Government of the 1970s, which had sought to tackle homelessness solely by the development of many new social homes. It was also different from the more *Reactionary* themes of the previous Conservative Government, which had attributed homelessness to reasons of personal inadequacy, fecklessness, and lack of personal responsibility. Instead “More than a Roof” talked of preventing repeat homelessness through support to reduce tenancy failure rates and resettlement services to help people make the effective transition to a new home. These discursive themes were to lead to the development of the Supporting People Programme the following year, which has some convergence with the ideology behind the Australian Supported Accommodation and Assistance Program (SAAP). It was also a precursor to the discursive themes of the Homelessness Act 2002, which is discussed in the following section.

“More than a Roof” also acknowledged the complexity of homelessness and domestic violence issues and that domestic violence was a significant cause of repeat homelessness, the prevention of which was a discursive theme of the *New Labour* discourse:

Homelessness is as much about a woman and her children being pursued by a violent man from one address to another as it is about the public image of a person sleeping in a cardboard box.... Domestic violence is perhaps one of the most complex of homelessness issues. It is a significant feature of the experience of homelessness for many women and their children.

(ODPM, 2002)

“Pursued” is a word associated with crime and terror, and when used here it was written not long after the ‘9/11’ terrorist attack in New York. This then is the use of deliberately powerful imagery regarding the nature of perpetrators of domestic violence, and the situation of their victims.

In 2001/2 there had been seven hundred and eighty thousand homelessness applications in total, and just under half of these were found to be unintentionally homeless and in priority need, and therefore ‘deserving’ of assistance. At the end of September 2001, nearly seventy eight thousand households were living in temporary accommodation.

Only fifteen percent of these were living in refuges<sup>35</sup>. The *New Labour* discourse was not anti-refuge and proponents of the discourse viewed:

The availability of safe secure accommodation for women either as a respite, or as a stepping stone to re-housing is critical and potentially life saving.

(ODPM, 2002)

The number of refuge spaces were to increase under the New Labour Government, as the way in which they were used as an enabling tool for women became more formalised.

### **The Links between Homelessness, Domestic Violence and Social Exclusion**

From the year 2000 onwards evidence emerged of the New Labour Government linking domestic violence and homelessness as manifestations of social exclusion. The destructiveness of social exclusion was a major discursive theme of *New Labour* and the linking of social exclusion to both domestic violence and homelessness signalled that both were going to be central to policy responses:

Domestic Violence currently wrecks the lives of thousands of women and children in the UK. It is a major cause of family distress and social exclusion and it is something which we are determined to tackle effectively.

(Home Office, 2000)

Two years later the “More than a Roof” publication also made the direct link stating “Homelessness is as much a manifestation of social exclusion as it is of housing market failures” (ODPM, 2002, p2) and:

Housing is fundamental to tackling homelessness but in isolation it will not deliver an effective solution. In 2002 homelessness is a manifestation of social exclusion.

(ODPM, 2002, p1 Foreword)

The priority that New Labour gave to social exclusion and the linking of this issue to homelessness resulted in a sea-change in the way that homelessness attributed to domestic violence was responded to. This process began with the Homelessness Act

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<sup>35</sup> There were less than three thousand refuge spaces in England in 1998.

2002 and was quickly followed by the Supporting People Programme, the Sanctuary Scheme and the Domestic Violence, Crime and Victims Act 2004. These are discussed below.

The Homelessness Act 2002 required local housing authorities to adopt a strategic approach to tackling homelessness. It also improved the protection available to people who were homeless through 'no fault of their own'. It achieved this by strengthening the duties owed to homeless people, by removing certain limitations on how authorities could assist homeless people and by giving authorities additional powers to assist homeless people who did not have priority need (Explanatory notes, Homelessness Act 2002). The Act also had major consequences for people made homeless due to domestic violence because, just as Shelter had been calling for since 2000 (*The Times*, 16<sup>th</sup> March, 2000), domestic violence became classified as one of the causes that could make a homeless person vulnerable, and therefore have a priority need for housing.

The Act exhibited the *New Labour* discourse of homelessness prevention because it required local authorities to publish a homelessness strategy every three years. This involved consultation with stakeholders, the conducting of a needs assessment and an audit of existing services. The strategy was also to include an assessment of resources, and a programme for preventing and dealing with homelessness. The "Good Practice Guide on Homelessness Strategies" (ODPM, 2002) stressed that:

Relationship breakdown is a major cause of homelessness and early intervention can help to prevent one or both partners becoming homeless... Advice and assistance can help to ensure that one partner, usually the one with children living with them, can keep the family home, or move to a more suitable one if, for example, there is a continuing threat of violence.

(ODPM, 2002, p44)

The linking of homelessness prevention with early intervention is a theme that is in accord with that of the *Progressive* discourse of Victoria. The prevention of homelessness by one partner remaining in the family home became an increasingly recurrent theme, which was later to include victims of violence remaining in the home. This, and the financial savings incurred from preventing homelessness in this matter are discussed later in this chapter.

The *New Labour* policy response of the prevention of homelessness has been criticised by some, such as Shelter, as becoming increasingly interpreted by local authorities as the prevention of statutory homelessness acceptances. This was revealed in an interview with a Shelter policy officer for this research:

The housing options interviews are not independent, as they are done by the local authority themselves, and usually the option to pursue a homeless application is held back until all other avenues have been explored.

(Policy Officer, Shelter)

This view was reflected during a further interview, this time with a Policy Officer at the Office of the Deputy Prime Minister (ODPM):

The housing options interviews are more like before people present as homeless... So in a way it's a way of trying to lessen the number of acceptances because I guess they [local authorities] feel a bit of pressure to kind of get those figures down.

(Policy Officer, Homelessness and Housing Support Directorate)

The intense pressure on local authorities to prevent homelessness resulted in the creation of a new form of policy response, the Sanctuary Scheme. This was designed specifically for victims threatened with homelessness by domestic violence but could not have come into operation without the second stage of *New Labour* policy responses regarding homelessness: the Supporting People programme.

The Supporting People programme was designed to overlap with the Homelessness Act 2002, and aimed to enhance services to some vulnerable sections of the community, including those made homeless by domestic violence, by providing housing related support (Housing Corporation, 2003). In 2003 the Homelessness Directorate, within the ODPM, merged with the Housing Care and Support Division, to form the Homelessness and Housing Support Directorate. This was the first time in England that policy responses to homelessness and housing related support had been brought together in a formalised way at the highest level. Indeed, prior to the discursive theme of the link between social exclusion and homelessness of the *New Labour* discourse, homelessness policy responses had centred around the provision of permanent housing, and training and guidance for individuals into how to manage their housing had been at best

incidental. This was very different from the situation in Victoria, where the federal Supported Accommodation and Assistance Program (SAAP) had, since its instigation in 1985, linked the provision of temporary accommodation for homeless people with housing related support. Some eighteen years after the implementation of SAAP, there could now be seen some convergence in the policy responses regarding homelessness attributed to domestic violence between the two locations, although in England the provision of accommodation still remained a statutory right for those found to be statutorily homeless.

The “Supporting People Guide to Accommodation and Support Options for Households Experiencing Domestic Violence” (ODPM, 2002) was published as guidance prior to the commencement of the programme in April 2003. The document detailed that Supporting People funded “floating” outreach support could be offered to: assist women to remain in their own home, whilst they were in temporary accommodation, or to assist them to settle into alternative permanent accommodation. This was on the condition that services were delivered via a support plan consisting of objectives, timescales and review periods agreed between the service provider and user. The funding was available regardless of tenure, and normally for a period of up to two years. In July 2003 Yvette Cooper, The Parliamentary Under-Secretary of State at the ODPM, announced that thirty four million pounds was available nationally for Supporting People domestic violence related projects. These services were normally provided by local non-government organisations. The total amount of funding for Supporting People in 2005 totalled over three hundred and fifty million pounds (National Audit Office, 2005). The reason for the relatively small percentage of this being spent on domestic violence housing related support, became clear in an interview with a Supporting People Domestic Violence Contract Officer, “It’s a relatively small amount of expenditure because it’s actually a relatively small group”<sup>36</sup>. The funding programme became the core funding for refuges, rather than the mixture of funding schemes that had operated previously.

Proponents of the *New Labour* discourse were not opposed to refuge provision, and numbers of refuge places did increase during this phase. But the emphasis was now on

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<sup>36</sup> Compared to other much larger client groups covered in the scheme such as the elderly living in sheltered accommodation and the young with housing related support needs.

homelessness prevention and on enabling victims to remain in the family home, as the following quote from the “Supporting People Guide to Accommodation and Support Options for Households Experiencing Domestic Violence” (ODPM, 2002) makes clear:

Many households experiencing domestic violence need housing related support, either to make it possible for them to remain safely in their own homes or, for those who cannot safely remain at home, to enable them to access and maintain safe alternative accommodation.

(ODPM, 2002, p7)

This quotation demonstrates how normalised the *New Labour* discourse regarding women’s rights to remain in the home had become in the first five years that New Labour were in power, and on the impact that this normalised discourse had on policy responses. The ODPM Homelessness Statistics report published in 2002 noted that the majority of homeless households escaping domestic violence were not staying in refuges and that it was particularly important that these people had access to outreach services, floating support and resettlement provision (ODPM, 2002). This discursive stance was confirmed in an article in the Women’s Aid magazine, *SAFE*, in 2005 when the Head of Housing Care and Support Division at the ODPM was quoted as saying:

We also recognise that many women may want to remain in their own homes, and that this is a choice that should be open to such women wherever it is safe and viable. Supporting People services can help by providing advice and practical support.

(Supporting People Consultation - a view from the ODPM. *SAFE*, 2005, p11)

In spite of the financial uncertainty, and funding cuts, that plagued the Supporting People Programme, from the time of its implementation in 2003 to the end of the research period, my analysis revealed widespread support for the programme from clients, providers and statutory agencies. This was exemplified by the following quotation taken from the Audit Commission’s National Report on Supporting People published in 2005:

The Audit commission’s unequivocal view is that the introduction of Supporting People has improved services for vulnerable people in need of housing related support services. It is a success story.

(SITRA, 2005, p1)

The English *New Labour* discourse regarding women's rights to remain in the home, had much in accord with the *Progressive* discourse of Victoria, and both became normalised at similar times. However, as the next paragraph regarding a specifically English New Labour policy response makes clear, there remained divergence in the way that these concurring discursive themes operationalised into divergent policy responses.

The Sanctuary Scheme was designed to enable victims of domestic violence to remain in their own homes more safely, through the provision of mobile phones, safe rooms and enhanced door and window security. The scheme was devised by a local authority officer at the London Borough of Harrow but was soon adopted and taken up as a policy response by Central Government, because the scheme incorporated both the cost saving and homelessness prevention discursive themes of the *New Labour* discourse. Police attending incidents offered the service where they considered it to be appropriate, and also offered an outreach worker from Women's Aid to talk through the victim's options. Crime Prevention Officers then made recommendations for appropriate safety measures. The scheme was voluntary and available to women living in any tenure. In addition to new and extra locks and lighting, personal alarms and the provision of a police mobile phone, a "secure sanctuary" was created in the home, converting a bedroom into a safe room through reinforcing doors and placement of bolts (ODPM, 2002).

The novel concept of the scheme was taken up by the media in article titles such as "Panic rooms' planned for domestic violence victims" (This is Local London, 2003) and "Victims offered help to beef up home security" (This is Local London 15th April 2003). A recurring theme of these articles was the assertion that it was wrong for women to have to leave their homes:

Why should women and their children be forced out of their homes away from friends and other family members? It is extremely disruptive and they can become even more vulnerable when they are isolated from their support network.

(Councillor Bobbie Watson of Hounslow Council quoted in This is Local London, 3<sup>rd</sup> October 2003)

Why should someone who is a victim of domestic violence lost the security of their home and end up in bed and breakfast accommodation at a high rent?

(Dave Gaywood, Bromley's domestic violence co-ordinator Bromley domestic violence forum, This is Local London, 15<sup>th</sup> April 2003)

The discursive themes of the *New Labour* discourse had therefore percolated out to the media. In answer to an oral question in the House of Commons, Yvette Cooper, the Parliamentary Under-Secretary of State at the ODPM, stated on 17<sup>th</sup> July 2003:

Interestingly, in Harrow-I think- work has been done to help families stay in their own homes by improving security and support for them in their homes, where that is an option. Many people would prefer that option to feeling that they have been turfed out of their homes by domestic violence.

(Yvette Cooper, Parliamentary Under-Secretary of State, House of Commons, 17th July 2003)

The use of the emotive phrase “turfed out” here reinforces the *New Labour* discourse regarding women’s rights to remain in the home and illustrates how far the party in power had come from the *Reactionary* discursive theme regarding men’s property rights of the 1970s.

A Homelessness Directorate publication “Reducing B&B use and tackling homelessness - What's working: A Good Practice Handbook” (ODPM, 2003) indicated that with thirteen percent of homelessness being caused by violent relationship breakdown, one of the advantages of the Sanctuary Scheme was that it averaged at a cost of only five hundred pounds per household, compared to the cost of temporary accommodation of sixteen thousand pounds per annum. A concern that Central Government were promoting the scheme in order to save money and limit the number of statutory homelessness acceptances came to light in several of the interviews conducted for this thesis:

So they like getting women into the sanctuary scheme, a) because it’s cheaper but b) because it means that somebody who’s applied as homeless doesn’t get accepted so you keep your numbers down so you look like your meeting the government target of reducing homelessness.

(Director, Greater London Domestic Violence Project)

The pressure on local authority homelessness departments by Central Government to reduce the numbers of people accepted, noted in this quotation, was also revealed through analysis of the Governments Best Value Performance Indicators, which were devised by Central Government to gauge the effectiveness (and funding) of local

authorities. These demonstrated how the power of the normalised *New Labour* discourse had been translated into disciplinary techniques. The purpose of “BVPI 225 Actions Against Domestic Violence” (ODPM, 2005/6, was to assess the “overall provision and effectiveness of local authority services designed to help victims of domestic violence and prevent further domestic violence” (ODPM, 2005). The indicator asked specific questions including:

Has the local authority developed, launched and promoted a 'sanctuary' type scheme to enable victims and their children to remain in their own home where they choose to do so and where safety can be guaranteed?

Has there been a reduction in the percentage of cases accepted as homelessness due to domestic violence that had previously been re-housed in the last two years by that local authority as a result of domestic violence?

(ODPM, 2005)

This linking within one performance indicator, of the implementation of the Sanctuary Scheme to the reduction in the amount of repeat homelessness caused by domestic violence cases, caused anxiety to several of the interviewees. They raised concern that the performance indicator did not include questions on whether the original provision of an outreach worker, to assist the householder, was being provided under the scheme:

You know, it's so typical when people roll out a model that they kind of look at it and they miss the vital point. The critical part is that you offer her an advocate or an outreach worker or floating support worker. So, what we're saying for a Sanctuary Scheme to be kind of acceptable to us i.e. safe; it's our criteria always that she must have the support worker first who will talk with her through all of her options and accompany her back to the housing department when she makes her choice about what housing she wants...

And then at that point she's saying 'Well I don't want the Sanctuary Scheme' but the housing department is trying to push her into it because if you accept a sanctuary scheme you don't qualify as homeless.

(Director, Greater London Domestic Violence Project)

Now in a sense, that's brought some good things like sanctuary, like, prevention and so on, but on the other hand it's brought in some problems. So for instance it does cause local authority officers in certain places not to want to take a homelessness application, but for the wrong reasons.

(Head of Homelessness, Local Authority Borough Council)

Not everyone is, is happy about the fact that homelessness departments might use the Sanctuary project to force women to stay rather than pursuing their statutory duty by offering them accommodation somewhere else or passing them onto another authority, and if you talk to homelessness staff you know that is an issue.

(Supporting People Domestic Violence Contract Officer Norfolk)

Shelter has a specific policy response to Sanctuary Schemes. In principle they are a legitimate response and a welcome addition to a range of options. However they must be optional and should not preclude a Part VII application either while the works are being done or at a later date.

(Policy Officer, Shelter)

These widespread concerns about the women's right to choose were tackled head on by ODPM staff, in a statement from the Deputy Prime Minister's spokesperson, in a newspaper article entitled "Councils fund 'panic rooms' for domestic violence victims" (*The Guardian*, 22<sup>nd</sup> February 2006):

The idea is that women can stay within their own homes rather than having to go into temporary accommodation. It helps their children stay in their schools and prevents them having to run away. Sanctuaries are only used where it's the clear choice of the woman and safety can be guaranteed. Every case is looked at individually.

(*The Guardian*, 22<sup>nd</sup> February 2006)

The matter was similarly tackled in an appeal to domestic violence professionals in Women's Aids periodical magazine *SAFE*:

The Sanctuary Scheme is a victim centred initiative. It is designed to enable victims to remain in their own accommodation, where it is safe for them to do so and where the perpetrator does not live in the accommodation. This means that those experiencing domestic violence do not feel compelled to move.

(Gale, Heyworth and Mulley, *SAFE*, 2006)

Criminalising the perpetrator was central to the viability of the Sanctuary Scheme, which was an intrinsic element of the *New Labour* discourse. In spite of the concerns expressed in the quotations above, when interviewed for this research, the Director of the Greater London Domestic Violence Project had positive things to say about the

scheme:

But if you look at those places, those boroughs where sanctuary schemes have been operating the longest, then you find an extremely high number of women, well over ninety percent, are still in that tenancy.

(Director, Greater London Domestic Violence Project)

However from some uneasiness about the scheme remained. In an article entitled “Room with a skewed view” the company secretary of a refuge remarked:

The answer to reducing the number of displaced families due to domestic violence is simple: treat the perpetrator like any other violent criminal likely to intimidate witnesses, don't release him on bail or give him light sentences. If safe rooms were proposed for older people who had been burgled there would be justifiable public outrage.

(*The Guardian*, 1<sup>st</sup> March 2006)

This statement acknowledged that the inception of the Sanctuary Schemes revealed English society's inability to protect women. This has some resonance with the payment of motel vouchers to perpetrators in Victoria in order to encourage them to leave. Both locations have devised unconventional policy responses in an attempt to overcome the undercurrent of *Reactionary* discourse concerning patriarchy and inequality of women, that if used on other victims of violence would seem extraordinary. The following section looks at the increased criminality of perpetrators in England, which attempted to offset patriarchal stances on the acceptability of domestic violence.

Unlike the Family Law Act 1996, which had received opposition from proponents of the *Reactionary* discourse when going through Parliament, the Domestic Crime and Victims Act 2004 did not cause a discursive battle. This was because the *New Labour* discourse had become so powerful both within Parliament, and throughout the general population, that a climate was created whereby arguments objecting to the criminalisation of perpetrators were unable to be heard. The strength of the Government's commitment was demonstrated in the use of the word ‘determined’ in the following quote:

The Government is determined to prevent domestic violence happening or recurring, and to protect and support all victims of domestic violence.

Analysis of media articles revealed quotations from Government Ministers reinforcing the commitment of the Government to oversee the passage of the Crime and Victims Bill through Parliament. These included “The Prime Minister has given his personal backing to the Bill”, and “No more excuses for domestic violence” from Harriet Harman the Solicitor-General (*The Guardian*, 2<sup>nd</sup> December 2003). At the time of the Third Reading of the Bill, The Home Secretary David Blunket was quoted as stating that the Bill "signals our commitment to tackle domestic violence and sends out the strong message that it is never acceptable" (Home Office Press Release, 27<sup>th</sup> October 2004). It was in this environment, with a large New Labour majority in the House of Commons, and the support of the Conservative opposition party, that the Act received Royal Assent on 15<sup>th</sup> November 2004.

As well as increasing the criminality of perpetrators the Act also widened the category of evidence that newly arrived immigrant victims could use as proof of the domestic violence they had suffered when applying for Leave to Remain. Victims of domestic violence who were subject to immigration control could still not access public funds until their application had been decided, but they could now get housing related support through the Supporting People Programme. In addition the Home Office set up a small, (eighty thousand pounds), ‘Last Resort Fund’ for refuge members of Women's Aid to use to help to meet the housing costs of a small number of immigrants in refuges.

The way that the Government dealt with recent immigrants who became victims of domestic violence therefore demonstrated increasing convergence to the Federal situation in Australia. In addition both Victoria and England had achieved some convergence in the development of pro-arrest police policies, and evidence emerged that convergence was also demonstrated at the end of the research period in both research sites judicial systems. This was evidenced in both locations in the piloting and subsequent expansion of specialist domestic violent courts. In both locations this was done in an attempt to curtail the very high attrition rates amongst domestic violence cases in both countries (Hester and Westmarland, 2005), and to promote the criminalisation of perpetrators.

Divergence remained however, in the way that the housing and homelessness aspects of domestic violence were being responded to in policy development. At the end of the research period both Victoria and England had normalised discourses, (*Progressive* in Victoria, and *New Labour* in England), which incorporated discursive themes concerning the criminalisation and removal of perpetrators from the family home. The ways in which refuge provision was used remained different, in spite of the housing related support available from 2003 in England. This is further examined in the following section.

### **The Use of Refuges under the Normalised *New Labour* Discursive Regime**

Throughout the third phase, the *New Labour* discourse contained a pro-refuge stance whilst at the same time looking “at ways of helping the victims of domestic violence stay in their own homes whenever possible” (Home Secretary, Rt Hon David Blunkett MP, Home Department, 2003). The positive attitude of proponents of the *New Labour* discourse could be seen in the increase to capital funding during the period 1997-2005, as well as the increased revenue funding available to refuges from the Supporting People programme from 2003 onwards. In that year the ODPM announced almost nine million pounds capital funding from the ODPM homelessness budget. Ten million pounds capital was announced from the Housing Corporation, towards additional refuge provision, and to fund a 24 hour free phone and online database service to help victims of domestic violence find available refuge accommodation. However in an oral answer to Parliament Yvette Cooper stated:

For many families suffering from domestic violence, refuge accommodation is not the appropriate response. Some can stay in their own home with appropriate support; others need different accommodation.

(Yvette Cooper, Parliamentary Under-Secretary of State, ODPM Oral answers to questions, House of Commons, 17<sup>th</sup> July 2003)

This then was a rather mixed message about the use of refuges. This may have resulted from the knowledge that refuges provided less expensive and better supported temporary accommodation than the bed and breakfast hotels that most domestic violence victims were housed in whilst their applications for statutorily homelessness were assessed, and then whilst they waited for permanent social housing to become available. A year later the Government introduced a Best Value Performance Indicator

requiring local authorities to ensure that one refuge place per 10,000 of population be available, a target which many local authorities were to fall short of (ODPM, 2005). This extent of this shortfall was revealed in an interview with a Supporting People Domestic Violence Contract Officer:

If you look at that in Norfolk it means we are approximately 48 units short...I have to accept that while the BVPI says 48 new units are necessary, I'm not convinced there is a need actually, I think it needs to be far more evidenced than it is at the moment at a local level.

(Supporting People Domestic Violence Contract Officer Norfolk)

The demand by proponents of the normalised *New Labour* discourse for the same level of refuge provision in England that the 1975 Select Committee on Violence in Marriage had called for, and which had never been achieved, demonstrates that the *Feminist* and *New Labour* discourses in England were in some agreement about the need for refuge provision. Where they differed however was that proponents of the *New Labour* discourse saw the refuge provision as a stepping -stone to the women being able to regain residency of the family home once the perpetrator had been removed and a sanctuary scheme had been installed. Previously in England refuges had been used as a holding centre to permanent local authority accommodation and the use of refuges as a training and support base in which to empower women to return to the original home was a very new concept. This can be compared with the use of refuges in Victoria, which had traditionally been used as a supportive stepping stone to empower women to enter the private rented sector, and which under the Victorian *Progressive* discourse (conterminously with the *New Labour* discourse), were now being used as tools to enable those that had left their homes in crisis to return.

The cost of domestic violence<sup>37</sup> was a recurring theme of the analysis of Phase Three, and was repeatedly used as justification as to why money was being spent victims. The linking of cost to policy responses was picked up in *The Guardian* newspaper the following year:

Its sad that women ministers still find it necessary to highlight domestic violence by focusing on the costs to the economy, but as one of them admits "sometimes it is the only way you can get through to male policymakers"

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<sup>37</sup> Estimated to be £23 Billion pounds per annum in the UK by Stanko in 1998 (Home Office, 2000)

The linking of policy responses to the cost of domestic violence was also commented on in interviews conducted for this research:

It works, it works, that's why we use it. It's partly because people don't see domestic violence as having a cost. It's not like property crime and so they don't see it as, it's not even like alcohol or street crime, you know, where you get windows of shops broken and that kind of thing. Because it's hidden, it's a very powerful way of kind of bringing it to public attention in way that really kind of grabs people's attention.

(Director, Greater London Domestic Violence Project)

Proponents of the *Progressive* discourse in Victoria also justified the use of policy responses to prevent homelessness caused by domestic violence on the cost of domestic violence. As with the development of unconventional schemes to enable female victims to remain in their own home in both research sites, it could be considered that justification of policy responses on the grounds of cost were attempts to mollify proponents of the *Reactionary* discourse in each location.

In 2005, the New Labour Government published a range of documents under the banner of "Sustainable Communities". "Sustainable Communities: Settled Homes; Changing lives: A strategy for tackling homelessness (ODPM, 2005) stressed the effect of agency on homelessness but also discussed the structural causes, and undertook to increase the supply of seventy five thousand mixed tenure new homes by 2008. This is a very different stance from that of the Victorian government, which has a dwindling supply of public houses in which to accommodate those in housing need. "Settled Homes; Changing Lives" recognised that the widening of eligibility under the Homelessness Act 2002 had created an increase in homelessness applications and more statutory acceptances by local authorities. Between 1997 and 2004 more than one hundred and forty six thousand homeless households were re-housed by local authorities because of domestic violence. The document stated that the Government were "considering changes to the homelessness legislation to improve the provision and take up of preventative services and housing options" (ODPM, 2005, p8). The discursive themes of working across government and homelessness prevention were a common theme between Victoria and England at the end of the research period. Although England had

moved towards Victoria in terms of the support offered to homeless people there was however no mention of the social policy of self-reliance within the English data. It could be considered that this was being hinted at in the proposed changes to homelessness legislation, although it was not possible to ascertain this by the end of the research period.

## **Conclusion**

This chapter has examined the dramatic impact of the *New Labour* discourse on policy responses to homelessness attributed to domestic violence. The power of the normalised discourse repressed proponents of the *Reactionary* discourse. But my evaluation of the *New Labour* policy responses such as the Sanctuary Scheme led to the conclusion that, as with the donation of motel vouchers to criminal perpetrators of domestic violence in Victoria, these responses would not have been necessary (or considered) if there had not been a need to overcome a *Reactionary* discourse.

In spite of the impact of the manifestations of the *Reactionary* discourses, both England and Victoria witnessed completely new conceptions of the causes, acceptability, and solutions to domestic violence from the time of the inception of the feminist refuge movement in both locations in the early 1970s. These were brought about by the concerted effort of feminists and their supporters regarding the equality of women.

## **11.4 Discussion on The English Findings**

Chapters Nine to Eleven have focused on the three phases of the English analysis. The key features of the four discrete competing discourses in each country and their discursive themes were revealed through a critical discourse analysis of historical and contemporary texts. As with the Australian data, inter-relationships between these discourses were examined in order to discover how each was able to influence policy responses regarding homelessness caused by domestic violence. This was done in order fulfil the aim of this thesis, to explore and understand how policy responses have developed as products of culture and attitudes to actual welfare provision.

The findings of the analysis show that in England the *Feminist* discourse became normalised at an early stage, but had to constantly compete with the Gate-Keeping

discursive theme of the *Local Authority* discourse, whose proponents sought to minimise the allocation of social housing. In addition proponents of manifestations of the *Reactionary* discourses wanted to prevent equitable treatment for women by lessening the ability of women to remain in their home, and created disadvantage for women within the justice system. The *New Labour* discourse became normalised once New Labour were elected to government in 1997. At that time the *Feminist* refuge discourse lost its power, and was mostly subsumed within the *New Labour* discourse.

Each of these English discourses therefore had an effect on English policy responses towards homelessness attributed to domestic violence. As Table Two has indicated, in England policy responses have tended to be instigated through legislative measures. The findings suggest that the *Feminist* discourse was responsible for the creation of feminist refuges. English feminists then chose to fight on, for victims of domestic violence to have the right to remain in the family home, and for the right to be permanently rehoused where this was not possible. This brought about the Domestic Violence and Matrimonial Proceedings Act 1976, and also ensured that some victims of domestic violence were included within the provisions of the Housing (Homeless Persons) Act 1977. The *Local Authority* discourse impacted on the homelessness legislation by gate-keeping the provisions of the legislation, which had the effect of preventing eligible applicants from being rehoused and of deterring women from applying for assistance. The *New Labour* discourse influenced the increased criminality of perpetrators, and the creation of alternative accommodation responses, which assisted women to remain in their home. The English manifestations of the *Reactionary* discourse delayed the passing of the 1976 and 1977 legislation discussed above, and caused inequitable treatment of women (compared to men) in the justice system.

The analysis therefore has contributed to a resolution of the research questions regarding how provision for the homeless is placed within social policy, historically and currently. The English proponents of the *Feminist* discourse were products of a construction of society based on a “cradle to grave” welfare state. These existing attitudes to welfare provision allowed English feminists to imagine their right to permanent resolution of their homelessness situation as a statutory duty of a local authority. The charting of the discourses, and their impact on policy responses has

assisted in an understanding of how homeless people are perceived, and the history of the cultural views of the homeless and the organisations that provide for them

In the next, and final, chapter this data is compared with the Victorian discourses, in order aid understanding of how policy responses developed as products of culture, and why and how differences in conceptions and discourses surrounding homelessness have developed in two nations with similar language, legal systems and rates of owner occupation.

# Chapter Twelve

## Final Conclusions

### 12.1 Introduction

This chapter reviews the areas of convergence and divergence within the cross-national discourses and policy responses, and reflects on the application of social constructionism within the thesis. An assessment is then made of the extent that the objectives of this research have been met and the research questions answered. This is followed by a final conclusion. This thesis has explained the context, methodology and research methods and findings of a comparative investigation of policy responses to homelessness in England and Australia. The research was conducted with three specific objectives: to explore and understand how these responses have developed as products of culture and attitudes towards welfare and state provision, to explore if, why, and how, differences in conceptions and discourses surrounding homelessness have developed in two nations with similar language, legal systems and rates of owner-occupation, and finally to investigate and interpret the policy context, and actual provision for homeless people, in the light of these differences by making links between cultural/historical discourses and impact on provision.

In doing so the research sought to answer the following questions for both countries:

- How is provision for the homeless placed within social policy, historically and currently?
- What is the history of cultural views of the homeless and the organisations that provide for them, and how has this shaped current policies?
- How are homeless people perceived?
- How do these perceptions differ between the two countries?

- What effect has this had on the provision of services and accommodation for homeless people?

The research aims were achieved to the extent that a valid contribution has been made by contributing to a resolution of how the specific cultural and historical context can empower or lessen the power of a discourse.

## 12.2 Convergence or Divergence?

The findings chapters have revealed how at each research site four discourses were identified, and divided into an analytical framework of three time periods. The duration and dates of each phase were defined by the discursive tipping points, which were identified through the analysis. This process revealed some areas of convergence between the cross-national discourses. In Victoria and England the *Feminist* and *Feminist Refuge* discourses both contained discursive themes of Feminism and Equal Rights for Women, as in both locations, at similar times, the second wave of feminism brought about new ways of constructing domestic violence. In both England and Victoria feminist women's organisation were central to changing discourses regarding domestic violence, and as a result specific policy responses concerning homelessness attributed to domestic violence were developed. However, from the start of the research period there were discernible differences in the discursive themes of the *Feminist* and *Feminist Refuge* discourses, and these differences arose as a result of the different cultural context that each discourse emerged from. The English *Feminist* discourse included a discursive theme concerning the Right to Remain (in the home), unlike the Victorian *Feminist Refuge* discourse, which centred on the Right to Leave (a situation of violence, for a place of refuge). Both discourses influenced the provision of domestic violence refuges, which indicates a degree of convergence, however my analysis revealed that during the time of normalisation of each of these discourses, refuges tended to be used for quite different purposes in the two locations.

In England refuges were used as 'holding centres' for women whilst their applications for statutory homelessness were processed, and then whilst they awaited allocation of

social housing. In Victoria, refuges were used as short-term supporting accommodation whilst women were empowered to enter the private rented sector.

The *Feminist Refuge* discourse in Victoria began to lose power before the *Feminist* discourse in England, but both were replaced by normalised discourses, which again displayed some convergence. The Victorian *Progressive* discourse and the English *New Labour* discourse illustrate similarities regarding their shared discursive themes of Criminalising Perpetrators of Domestic Violence, and Women's Rights to Remain in the Home. Divergence can be observed, however, in the policy responses that developed as a result of these normalised discourses. The Victorian 'Motel Voucher' policy was aimed at encouraging perpetrators to leave and was very different from the English Sanctuary Scheme, which was designed to protect women from violence from removed perpetrators. In addition, divergence can be observed in how refuges are perceived and valued within the newly normalised discourses. Proponents of the *New Labour* discourse continued to call for the provision of refuges as one of an increased range of policy responses, whilst proponents of the normalised Victorian *Progressive* discourse mostly rejected the use of refuges. In addition, in both locations of the study, opposing, *Reactionary* discourses influenced policy responses. Again these discourses have displayed convergence in their shared discursive themes of Anti-Feminism, Patriarchy and Resistance. However, there was also divergence between some manifestations of the *Reactionary* discourses. Whereas the English discourse contained strong themes concerning Men's Rights to Property, the Victorian version centred on Rejection of Feminist Explanations of the Causes of Domestic Violence. Furthermore, in both Victoria and England culturally specific discourses have emerged which bear no similarity to those in the other location. The *Indigenous* discourse called for Recognition of Difference, and for an acknowledgement of the effects of white colonisation. Perpetrators sought for culturally appropriate policy responses, which did not criminalise men. The English *Local Authority* discourse on the other hand, contained discursive themes of Gate-Keeping and Cost Saving, and emerged as a result of the creation of specific statutory duties for local authorities regarding housing provision for homeless people in the UK. Different discursive techniques have been employed in each location of the study to bring about changes, and the specific policy responses that have emerged are at least partly as a result of the different attitudes to welfare provision in each location. The extent to which the cultural and historical

context from which discourses emerge can lesson or empower a normalised discourse is further discussed below.

As discussed above, the English *Feminist* and Victorian *Feminist Refuge* discourses are essentially the same, but they have appeared in separate forms because of the different context from which they emerged. Discursive battles regarding property rights in England far exceeded those identified in Victoria, because the construction of homelessness in Victoria had come from the deeply ingrained Australian ethos of self-reliance and mateship, which had developed from the country's frontier history. This social construction prevented proponents of the Victorian *Feminist Refuge* discourse from being able to imagine that policy responses could, or should, include such permanent solutions to their homelessness. The English proponents of the *Feminist* discourse, however, were products of a construction of society based on a welfare state that was much more developed than in Australia. The "cradle to grave" philosophy of this construction had come about because of existing attitudes to welfare provision that allowed the English feminists to imagine their right to permanent resolution of their homelessness situation as a statutory duty of a local authority, rather than as a product of their own individual self-reliance. For Victorians, permanent accommodation could only be achieved through an individual taking responsibility to achieve their own housing solution, through their own personal efforts. Likewise, the discursive themes identified in the legislative definitions of homelessness (attributed to domestic violence) in Australia and England differs, and therefore illustrates a lack of shared discourse around homelessness in the two countries. It is my contention that statutory definitions of homelessness in Australia and England did not just come out of "nowhere", but rather came out of cultural attitudes to social policy in each country.

### **12.3 A Reflection On The Application of Social Constructionism Within The Thesis**

The application of a social constructionist epistemology within this thesis entailed encompassing a theory of knowledge that proposes that our understanding of reality has been socially created (Hastings, 1998). One of the ontological criticisms of social constructionism is that this understanding can misrepresent society, and can also lead to

denial that the social world actually exists. Somerville and Bengtsson argue that a constructionist epistemology can involve thinking of human problems as discourses which are only credible for certain people at certain times, and that this viewpoint can discourage thinking about justice issues and about human rights. However, this thesis did explore issues of rights and justice, by revealing the political and ideological context in which homelessness attributed to domestic violence has been addressed in England and Victoria, and also by exploring how different interest groups in these locations engaged in the struggle to influence relevant policies. My research demonstrates that the social construction of domestic violence changed as textual definitions of domestic violence alerted to encompass wider forms of abuse than merely physical violence alone. At the same time the research has revealed how the previously 'inevitable' links between domestic violence and homelessness were, later on in the research period, increasingly portrayed as no longer inevitable, and indeed questionable. This challenge to the previous feminist construction of discourses on domestic violence (that it was a problem of homelessness, and that domestic violence almost inevitably led to homelessness) caused policy responses to the problem to alter over time. The explanation of the political and ideological context of homelessness attributed to domestic violence within this study has therefore not ignored social injustice issues, but rather has sought to expose them within an historical context. The social constructionist epistemology used enabled a review of taken for granted definitions of domestic violence and homelessness and in doing so exposed the connections between political and cultural processes, and how these led to a change in the social construction of homelessness attributed to domestic violence in each of the research sites. Although the social constructionist strand of sociological theory has been criticized as being too subjective (Somerville and Bengtsson, 2002), this study attempted to avoid this by conducting a very detailed analysis of textual data from interviews, media articles and documents throughout the research period.

Critical discourse analysis has, over the last two decades, proven an acceptable methodology to use within a social constructionist epistemology in order to highlight antagonism between and within groups. Because this thesis has looked at the ways in which groups and individuals used language to promote ideology, in order to bring about political change, it was a study of the 'exercise of power' (Marston, 1999). I agree with Marston that a methodology using linguistic discourse analysis could not have

theorized the social and political context of the subject adequately. However, through the use of both critical discourse analysis and historical methodologies this thesis has been able to shed new light on how, and why, the construction of homelessness attributed to domestic violence altered in each of the research sites, and why there were differences in the construction in England with that of the construction in Victoria. An identified strength of critical discourse analysis is that it does not focus only on the decision making process (Jacobs, 2006), but instead takes a step back in order to examine how policy change were facilitated at an earlier stage. This study used critical discourse analysis in this way, to expose the power struggles that led to policy change, and in doing so re-emphasized the role that this interpretative methodology can play in social policy research. Although some have criticized discourse analysis as having little practical relevance (Lees, 2004), this thesis has sought to demonstrate that an understanding of how and why contemporary policies have developed assists policy makers to make objective decisions regarding how they should be amended and altered in the future.

Discourse analysis has also been criticized as being open to bias and distortion, because researcher can select textual evidence that supports their arguments and ignores those that do not (Jacobs, 2006). In this study textual data from interview transcripts, media articles and policy documents were initially given a detailed reading. From these initial readings notes were made and from these themes began to emerge. These themes were classified and grouped according to the discourses they exhibited. Following the initial readings further examination of the texts allowed the themes to be further revealed and classified into specific discourses. An analytical framework was then developed incorporating each of the four discourses that had been revealed in each research site. In doing this I remained aware that media and documentary texts are usually written for particular audiences and that this can influence the language used within them. I was also aware that published policy documents are often 'sanitised' end results of a negotiated process. However, I was also conscious that it is the ideology portrayed in the final version that reveals the end result of a discursive battle. Although the discursive struggle over a particular document may not have been revealed by a discursive analysis of the final version, the stance of those who made the final decisions regarding wording frequently is, and this of itself can be valuable information.

## 12.4 Final Conclusion

The central argument, and contribution to knowledge, of this thesis is that we cannot ignore how cultural and historical context lessens or adds to the power of a discourse. This study has lessons for more general knowledge on how policy responses develop, and this could only have been obtained from a comparative study. Prior to this research there was a gap in the literature, in the sense that relatively little was known about the policy process as it affects this group of people. I have used the research methods in an original way by combining a gap in the literature concerning people whose homelessness is attributed to domestic violence with an exploration of how policy responses develop, by using a comparative study based on the epistemology of social constructionism underlying a discourse analysis method. My findings confirm that a dominant ideology can explain continuity and change in social, cultural and political debates (Kemeny, 2004). The findings of Abrar et al (2000), using coalition theory, concerning the impact of 'advocacy' and 'traditionalist' coalitions on legislation and practice regarding domestic violence have been further developed in my research. Discourse analysis had been better able to take forward understanding of the nuanced and complex interplay between discourses and policy responses. My findings suggest that this may be helpful in providing general lessons in policy development in any field.

There were limitations to the research, in that it involved a historical study and discourse analysis covering more than a thirty-year period, in two distant locations. A great deal of data collection and analysis was therefore involved. This stretched the capacity of a lone researcher, and consequently the thesis was submitted six months later than was originally envisaged. There were, nether the less, interesting findings from examining the underlying cultural and historical explanations for how, and why, policy responses to homelessness have altered over time. One of the claims of originality of this research is that it is not merely about process, but rather seeks to understand what has occurred 'below the surface'. I have utilised existing theories and methodologies and applied them to my own data and analytical framework, in order to inform our understanding of the dynamic relationship between discourse and policy. The linking between different aspects of the research made it innovative and distinctive. Further research will be needed in the future to establish what ongoing influence the existing

discourses, and those yet to emerge, have on policy responses for homelessness attributed to domestic violence.

Originally I had envisaged that the thesis would contain policy recommendations, because I came from a practitioner background and I initially felt that that it was important that some 'real' benefits were gained from three years of my time, and three years of bursary payments. However, the research process has helped me to understand how very complex the policy process is, and that cultural/historical circumstances have to be understood in order to understand how discourses develop, and go on to influence policy responses. Without knowledge of the historical and cultural context and impact of white settlement in Australia the *Indigenous* discourse could not be fully understood. Policy recommendations are therefore not transferable without taking into account how, and why, discourses have developed. This thesis has demonstrated that Australian and English policy responses to homelessness attributed to domestic violence, which on the surface can appear very similar, have actually emerged from very different constructions of homelessness. The policy responses to homelessness in the two countries both include refuge provision, but because the long-term housing solutions after this take diverging routes, the attitude to, and use of refuge provision, is quite different. Whilst policy responses may on first sight seem similar, a closer inspection of how these responses came about show differing attitudes to homelessness which are revealed, at least in part, in the discourses surrounding the issue in each country.

“The philosophical basis of social constructionism is the idea that social reality is not fixed and objectively determined” (King, 2004, p37). This thesis has used this epistemology against a comparative background in order to examine and compare policy responses to homelessness in England and Australia. The use of a methodological lever has allowed an understanding of why two countries with similar language, legal systems and rates of owner-occupation have defined homelessness differently, and why although both have accepted that they have to do something about homelessness, they have chosen differing policy responses. As far as I am aware this has been an innovative attempt at comparative discourse analysis and has demonstrated its usefulness as a methodological tool in understanding policy responses with which the researcher is familiar. There is also a broader contribution, as the same theoretical

and methodological approach could be used to analyse the development of policy in any field.

## **APPENDIX ONE**

### **Semi-Structured Interview Guide – Policy Makers and Housing Professionals**

Thank you for agreeing to see me today. I would like to talk to you about policy responses to homelessness, as part of my PhD research. I will ask you some questions, but we will also see where the conversation takes us if that's all right. I shouldn't take up more than an hour of your time.

1. Can you outline to me responses to homelessness here?
2. What then is the essence of these responses?
3. Has it always been like that? – Where do these policies come from?
4. Who do you think are the main players trying to alter and develop policies on homelessness?
5. Who plays that role?
6. Are there different views on how homelessness should be tackled?
7. Which views have become dominant, and why do you think this is?
8. How did the organisations that lobby for, and work with homeless people come to be?
9. How has policy on homelessness changed over the years?
10. How effective do you feel current policy responses are?
11. Are there more or less effective now than they were in the past?
12. Why do you think this is?
13. Do you think there will be changes to homelessness policy in the future?
14. What do you think will cause these to come about?
15. How are homelessness policy responses linked in with other welfare policy provision?
16. How do you think homeless people are perceived?
17. What are the media images of homeless people here?
18. Has there been a change over the years in the way homeless people are viewed?
19. What effect do you think this has had on the provision of services and accommodation?
20. Do you feel there is a gap between what the policies intend to achieve and what actually happens?
21. Are there specific policies on homelessness caused by family or domestic violence?
22. How did these policies come to be? – Where have they come from?
23. Are people who have had to leave home due to dv viewed any differently from other homeless people?

### **Semi-Structured Interview Guide – Client**

Thank you for agreeing to see me today. I would like to talk to you about how you came to be homeless as part of my PhD research, is that ok? I will ask you some questions, but we will also see where the conversation takes us if that's all right. I shouldn't take up more than an hour of your time.

1. Could you tell me a little about how you came to be here, and your experience of dv?

2. How did the violence affect your life (and your children's)?
3. What made you decide to leave?
4. Did you try other options first?
5. Have you planned to come here, or did you leave all in a rush?
6. Had you considered other options? (If prompted, injunctions, police, getting him to leave etc)
7. Did you feel you had a choice about leaving, or about where to go?
8. Was your last home owned by you or your ex-partner or rented?
9. Were you financially dependent on your ex-partner? – Has being short of money contributed to you becoming homeless?
10. Have you had to move away from family/friends/support in order to come here?
11. What made you decide to ask for help at the refuge?
12. Did you think you had any other options?
13. How did you feel about moving into the refuge?
14. How did you know where to seek assistance?
15. How do you think the general public views women who become homeless because they are escaping dv?
16. How do you think all homeless people are viewed?
17. What makes you think this?
18. What happens next? – Where do you think you will go from here?
19. Have you applied for private rented/public housing?



Research into

**Experiences of homelessness in Australia and England**

I am an independent researcher/PhD student working on a study looking at homelessness in Australia and England. I am especially interested in talking to people who have left their homes because of domestic or family violence.

I would like to like to talk to you about your opinions, experiences and thoughts. The interview will take about I hour.

**If you agree to take part in the study any information you give me will be treated in absolute confidence**

.....

*TAKING PART IN THE STUDY IS ENTIRELY VOLUNTARY AND YOU MAY CHOOSE NOT TO TAKE PART OR TO DROP OUT AT ANY TIME.*

*I HAVE HAD AN OPPORTUNITY TO DISCUSS THE STUDY WITH THE RESEARCHER AND ALL MY QUESTIONS HAVE BEEN ANSWERED TO MY SATISFACTION. I HAVE VOLUNTARILY DECIDED TO TAKE PART IN THE STUDY AND I AM HAPPY TO TALK TO THE STUDY RESEARCHER ABOUT MY EXPERIENCES*

*Signed .....Date*

*Name .....*

*Signature of researcher*

*Please keep a copy of this consent form .....*

*PTO*

## WHAT WILL PARTICIPATION IN THE STUDY INVOLVE?

- Taking part in the study will involve you having an informal interview with me about your experiences, thoughts and opinions. The interview will take about an hour. You would be free to stop the interview at any point and withdraw from the study with no questions asked.
- If you agree to talk to me I would like to tape record our conversation. You will be able to listen to the tape or have a written copy of what was said to make sure you are happy with it.
- Any information you give me will be treated in confidence. No one will know that you took part in the study and all conversations will be anonymised (that is, no-one will be able to trace who has said what). The information will be kept safely for three years and then destroyed.

## WHAT ARE TIMESCALES FOR THE RESEARCH?

Between February and June 2005 I will be based in Australia and will be visiting a number of different projects to find out what support is available for people who have had to leave home as a result of domestic or family violence.

After June 2005 I will return to England and will be looking at similar projects in the north of England.

I hope to complete the study by the end of 2006 and you would be more than welcome to have a copy of any reports or articles that come out of the study if you wish to. I would also be happy to discuss the result with you.

## WHAT IS THE STUDY ABOUT?

My research is focussing on why England and Australia, two countries with a shared language, legal systems and rates of owner occupation have different definitions of homelessness and different policies to help people who are homeless.

My study is concentrating on those people who have had to leave their homes because of domestic or family violence.

## WHO AM I?

I am a PhD student from Sheffield Hallam University in England who is investigating policy responses to homelessness in Australia and England. I have previously worked in homelessness projects in the UK for fifteen years.

## More Information:

If you would like more information about the study or have any questions you would like to ask me you can contact me on

[angiespinney@hotmail.co.uk](mailto:angiespinney@hotmail.co.uk) or telephone: (03) 9 531 7158

My supervisor at Sheffield Hallam University is Sarah Blandy and she will be happy to confirm that I am a genuine researcher. If you would like to contact Sarah please email her at:

[S.Blandy@shu.ac.uk](mailto:S.Blandy@shu.ac.uk)

## **APPENDIX TWO**

### **Anonymised Interviewees – Victoria**

5 women who became homeless due to domestic violence  
2 Domestic Violence Outreach Workers – Melbourne  
1 worker in Community Legal Centre  
1 policy officer for domestic violence peak advocacy organisation  
1 policy officer for homelessness peak advocacy organisation  
1 Manager Women’s Health Organisation  
1 DV worker – Women’s Health Organisation  
1 Manager – feminist refuge collective  
2 workers – feminist refuge collective  
1 Chief Executive – indigenous refuge  
1 Director – WIRE  
1 Manager – Women’s Information, Support and Housing Organisation  
2 Refuge workers – Geelong  
2 Refuge workers – Ballarat  
1 Manager – indigenous women’s DV service  
1 indigenous housing worker  
1 Police DV liaison officer  
1 Project Officer – DV Vic  
1 Development Co-ordinator – Moreland City Council  
1 Policy Officer – Council to Homeless Persons  
Academics at Swinburne University  
1 Manager Homelessness Assistance – Office of Housing  
1 Manager Homelessness Support (Domestic Violence) – Office of Housing  
1 Co-ordinator – Housing is a Human Right Project

### **Anonymised Interviewees – England**

6 Women who became homeless because of domestic violence  
1 DV Outreach Service Co-ordinator  
1 DV Outreach Worker  
1 Supporting People Lead officer  
1 Supporting People Contract Officer – DV  
1 Supporting People officer  
1 Local Authority Housing Strategy Officer  
1 Chair of Norfolk DV forum  
1 Head of Homelessness – Local Authority  
1 Policy Officer, ODPM  
1 Chief Executive Greater London DV project  
1 Policy officer – Shelter  
1 Head of Major Crime (responsible for DV) – Norfolk Police

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