'Hysterical' Women:

A narrative analysis of gender and mental illness in Domestic Violence Order applications lodged against Queensland women

Grace Norrie, The University of Queensland Em: grace.norrie@uq.net.au

BACKGROUND

In Queensland, a domestic violence order (DVO) may be granted when the applicant is in danger of further violence from the respondent. However, research demonstrates that perceptions of the respondents' dangerousness are affected by the narrative representation of sociodemographic characteristics within the application^{1,2}. Understanding the subjective nature of DVO applications is therefore an important practical concern.

FINDINGS

Applicants described female respondents' mental health in three different ways:



This study explores the representation of *female respondents' mental health* in DVO applications, in relation to their portrayed dangerousness. It draws on:

FEMINIST THEORY: 'DOUBLE DEVIANCE'

•Women's violence is commonly perceived to be caused by mental illness, regardless of its clinical presence^{3,4} rather than rational choice

EMPIRICAL EVIDENCE OF THE 'DANGEROUSNESS STIGMA'

•The general public perceives a higher level of danger from mentally ill individuals (diagnosis known or merely perceived)⁵

RESEARCH QUESTIONS

2. When applicants described female respondents as mentally ill, they typically constructed this as causal of her domestic violence:

No mental illness	Mental illness (known)		Mental illness (suggested)
 Depicted as being caused by individual and life stressors such as financial or relationship difficulties, arguments 	 Nearly 3/4 of applicants constructed DV as being caused by the woman's known mental illness 		 Although no mental illness was known, applicants suggested the cause of DV "must" be mental illness
Respondents described as mentally ill were largely portrayed a			

 Respondents described as mentally ill were largely portrayed as more dangerous than mentally healthy respondents. Methods of portraying this danger included:

Emphasising others' fear of mentally ill respondents – not the case for mentally healthy women

- 1. In what ways do applicants describe respondents' mental health?
- How do applicants portray the *cause* of female respondents' domestic violence?
- 3. How do applicants portray the *danger posed by* female respondents, when they describe the respondent as 'mentally healthy' vs. 'mentally ill'?

METHODS

Narrative analysis was conducted on the 'testimonies of abuse' contained within a sample of private applications lodged against women in an urban Magistrates Court (N=40). These applications were drawn from a representative sample lodged between financial years 2009-10 and 2013-14, collected as part of a larger research project on domestic violence in Queensland⁶.

6. Grounds for a protection order

Describing mentally ill women's violence against/in front of children with more detailed, emotive language

Explicitly describing mental health symptoms as 'abusive' towards children, even when no harm was caused

CONCLUSIONS & IMPLICATIONS

- 1. Many applicants perceived women's domestic violence to be caused by mental illness. In some cases, mental illness was suggested as the cause of violence committed by women with no known mental health issues. This seems to suggest that the feminist theory of 'double deviance' is applicable within the DV context.
- 2. Women described as mentally ill were broadly depicted as more dangerous than mentally healthy women. This may be due to the

State grounds as to why a protection order is necessary or desirable to protect the aggrieved. It must be shown that domestic violence has occurred. Include specific example of behaviour by the respondent. Attach extra pages if necessary



Figure 1: Question 6 of the 'DV1' form, lodged to the Queensland Magistrates Court as part of a DVO application

dangerousness stigma; however, further research is recommended.

These findings highlight the subjective nature of the Queensland DVO application process, and the ways in which applicant testimonies may be influenced by societal perspectives and stigmas.

ACKNOWLEDGMENTS & REFERENCES

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^{1:} Durfee, A. (2010). The gendered paradox of victimization and agency in protection order filings. In V. Garcia & J. E. Clifford (Eds.), *Female Victims of Crime: Reality Reconsidered*. New Jersey: Prentice Hall. ^{2:} Durfee, A. (2011). "I'm not a victim, she's an abuser": Masculinity, victimization, and protection orders. *Gender and Society, 25*(3), 316-334. ^{3:} Chan, W., Chunn, D. E., & Menzies, R. (2005). *Women, madness and the law: A feminist reader.* London: The GlassHouse Press. ^{4:} Smart, C. (1989). *Feminism and the power of law.* New York: Routledge. ^{5:} Link, B. G., Phelan, J. C., Bresnahan, M., Stueve, A. & Pescosolido, B. A. (1999). Public conceptions of mental illness: Labels, causes, dangerousness, and social distance. *American Journal of Public Health, 89*(9), 1328-1333. ^{6:} Fitzgerald, R. & Douglas, H. (2015). *Domestic violence order applications in Queensland, 2008-09 – 2013-14: Results from the Queensland Wide Interlinked Courts system (QWIC).* Unpublished report presented to Department of Justice and Attorney General, Queensland, December 2015.