



## Irish women's ongoing experiences of domestic abuse in cases of separation and divorce

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Author(s)	Crosse, Rosemary; Millar, Michelle
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### **Abstract**

The issue of post separation abuse is a significant problem for women. This qualitative research examines Irish women's experiences of domestic abuse in cases of separation and divorce. Findings show that methods of abuse change upon separation and perpetrators can utilise institutions of the state to continue their abusive behaviour in a new forum and can continue long after marital dissolution is finalised. Such behaviour is legitimised by the state's non-action and enabled through women's previous experiences of institutional processes associated with separation and divorce which resulted in feelings fear and distress.

### **Keywords**

Separation, Divorce, Domestic Abuse, Court related abuse and harassment

### **Introduction**

Domestic violence in all forms is a pervasive, endemic and significant social and public health issue (Buchanan, 2008) and is one that has political, physical, emotional, social, legal and economic ramifications (Jordan, Campbell & Follingstad, 2010; Roberts, Chamberlain & Delfabbro, 2015). Separation and divorce is often seen as an escape from abuse and studies have highlighted domestic abuse as reasons for separation or divorce (Wolcott & Hughes, 1999; Amato & Previti, 2003; Scott, Rhoades, Stanley, Allen & Markman, 2013). However, research shows that despite separation and divorce abuse can continue long after the legalities of dissolution are finalised (Women's Aid, 2015; EFRA, 2014; Humphreys & Thiara, 2002) and that institutions of the state can be used as means to continue the perpetration of abuse (Zeoli, Rivera, Sullivan & Kubiak, 2013; Vollans, 2010; Jaffe, Crookes & Bala, 2005).

Based on qualitative research, underpinned by a feminist approach, this paper explores the experiences of fifteen Irish mothers with primary school aged children who have undergone a legal separation and/or divorce. Analysis utilising the voice centered relational method (VCRM) uncovers narratives of domestic abuse which are articulated throughout ten of the participants' separation experiences. Consistent with other research (Women's Aid, 2015) the continuation of abuse following separation is a significant problem for women in Ireland.

Findings from this research show that forms of abuse change upon separation and continues at two levels. Firstly, there are more ambiguous forms of abuse perpetrated by ex-husbands the undertone of the abuse suffered regardless of type, was in most cases permeated with some form of intimidation whether through aggression, verbal demoralisation or the incitement of fear. Secondly, the findings show that after separation new methods of abuse are enabled through the utilisation of state institutions, specifically the courts and social services consistent with research from other jurisdictions (Vollans, 2010). In addition, this research also shows that such abuse is sometimes facilitated by institutions of the state both through their failure to protect and through the intimidating nature of legal and protection processes. Highlighting how intimate relationships as a realm of abuse interact with other social structures to intimidate.

### **Domestic Abuse: Definitions, Explanations and Prevalence.**

There are many competing definitions of domestic violence evident in Irish research (Kearns, Coen & Canavan, 2008). The standard definition utilised in Ireland today comes from the Task Force on Domestic Violence established in 1997, which defines domestic violence as:

*The use of physical or emotional force or threat of physical force, including sexual violence, in close adult relationships; this includes violence perpetrated by spouse, partner, son, daughter or any other person who is a close blood relation to the victim (The National Task Force on Violence against Women, 1997).*

More recently there has been an acknowledgement of other areas of abuse that warrant inclusion in such definitions. As such domestic violence can be defined as:

*[...] encompassing mental, physical and sexual violence, actual or intimidated”, along with; “being made to have sex without giving consent, mental cruelty, isolation from family and friends, deprivation of family income or car, prevented from taking up employment, or attending education or training; deliberate damage to pets, clothes, property or other personal items (Kelleher and Associates and O'Connor, 1995).*

The central premise of family law in Ireland pertains to both the economic and physical protection of the vulnerable. However, there are other forms of abuse such as emotional and verbal abuse which are less tangible and therefore more difficult to prove. This refers to the way some perpetrators gain control over women by using intimidating tactics such as name-calling, insults, humiliation, threatening comments and mind-games. The irony of verbal abuse is that it is hidden, difficult to prove, minimised in society and yet is one that so many women identify as hurting them the most (McGovern, 2012).

For those that do undergo a dissolution of marriage there are copious ways in which abusers continue to control and harass ex-wives, non-compliance with maintenance orders (Carbone, 1994); not having a voice in legal proceedings because of unequal bargaining power, often leading to agreements being made in situations of duress, resulting in interests not being protected at the time of separation/divorce (Landrum, 2011). Zeoli, et al (2013) highlight the tactics and techniques which abusers exploit to attempt to control and harass their ex-wives. Emotionally abusive tactics include; undermining the mother's confidence as a parent; playing mind games and verbal degradation. Other forms are subtler and include court-related abuse and harassment (Zeoli et al., 2013), which is a form of abuse that is particularly pertinent to situations of legal separation and divorce, defined by Vollans (2010) as use of ongoing litigation through judicial and quasi-judicial systems to continue to harass and abuse. Whereby perpetrators of abuse may use legal means as a form of on-going harassment; such means can become a tool for abusers to continue their abusive behaviour in a new forum. These situations may include;

- Using the court system improperly through multiple and often disingenuous court applications;
- Using the process to humiliate and traumatise, often utilising personal histories as a weapon;
- Manufacturing evidence or crisis;

- Financial abuse by using the court process to delay maintenance payments and utilising processing time to liquidate assets or cause financial hardship;
- Threatening solicitors as a way of isolating supports;
- Using public servants/services to harass i.e. by making false allegations of child abuse or neglect (Vollans, 2010 pp.5, 6).

While there are protective mechanisms in place to deal with physical abuse, the issue of protection from other forms of abuse are ambiguous. According to Vollans (2010), in situations of court-related abuse and harassment an abuser can act with impunity because there is reluctance by judges to stop them. Her research suggests that judges do not exercise their discretion to prevent abuses of the court process and consequent abuse of ex-wives.

The European Union Fundamental Rights Agency (EFRA)<sup>i</sup>, reported that 14% of women in Ireland have experienced physical violence by a partner since age 15. 6% of Irish women have experienced sexual violence by a current or former partner and 31% have experienced psychological violence by a partner, with 12% experiencing some form of stalking (EFRA, 2014). It is estimated that one in five women in Ireland have been abused by a current or former partner (Women's Aid, 2015). However, it is believed that the figures are much higher as the true extent of experiences of domestic violence is unknown, with available data considered to significantly underestimate the magnitude of the issue (Mouzos & Makkai, 2004; Roberts et al, 2015).

An Irish study conducted by Watson and Parsons (2005) reported that 40% of victims who disclosed being severely abused said that the abuse continued after the relationship had ended. Indeed, 23% of women who contacted Women's Aid<sup>ii</sup> in 2015 disclosed that they were abused by an ex-spouse or partner. The types of abuse reported after the relationship ended included, physical and sexual assaults, stalking, harassment by phone calls, text messages or social networks, publicly humiliating the woman, and injury to her new partner, home and property (Women's Aid, 2015). Also, UK research suggests that 76% of women who have separated from abusive partners suffer post-separation violence. Of these women, 76% were subjected to continual verbal and emotional abuse; 41% were subjected to serious threats, (either towards themselves or their children); 23% were subjected to physical violence; 6% were subjected to sexual violence (Humphreys & Thiara, 2002).

According to Gordon (1988), women's economic dependency allows them to be subject to physical, sexual or psychological abuse by their husbands. Women have what has been described elsewhere as an asymmetric ability to exit from marriage and this gives husbands considerably more power within marriage (Satz, 2013). In cases of separation and divorce research shows that domestic abuse victims often suffer from continued abuse in the form of court related abuse and harassment which can have a significant impact on the economic security of the family (Eldar-Avidan & Haj-Yahia, 2000).

Studies on the impact of domestic violence on women's mental health suggest that depression, anxiety, lower levels of self-esteem and in some cases post-traumatic stress disorder are all common experiences (Roberts, Lawrence, Williams & Raphael, 1998) and are a consequence of the cumulative nature of the abuse (Roberts, et al 2015). Qualitative research in Scotland revealed that experiences of domestic abuse resulted in long lasting fear and trauma explained by the frequency and prolonged nature of abuse suffered, which for many lasted years after separation had occurred (Pain, 2012).

This study gives first hand expression to the voices and experiences of mothers who have undergone dissolution of marriage. In doing so, this research fills a substantial gap in existing knowledge in this area; even though legal separation has been available in Ireland since 1989 and divorce since 1997 there is still a notable lack of understanding in relation to the experiences of mothers in this situation. Whilst there are many studies on the experiences of lone parents in Ireland, little is known about this cohort. The first author worked for many years with never married lone parents, many in states of isolation, confusion and deprivation which led her to contemplate if their situations had been legalised would they have fared better; if they had been married and had the protection of the law for example, and so the idea for this research was born. In addition, the second authors involvement in research on lone parents highlighted their needs are multidimensional and differ depending on individual circumstances (Millar et al, 2012). The intention of this research therefore is to highlight the fact that lone parents in Ireland are not a homogenous group and although some challenges may be similar, they can also be diverse. This diversity needs to be acknowledged at both societal level and policy level for these lone parents to successfully progress.

## **Methods**

Ethical approval for this study was granted by the National University of Ireland Galway Research Ethics Committee. In keeping with gender as an organising category and a feminist approach to the research, this study is grounded in a qualitative, interpretivist paradigm which emphasises the importance of human interpretation of the world, and is directed at understanding phenomenon from an individual's perspective, investigating interaction among individuals, as well as the historical and cultural contexts which people inhabit (Creswell, 2009). This concept of individual's perspectives and subjective reality is to the fore of the feminist standpoint epistemological position of the research. Whereby there is an emphasis on the need to begin with women's lives, as they themselves experience them, to achieve a true and authentic understanding of what life is like for women in certain situations. In recognition of the fact that subjective reality and individual interpretation does not occur in a vacuum a relational ontological stance is presented; which posits the notion of "selves in relation", where human beings are viewed as being situated or embedded in a complex web of intimate and larger social relations as well as in cultural and social structures (Gilligan, 1982). It is an understanding of reality which takes the basic units of social analysis to be neither individual entities nor structural wholes, but the relational process of interaction between and among identities (Somers, 1998).

## **Sampling Method**

This research sought 15 mother participants who were required to be mothers who were of Irish nationality, English speaking and were legally separated under the Judicial Separation and Family Law Reform Act 1989 or divorced under the Family Law (Divorce) Act 1996 and had children of primary school age at the time of separation/divorce. Participants were accessed using the snowballing sampling technique as it is appropriate for qualitative, exploratory studies and can be utilised to seek out participants who are otherwise difficult to locate, which was the case in this instance. Atkinson and Flint (2001) define the snowball as the process of accumulation of referrals, the real promise of snowball sampling lies in its ability to uncover aspects of social experience often hidden from view. Initial contact was made via a personal network approach. Referrals from each participant were assisted by a request for research participants information sheet which was distributed to each interviewee to be passed on to other potential interviewees, this information gave a broad

outline of the study, these were followed up with phone calls (for which permission was given). For those willing to participate, a more detailed information sheet was sent by email, outlining the purpose of the study, a follow up call was made two weeks later. All interviews took place at a time and location of the participants own choosing.

### **Participants Profile**

The 15 participants are aged from mid-twenties to late sixties with one to five children, with a mean of 2.73 children from various parts of the country. Some had a legal separation but had not divorced, while others had both a legal separation and a divorce decree. The snowball sampling technique, selected individuals based on social networks and culminated in a sample of the population like one another, confirming the assertions of both Gerstel, (1987) and Frable et al, (1998) that like attracts like and attachment to those in similar situations is common among those who may be socially dislocated due to their circumstances. Snowballing resulted in generating a sample that were all in similar positions in terms of economic status following marital breakdown. Two thirds of the women are dependent on Social Welfare for some or all their income since separation despite none of them being dependent on Social Welfare assistance prior to marriage. One of the participants continued to work full time for the duration of her marriage, three worked part-time for some or all their marriage and eleven of the fifteen women interviewed were homemakers during marriage. As such, the sampling technique resulted in generating organic, in depth knowledge about mothers who had both the experience of marital dissolution and the experience of being situated at the lower end of the economic stratum and all that that entails.

### **Data Generation, Collection and Analysis**

Appropriate to and in consideration of the research paradigm, biographical narrative interviews were selected as the most suitable method of data collection, as it is a methodology for exploring individual experiences. However, biographical studies are not simply the study of individual life, but offer a unique approach to understanding individual-societal relations in a move away from traditional structure-agency dichotomies. Other contributing factors to the choice of biographical narrative interviews were the fact that they have been attributed with an aptness for 'exploring subjective and cultural formations' and 'tracing interconnections between the personal and the social' (Jones, 2003).



The method of analysis utilised in this research needed to favour a feminist approach which advocates the use of models of research and practices that privilege participation, representation, interpretation and reflexivity (Byrne and Lentin, 2000); as well one that considers individual narrative accounts, while also attending to the relational aspects of lived experiences that can influence those accounts. To that end, the Voice Centered Relational Method (VCRM) of analysis was the most appropriate. The VCRM of analysis specifically focuses on how women experience, feel and speak about themselves in the context of the world in which they live, by amplifying the multiplicity of voices that exist in any given narrative. The VCRM approach explores “individuals’ narrative accounts in terms of their relationships to themselves, their relationships to the people around them and their relationships to the broader social, structural and cultural contexts in which they live” (Mauthner and Doucet, 1998), taking account of relational ontology. VCRM also utilises a “relational approach to the process of research inquiry, defined by paying attention to who is listening as well as who is speaking” (Byrne et al., 2004), where not only differences are acknowledged but also theoretical, institutional and epistemological influences on researcher practice are transparent. This emphasis on researcher reflexivity also considers the impact of our social location and personal histories on responses to participant’s stories and experiences (Mauthner and Doucet, 1998).

Mauthner and Doucet’s (1998) adaptation of the VCRM on which this analysis is based revolves around three to four readings of the interview text, each time listening to and highlighting aspects of the narrative, which facilitates each transcript being considered from many different perspectives. The four readings are;

***Reading One; Reading for the plot and our responses to the narrative***

First the transcript is read for the overall story being told by the participant, focusing on main events, subplots, protagonists and relationships; recurring words, images, metaphors and contradictions in the narrative are noted at this stage. The second element pertains to the reader’s response to the narrative; where the researcher’s intellectual and emotional perceptions and reactions are documented through the utilisation of a reflective journal. This allows for the examination of assumptions and views that might affect our understanding or interpretation of the participants words highlighting the emphasis placed on researcher reflexivity in this method of analysis.

### **Reading Two; *Reading for the different voices of the participant***

The second reading of the transcript focuses on how the participant represents themselves in the narrative, when, where and how the participant uses personal pronouns such as 'I', 'we' and 'you' when speaking about themselves are considered. The concept here is that by tracing the 'different voices' of the participant the reader/listener can identify changes in how the participant perceives and experiences themselves and enables the social location and sense of agency of the participant to be located.

### **Reading Three; *Reading for relationships***

The third reading changes focus from the participant to their inter-personal relationships and is dedicated to listening to how the participants speak about their relationships with others; such as their [ex] partners, relatives, children and friends as well as the broader social networks within which they occupy; what may be particularly significant for this study are the ways in which such relationships may be enabling or constraining.

### **Reading Four; *placing people within cultural contexts and social structures***

This reading involves placing the participants' accounts and experiences within broader social, political, cultural and structural contexts ultimately to familiarise the researcher with the contextual norms and values that exist within their lived environment and to gain an understanding of the participants' views/reflections on the social structures and institutions that they inevitably interact with. Reading for how the participant experiences societal and cultural frameworks illuminates possible constraining or enabling characteristics of such that may be personal or public issues. This approach allows for individual experiences to be examined and consequent relevant policy areas investigated. This is achieved through a focus on individual life journeys and the connection between these and larger social contexts which are at the core of the proposed research project. (Brown and Gilligan, 1992; Mauthner and Doucet, 1998; Byrne et al., 2004).

The NVivo computer software programme was utilised as a data management tool to manage the data. Qualitative data analysis is a fundamentally, subjective interpretive process according to Mauthner and Doucet (1998), therefore the utilisation of NVivo as means of data management only is justified.

The issue of quality assessment in qualitative research has become a contested issue (Bryman (2008) as such the criteria for assessing this research are those which are meaningful to those for whose benefit the research was intended, namely the participants of the study and all women in similar situations. Keeping their voices at the centre of the research process we used Yardley's (2000) criteria for assessing qualitative research; sensitivity to context, commitment and rigour, transparency and coherence and impact and importance. This study is exploratory in nature and does not claim to be generalizable to the whole population. Findings are knowingly based on a small number of cases and does not claim universal truths, rather the intent was to gain new insights into Irish mothers' experiences of marital dissolution.

### **Findings**

Given the vast amount of data that the VCR method generated, it was necessary to find an approach that presents the findings in such a way that remains true to the voices of the participants and one that ensures that the methodological considerations which guided the research design and the analysis of the data are observed. As such it was decided to present the findings in the form of common stories told. This type of approach (Finch, 2009) is appropriate as stories told endured throughout the data, particularly when it became obvious that the majority of the participants had presented narratives that contained similar experiences which persisted across what became known as the three stages of the separation experience; before separation, during the legal separation process and after the legal process.

### **Experiences of intimidation**

Analysis of all four readings of the transcripts shows that a narrative of intimidation permeates all stages of the separation experience for many of the women and manifests in various configurations. In the period before separation, intimidation experienced refers exclusively to that which is perpetrated by (ex) husbands during the marriage. All participants who spoke about experiencing intimidation describe how intimidation was an undertone of the abuse suffered as well as the difficulties they experienced in seeking legal protection from the abuse suffered. Participant's experiences of intimidation during the period of separation until the legalities of dissolution were finalised was more indirect and

ambiguous and involved using institutions of the state to effect intimidation. In the period after legalities of dissolution were finalised many of the women describe ways in which ex-husbands persist with their harassment. The following section presents participants' stories of abuse across three stages of the separation/divorce process.

### **Psychological Intimidation before Separation**

Prior to the onset of separation two thirds of the women in this study spoke about suffering abuse in their marital relationships; encompassing physical, emotional, verbal and economic abuse, which generally occurred in more than one form and to varying degrees. The undertone of the abuse endured regardless of type, was in most cases permeated with some form of intimidation whether through aggression, verbal demoralisation or the incitement of fear. Diane for example in the lead up to her separation suffered persistent intimidating, emotional put downs from her husband; whereby he incessantly branded her as being psychologically abnormal due to the depression she suffered.

*"I had been hospitalised the year before for a depressive episode, so it was kind of like you know you're a lunatic, and there was a lot of emotional ... blackmail and emotional sort of put downs and you know all of that" ... (Diane)*

Many of the participants stated that this type of emotional intimidation experienced before separation was harder to endure than physical abuse.

*"but I was a worthless heap and you know the usual stuff.... now he never beat me up or anything like that, but there was times that I wished he would, so that I had something to show someone" ... (Kate)*

Those participants who sought protection from spousal abuse from the court during their marriage expressed dissatisfaction with the outcome. Ann, for example, spoke of conditions attached to the barring order<sup>iii</sup> that allowed her husband access to the property, however her living arrangements were unique in the sense that her mother in law lived in a granny flat attached to the family home.

*"I would've,... I would've been asked would I allow him to visit his mother because, obviously she was an older lady ... so obviously I wouldn't like to stop a son visiting*

*his mother, so he was allowed come into the side of the house, go in, leave, but of course obviously that didn't happen" ... (Ann)*

Sandy sought a barring order but was granted a protection order<sup>iv</sup>, she explained that she had to remain in the house with her husband after the papers were served, despite the possible threat that this posed to her safety.

*"She (the judge) eh granted me a protection order. I was looking for a barring order and she told me I wasn't hurt badly enough ... they told me they were afraid to give me the papers for me to produce them, the judge had stated that the guards would come that evening and issue them to my (ex) husband, my husband at the time at his front door... and the guards came with the paperwork and when you think about it, they left me in the house with him" ... (Sandy)*

### **Intimidation during the Legal Separation Process**

For the women in this study direct intimidation perpetrated by (ex) husbands morphed into altered forms following marital separation, some of which were indirect and ambiguous, the nature of which meant that the perpetrators were irreproachable. Many of the women spoke about how the methods used to intimidate them could not be proven as such and had to be endured. After separation, the abuse consisted of verbal threats; many of the women spoke about being threatened that children would be taken away from the family home. Other forms of intimidation were direct and (ex) husbands utilised elements of the legal process, specifically child protection orders to make good on such threats, which heightened the level of fear felt by the mothers. Others felt intimidated by, having to wait in a room with their (ex) husband at court, being physically present in court and some being intimidated during the mediation process.

Jackie, for instance, because of a complaint made by her husband to the family court was served with a S.47 of the Childcare Act<sup>v</sup> which requires child protection services to investigate homes/parents where children are reported to be 'at risk'.

*"I was in Spain with the children and I got a text 'Tiocfaidh àr là' (our day will come) and I came home from holidays and there was a letter waiting and it was saying that he had decided to get a S.47... that they had some reason to believe that the children were not being taken care of properly" ... (Jackie)*

Jackie goes on to explain that she believes such legislation is being misused...

*"but it's a tool, a S.47 is used as a tool that it's if you know, if we get a good S.47 i.e. that woman's a bitch right and you're a wonderful father right... it's a tool and it shouldn't be let you know" ... (Jackie)*

Other mothers also found themselves at the centre of social services investigations into child neglect. Whilst they were not subject to a S.47; they were investigated for possible child neglect following complaints made by (ex) husbands and in one case by the family of an (ex) husband. Sandy speaks about coming under such an investigation. Complaints made were initiated by her (ex) husband and followed some weeks later by another complaint via her (ex) mother in law. Sandy stated that she received information on the identity of the complainants directly from the social worker designated to investigate her family.

*"Like when he tried to take the children from me, he then involved social services, because he didn't get what he wanted, to get the children taken off me, he contacted social services and told them I was a bad mother... (Sandy)*

She went on to explain that despite such complaints the social worker assigned to her case was satisfied that the children were not at risk and advised her to expect more complaints of that nature, that this was normal in cases of separation.

*"now she came down. They were very, very nice, a lady social worker.... so, she took a report and said as far as I'm concerned, your case is closed, you have nothing to hide and she said I wish you the best of luck but this is normal, she said don't be worried this is normal and she seemed very sure that it wouldn't be the only one, the complaint, you know it was from his side... and true, true to the woman's word, six weeks later another letter came from his mother" ... (Sandy)*

Other mothers spoke of how they were intimidated by legal means, specifically legal letters. Liz reported that ‘threatening’ legal letters were being sent to her on behalf of her (ex) husband for many years during her separation;

*“but it was, for the following few years, it was, it was, I had a lot of legal letters, dirty letters, I would call them, threatening letters from his solicitors you know saying things like that you know that, you know just dirty tricks” ... (Liz)*

Stories of intimidation during this period also revealed other types of intimidation relating to the women’s experiences of the processes associated with family court causing considerable distress for some of the women and created feelings of fear and pressure particularly when considered in the context of domestic violence. Sasha, for example, spoke of having to wait in a room with her (ex) husband at the court.

*“It is particularly hard in the court; the situation is that there is one waiting room for everybody. You’re sitting on your own in a waiting room, with your ex in the same room. It’s hard, you really have to tough it out” ... (Sasha).*

Some were so intimidated in court they spoke of being frightened and shaky; and as Grace explains being scared of actually being in court, feeling like she had done something wrong,

*“The courts are, I mean it is... I had never been in a court in my life you know yea and I mean jeany to be there and you feel like Jesus as if you’ve done something significantly wrong d’ya know?” .... (Grace)*

It was not only in the family law courts that participants experienced intimidation; those that opted for other forms of legal resolution had similar experiences; several of the women referred to the futility of mediation to resolution, for some it was too expensive, others were of the view that agrimony had progressed to far for it to be successful and in Diane’s case the intimidation was too great for it to have a successful outcome.

*“I didn’t find the mediation very good at all ... as I said he was very angry so, he got his point across and I just kind of sat there, I was very I suppose undermined.*

*So, we pulled 'outta the mediation cause it just ... we weren't getting anywhere, you know" ... (Diane)*

### **Intimidation after Legalities of Dissolution are Finalised**

After the finalisation of legal separation/divorce, stories of intimidation during this period centred on (ex) husbands attempts to 'irritate' former spouses. Such behaviours were reported as being persistent up to the present day in some cases, the reasons for which remain unclear as no explanation was forthcoming. Such intimidation included psychological abuse, court orders, delayed maintenance payments, threats of child neglect reports, threatening to sell the family home and the fear of being made homeless due to the (ex) husband not making mortgage repayments.

Psychological abuse after separation manifests in intimidating behaviour such as that experienced by Jackie who reported that her (ex) husband came into her house when she wasn't there and moved things around, she believed that he was doing this to make her think she was going a bit mad.

*"He came into the house when I wasn't here, when I was working and moved stuff around the place and took stuff; now I got the locks changed and that stopped, but what would happen at night time was when I was here on my own and I had no kids here my hall door was being left open at night time; so I'd come down and the front door would be wide open and I changed the locks immediately, you know I nearly died, I didn't know what was happening, but I think that was all sort of to make me think I was going a bit mad or something"...*  
(Jackie)

Sandy also reports experiencing ongoing intimidation, even though she has been separated for many years. Constant and varied forms of intimidation are still a feature of her relationship with her (ex) husband who threatens her with reporting her for child neglect. She talks about how she believes her parenting skills are constantly being scrutinised and how she must offset any possible comeback from her (ex) husband by being over cautious when it comes to parenting her children.



*“Mary (daughter) had an incident and she fell out in the back garden and she had a bruise on her right leg and I said to him ((ex) husband), because he was taking them for a weekend away and I said she’s after falling, told him the story ... I got a phone call from the solicitors on the Wednesday after stating that he was reporting me for child neglect... so basically, if the children are sick I have to take them to the doctor; I said to the GP this isn’t fair I’m being totally scrutinised, I’m being watched... because you’re just a mammy” ... (Sandy).*

. For Sandy, the ongoing intimidation extends to her (ex) husband putting the house up for sale, even though there is a separation agreement in place that states she and her children are to stay in the house until the youngest is of age,

*“Oh my god, to turn the corner and find a for sale sign up in my garden and I’m going... I didn’t have that when I left here this morning...my house was up for sale when I came back one day from town, yeah, I rang the auctioneer and said excuse me I said I have a sign in my garden and they said yeah, yeah we’re under instruction from ((ex) husband ), I’m sorry I said that’s a family home, I said you’ve no right to put the house up for sale ... yeah but he’s still trying to... all these things being done, yeah; constant, you never know, you never know with him” (Sandy)*

Other stories of intimidation concerning the family home involved (ex) husbands refusing to pay the mortgage which could result in eviction for the women and their children and seemed to be a significant source of anxiety for the women, long after legalities were ruled on by the family courts. For Grace the possible consequences of her (ex) husband’s refusal to continue paying the mortgage was exasperating for her, knowing that the one security she felt she had was a home for herself and her five children (as part of her separation agreement).

*“the only places we would be housed in if we were to lose the house is horrendous areas, I mean in Dublin, like it would’ve been awful areas dya’ know that would’ve accommodated us at the time and I said you know, think of your kids, five kids, young kids being brought into that; well this is what you wanted, [laughs] it wasn’t what I*

*wanted, I had wanted just a lovely husband and a nice life, it certainly wasn't what I wanted"... (Grace)*

For Grace the possibility that she and her kids may be made homeless and dependent on the housing authority created a significant amount of fear.

*"oh, panic it was horrendous, it was absolutely, that was the worst, it was worse than separating you know, it was actually cause it's real, what am I going to do, what am I going to do"! ... (Grace)*

The legal system continued to be used as a means to intimidate some of the women by their (ex) husband such as Jackie who spoke about being subjected to court orders if her (ex) husband is unsatisfied with any situation, in addition to having issues with maintenance payments in terms of him not paying the ordered amount.

*"I feel like now I'm on the other side of it but it's four, nearly five years... you know but anytime you know he'll go in and get a court order, it's just you know it's tiring" ... (Jackie)*

## **Discussion**

The core premise of the methodological approach to this study is to amplify the voices of seldom heard women. The voices of the women in this research contain two key messages for state and society. Firstly, is the fact that abuse perpetrated by intimate partners does not end upon separation, which is consistent with research from other jurisdictions and secondly how institutions of the state are being used as methods of abuse. Recent research from the EU suggests that 'extensive abuse that affects many women's lives', is evident across twenty-eight EU member states (EFRA, 2014 p.03), with numerous tactics and techniques being used to exploit, control and harass ex-wives according to research from the USA (Zeoli, et al, 2013). UK studies suggest that a high percentage of women suffer post separation abuse (Humphreys & Thiara, 2002) and recent Irish research concurs with such findings, clearly indicating the prevalence of post separation abuse in Ireland (Women's Aid, 2015).

What is not clear however is how such abuse can change upon separation, this study reveals that domestic abuse following separation becomes more covert and involves a continuation of intimidatory behaviour. Psychological manipulation in the form of threats pertaining to the removal of children, the removal of financial support and the use of mind games are common tactics used to intimidate.

Moreover, this study also reveals how institutions of the state are being used as methods of abuse. Utilising legal and child protection processes to threaten and harass are common experiences. Such practices have been highlighted primarily in Canadian research (Jaffe et al, 2005; Vollans, 2010). These studies highlight the use of legal means as a form of on-going harassment and such means can become a tool for abusers to continue their abusive behaviour in a new forum. Vollans, (2010) refers to this as court-related abuse and harassment. However, very little is known about this type of abuse in Ireland. This study shows that such abuse has a significant impact on the everyday lives of the women involved. Living in fear, panic and feelings of being constantly watched are daily emotions for the participants of this study and have been for many years in some cases.

Arguably such feelings are grounded in the women's experiences of dealing with state institutions at the time of their separation and thereafter. Narratives of such experiences reveal that the processes associated with family court resolutions caused considerable distress for women, particularly when considered in the context of domestic violence. Attending court provoked feelings of extreme anxiety and distress for the women. For many this is in addition to dealing with fear and intimidation associated with being near their abusers. Coupled with a lack of understanding about the dynamics of abusive relationships exhibited by legal personnel, evident in some stories of seeking legal protection against abuse and in stories of mediation, all serve to intensify feelings of distress. Such feelings can have significant ramifications in the sense that agreements made in situations of duress more than likely will not protect the interests of women either in the short or long term. The effect of such processes on victims of domestic abuse concurs with international research in this area (Landrum, 2011; Roberts et al., 2015).

Fundamentally this research shows that the changing nature of methods of domestic abuse in cases of separation and divorce in Ireland while difficult to prove, went unchecked by

state institutions. Psychological manipulation and court related abuse and harassment were legitimised by non-action, consistent with other research (Vollans, 2010). Participants' previous experiences of institutional processes associated with separation and divorce for many resulted in lasting feelings of fear, which further enabled the continuation of abuse via such means. The ability of abusers to utilise institutions of the state as a method of intimidation and the fact that such practices can continue long after marital dissolution is finalised is an issue that requires further investigation.

The limitations of the study include the sampling technique, sample size and the use of reflective collective experiences. Whilst snowballing was initially considered a limitation since it resulted in generating a sample of participants that were all in similar positions in terms of economic status. We would argue that on reflection one of the fundamental strengths of study is that it examines mainly the experiences of a specific cohort such as those who are welfare dependent because of separation/divorce. Another limitation may lie in the use of a small sample size; 15 participants cannot produce results that are generalizable to the population, however, this was never an intention of the study rather its intent was to be exploratory in nature given the dearth of research in this area. The labour intensive nature and required depth of the research produced a large amount of analysed data. While the stories told are reflective of the collective experiences of the participants throughout the three stages of the separation experience; there must be acknowledgement of the limitations of this approach in terms of not presenting every aspect of every experience spoken about.

As researchers, we were initially struck by the high levels of intimidation experienced by the participants, however, when we consider the reported levels of domestic violence in Ireland and the sampling technique we used it is not surprising that this group of participants had similar experiences. Moreover, what resonated with us was the strength and determination of the participants despite all the stresses and strains they have experienced along the way. It is evident that their experiences have been daunting, trauma filled and extremely distressing and even though all of them have progressed past the separation/divorce phase, many are still dealing with the fallout. Yet Irish society does little to acknowledge and rectify the challenges faced by those who are separated/divorced and parenting alone. All

challenges, both personal and structural must be incorporated into the national consciousness for lone parents to successfully progress.

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<sup>i</sup> The survey findings are based on face-to-face interviews with 42,000 randomly selected women (approximately 1,500 per country) aged 18-74 years, across the EU's 28 Member States.

<sup>ii</sup> Women's Aid is a national organisation working to stop domestic violence against women and children in Ireland for over 40 years.

<sup>iii</sup> A barring order requires the respondent to leave and stay away from the family home and may contain terms prohibiting the respondent from engaging in threatening behaviours. Such orders can be made for three year duration.

<sup>iv</sup> This is an interim safety order enacted until such time as the court makes a decision on a particular case.

<sup>v</sup> The main legislation governing the care and protection of children is the Child Care Act, 1991. It places a statutory duty on Tusla to 'promote the welfare of children in its area who are not receiving adequate care and protection.' In addition, it strengthens the powers of the Tusla to provide childcare and family support services. It enables the immediate intervention of Tusla or An Garda Síochána where children are in danger. It enables the Courts to place children who have been abused or who are at risk in the care of or under the supervision of Tusla.

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