



Targeted violence perpetrated against women with disability by neighbours and community members



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ABSTRACT

This article explores attacks by neighbours and/or members of local communities on women with disability as a form of hate crime and, more specifically, targeted violence. We draw on interviews conducted in 2017 with women with disability living in Victoria and New South Wales, Australia. These women spoke about ongoing experiences of physical, sexual, psychological, emotional and financial violence perpetrated by members of their local communities. They stressed the severity of this violence, the impact on their security and feelings of safety, and barriers to accessing justice. These women faced both disbelief and police indifference after reporting. Their experiences convey how they met with prejudice that casts the lives of people with disability as less worthy, and the effects of a hatred/vulnerability dichotomy that ultimately limits adequate responses. In the absence of a shared understanding of these crimes, disablist norms prevail, exposing women to ongoing violence and limiting access to justice.

Introduction

This article explores disablist violence perpetrated against women with disability by neighbours and community members (NCMs) as a form of hate crime and, more specifically, as targeted violence. We argue that the lack of awareness about the existence of this form of targeted violence combines with widespread gendered and disablist prejudice to create a climate of impunity in which women are abused and their access to justice inhibited. 'Neighbours' and 'community members' are generally not intimate partners, family members, or carers, nor are they necessarily strangers. NCMs form part of the wider community in which women with disability live. To date there has been little systematic research on hate crime perpetrated against people with disability (Mason et al., 2017; Roulstone & Mason-Bish, 2013). This article draws on interviews conducted with women with disability in the remit of the project *Women, Disability and Violence: Creating Access to Justice*, carried out in New South Wales and Victoria, Australia, from 2017 to 2018. Five women interviewed in this research spoke of severe violence perpetrated against them by NCMs. For many of these women the violence was ongoing. We take a grounded approach in this article, centering the voices and experiences of these five women in our work. The women stressed the severity of this violence, the impact on their security and feelings of safety, and the barriers to adequate services or provisions for both recognising and stopping the violence.

The women told us that often, when they initially reported NCM violence to police, they would be disbelieved. Subsequent to reporting, women were typically treated with indifference. While police may have believed their reports, they did not weight the violence as important, a reaction that we suggest is related to the lack of value placed on the women's lives by both police and society at large. Police responses to this violence shared much in common with historic responses to domestic violence, which was disbelieved or minimised by police (McCulloch, 1985). Similarly, targeted attacks by NCMs on women with disability were disbelieved because they appeared too outlandish, or else were trivialised as 'neighbourhood disputes'. Some of the stories recounted here are equally remarkable for the implausibility of women's interactions with police when seeking safety and justice, with one woman referring to her protracted engagement with police as 'down the rabbit hole stuff'. This article is in part an attempt to understand the incongruity observed in these stories in which extreme and persistent violence was met, at least initially, with disbelief, and subsequently with an inadequate and indifferent justice response. Prompted by Mason et al.'s (2017) emphasis on a shared understanding between police and community members as central to the process of procedural justice, we suggest that the lack of understanding of targeted violence against women with disability contributes to the deficit in criminal justice responses.

We also reflect on the way a distinctly gendered prejudice, and

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multiple intersecting systems of oppression (Crenshaw 1989), creates a climate that enables the (largely) consequence-free commission of violence against women with disability. Prejudice and violence against people with disability is perpetuated by the social construction of disablist norms, which 'designate certain types of bodies and lives as less valuable and worthwhile' (Stanko, 2001, p. 318). We argue that in the absence of a shared understanding of targeted crimes, gendered disablist norms prevail, inhibiting access to justice and consequently exposing women to ongoing violence.

We adhere to the social model of disability and use the singular term 'disability' throughout this article, rather than the plural form 'disabilities'. Following *People With Disability Australia (PWDA, 2018, n.p.)*, we understand disability as something produced by the 'interaction between people living with impairments and an environment filled with physical, attitudinal, communication and social barriers'. The social model asserts that it is society that must change in order to enable the equal participation of all people. The usage of the singular term 'disability', and the language of 'people with disability', is reflective of this approach as it avoids an over-emphasis on the type of impairment and a tendency to explain the experience of disadvantage via such descriptions (Maher et al., 2018, p. 3). We suggest that the violence discussed in this article is enabled by disablist norms rooted in a medical model of disability. This view, which sees 'solutions' as tied to the treatment and 'cure' of the individual, directs attention away from structural and institutional responses and inhibits equal access to justice. Keeping the importance of language in mind, we begin in the following section by examining hate crime and the sub-category of targeted violence. We look to the field of literary disability studies to consider vulnerability and the role of representations and disablist norms in the perpetration of this type of violence. Following this, we turn to the stories of the five women interviewed, focusing on four in particular, and to their experiences of targeted violence. We look in detail at the operation of the dichotomy of hatred/vulnerability, and at the ways in which it works to minimise the violence women experience and short circuit pathways to justice.

Key frameworks

Hate crime and targeted violence

Broadly speaking, hate crime 'loosely signifies crime that is motivated or otherwise fuelled by bigotry, bias, hostility, prejudice or hatred towards members of particular groups and communities' (Mason et al., 2017, p. 4). However, as Mason et al. (2017) highlight, there is debate and confusion surrounding uses of the term in various jurisdictions and community understandings. Australian States and Territories all have unique 'policies and statutes governing ... equality, discrimination and human rights', however, 'few of these policies directly address hate-motivated crime' (Mason et al., 2017, p. 19). More specifically, while there are provisions for discrimination on the basis of disability in various pieces of legislation across Australia, and even more specific policies such as Victoria's Prejudice Motivated Crime Strategy, Australian Police forces 'have yet to introduce an all-round hate crime policy' (Mason et al., 2017, p. 19).

Within the broad understanding of hate crime, Stanko (2001, p. 318, *emphasis original*) suggests the addition of another descriptor, 'targeted violence', which, she states:

implies that an assailant *chooses* to hurt a particular individual in the way that an assailant *can* do 1) because of who the victim 'is'; 2) because the assailant can rely on the available resources (available to a collectivity from historical, social and economic legacies) in order to do so; and 3) because the assailant retrieves popular discourses that assist in justifying that such actions are legitimate in the eyes of some portion of the population.

The terminology of targeted violence highlights violence that is

perpetrated against a particular victim because of their perceived vulnerability (Mason et al., 2017; Stanko, 2001). As Roulstone and Mason-Bish (2013) note, in comparison to other forms of hate crime, disablist hate crime might stem not only or always from hostility toward people with disability, but also from the perpetrator's perception that the victim is vulnerable. At the same time, targeted violence as a concept maintains a focus on the social context in which the violence takes place (Kielinger & Stanko, 2002).

The complexities of policing prejudice motivated crime are explored by Mason et al. (2017), who posit that a shared understanding and trust between police and targeted communities are central to the strengthening of responses to hate crime, as well as the execution of procedural justice. Mason et al. (2017, p. 24) argue that effective responses to hate crime rely on a 'universal language or agreed meaning across jurisdictions or between law enforcement agencies and targeted communities' about what hate crime is and 'what it is seen to encompass'. Procedural justice must incorporate 'citizen participation, neutrality, respect and trustworthy motives' and is viewed by the same authors as crucial to the creation of 'trust between police and the community and for increasing reporting behaviour' (Mason et al., 2017, p. 85). As Mazerolle et al. (2014, p. 16) observe, '[w]hen the public perceive that the police are listening *and* actively responding to their concerns, they are reassured that police are acting legitimately'. Further, a belief in the legitimacy of the police force is crucial to public confidence in law enforcement and hence community safety (Mazerolle et al., 2014, p. 11, *original emphasis*).

Hatred/vulnerability — an unproductive dichotomy

One reason posited for the minimisation of NCM crimes against women with disability is the 'perceived difference between hatred and vulnerability', where violent crimes perpetrated in the name of the former are met with criminal justice responses, and those based on the latter are often taken as a signal for a need for protective and/or therapeutic responses (Mason-Bish, 2013, p. 15). In this view, a victim of violent crime who is 'labelled as a vulnerable adult by the police' may find themselves 'pushed towards a solution involving social care and health services rather than criminal justice' (Mason-Bish, 2013, p. 16). This dichotomy structures not only responses to violence but also research and scholarly consideration of this phenomenon, where disablist crimes have tended to be the purview of social care scholarship rather than criminological enquiry (Mason-Bish, 2013; Roulstone & Mason-Bish, 2013). The persistence of the hatred/vulnerability dichotomy and the dominance of the social care model in this context may go some way to explaining the difficulty some have had linking disability to the concept of hate crime.

Central to shifting from a protectionist mode toward a 'rights-based agenda which recognises the entitlement of disabled people to be secure and safe' is a recognition that the perception of vulnerability is itself a prejudice and therefore on a continuum of hate crime (Mason-Bish, 2013, p. 15; Roulstone & Sadique, 2013; Frohmader, Dowse, & Didi, 2015; Didi, Soldatic, Frohmader, & Dowse, 2016). Mason et al. (2017, p. 16) write that 'existing ... feelings of vulnerability, anxiety and anger can be amplified if police are reluctant to acknowledge and record the prejudicial element of victimisation'. Prejudice against women with disability is a form of malevolence that is perpetuated and cultivated by the social construction of norms around disability. We suggest that in the absence of a shared language and understanding between police and community of prejudice-motivated and targeted violence against women with disability, normative concepts that render some lives as more valuable than others will ultimately prevail. In the following sections we explore the potential of popular discourses and representations of disability and women to contribute to and influence the way society conceptualises women with disability and what this means for the justice seeking processes of these women.

Representations matter. literary disability studies and the trope of the 'mad woman'

Disablist representations and discourses of women with disability shape and constrain what can be known and understood. In the context of this research, women were at the intersection of multiple systems of oppression, first and foremost their status as women and people with disability (Crenshaw, 1991). We argue here too that the disablist trope of the 'mad woman' cast the women who experienced violence perpetrated by NCMs as less worthy of protection, trivialising the violence they experienced and obscuring its prejudice-based motivation. Neither wholly reflecting reality nor wholly constructing it, representation is understood to lie somewhere in the middle, both reflective and active in its depictions. While the culpability of representation in the construction of the day-to-day reality of minority subjects is still a topic of intense contestation (Gill, 2007; McRobbie, 2004), there is consensus on the premise that 'representations matter' (Dyer, 1993; Gill, 2007). The field of literary disability studies emerged against the broader backdrop of the growing understanding of the significance of textual depictions, particularly gendered representations and representations of non-normative sexualities (see for example Dyer, 1993; Gallagher, 2014; Gill, 2007; Hall, 1980; McRobbie, 2004).

Literary disability studies are traced by Emily Stanback (2014) to the publication of Rosemarie Garland-Thompson's (1997, p. 15, cited in Stanback, 2014, p. 109) work in *Extraordinary Bodies* and her assertion that 'representation informs the identity - and often the fate - of real people with extraordinary bodies'. For Stanback (2014, p. 110), this intervention made the crucial link between disability studies and the belief that a text 'does not merely reflect the culture of its production, but can influence the attitudes and lived realities of its readership', and by extension the world at large. The 'representation matters' approach is compatible with the social model of disability, which rejects the idea of disability as something that resides innately within the individual, viewing it instead as something that is produced by the interaction between the socio-cultural and material environment and the body of persons with impairment(s) (PWDA, 2018). This approach emphasises the highly productive and normalising capacity of language to construct what it purports to describe, while in the process constraining what can be thought and known about certain subjects.

Where feminist criticism has dealt with the textual representation of female disability, it has frequently explored the guise or trope of the 'mad woman' (Donaldson, 2013; Gilbert & Gubar, 1979; Showalter, 1985). Often refiguring the 'mad woman' as a 'feminist rebel' flying in the face of 'patriarchal authority', such criticism has enjoyed 'a sustained cultural currency' (Donaldson, 2013, p. 11). Popular though it may be, the metaphor is limited. As Donaldson (2013, p. 12) writes, it is problematic to 'figure madness as rebellion'. While a key refrain and concept within anti-psychiatry discourse may be that 'going mad' is 'the only sane response to an insane world', ultimately it offers the pathologised subject very little in the way of agency (Donaldson, 2013, p. 13). Citing the work of Felman (1997), Donaldson (2013, p. 14) emphasises the way the discourse of the mad subject works to undermine political efficacy:

Depressed and terrified women are not about to seize the means of production and reproduction: quite the opposite of rebellion, madness is the impasse confronting those whom cultural conditioning has deprived of the very means of protest or self-affirmation.

Applying this lens may allow us to see more clearly the social construction and gendered connection between disability and 'madness', what Donaldson (2013, p. 14) refers to as the 'inevitable ... slippage between "madness" and "mental illness"', and the ways in which such norms enable and justify institutional oversight and neglect.

Investigating violence against women with disability

Acknowledging that neither of the authors live with disability, we take a grounded approach in this article and centre the experiences, stories and efforts for justice told to us by the women in this research. These guide the themes explored here and our analysis of violence perpetrated by NCMs against women with disability. Maher et al. (2018, p. 21) note of this research that:

The 36 women with disability who participated were highly articulate in communicating their feelings and experiences. Their voices document the impacts of violence on their lives powerfully, alongside their hopes and struggles to access justice, and achieve safer and more secure futures.

The project this article stems from was funded by ANROWS (Australia's National Research Organisation for Women's Safety) and conducted by the Monash Gender and Family Violence Prevention Centre in collaboration with People with Disability Australia. The research aimed to explore 'women's experiences of seeking access to justice when they have faced violence and/or sexual assault either inside or outside their relationships' (Maher et al., 2018, p. 21). Ethics approval was sought and received for all components of the research. Pseudonyms have been used in this article for all participants and identifying details changed or removed.

The research was conducted in two phases. Initially, semi-structured focus groups and interviews were carried out with women with disability, who were recruited primarily through the networks of People with Disability Australia, and to an extent through the networks of the Monash Gender and Family Violence Prevention Centre. Particular care was taken to ensure participants' informed and meaningful consent within the framework of Easy English, ensuring that all participants received information about the project in a mode that could facilitate this consent. It was also explained to participants at the beginning of focus groups or interviews that they would receive a \$50 gift card regardless of whether or not they changed their mind or ceased their involvement with the research at any time.

The interviews and focus groups were designed to be spaces where women with disability could talk about their stories of violence and seeking access to justice. Interviews took place in both urban and regional areas in Victoria and New South Wales in Australia. Of importance was ensuring that a safe space was facilitated for the participants to share their stories through engaging experienced facilitators and counsellors and providing additional resources such as taxi vouchers, Auslan interpreters, and other technological, communication and advocacy supports. Individual interviews were offered to address any concerns women had of discussing violence in a focus group. Additionally, the research team engaged in facilitation training in working with women with disability. 36 women in total participated in the study (see Maher et al., 2018 for expanded details on the project methods and methodology). In the second phase of the research, interviews were conducted with 18 specialist violence, legal and disability service stakeholders, also in Victoria and New South Wales. These second phase interviews explored the issues and insights raised by the women who participated in phase one of the research.

Analysis of the data proceeded in line with the intersectional approach (Crenshaw, 1991) taken throughout the entire research project, acknowledging and exploring multiple vectors of discrimination and violence. Using NVivo software, thematic qualitative description (Sandelowski, 2000, 2010) was used to code the data. Thematic qualitative description helps to facilitate the grounded approach taken in this research and stays 'close to the everyday meaning of the data as produced by the participants' (Maher et al., 2018, p. 21; Sandelowski, 2000, 2010). In this article, we consider interviews conducted with the five participants who had experienced violence perpetrated by NCMs, focussing on the stories of four of these women in particular. Though the fifth woman stated she had experienced violence from NCMs, she

spoke about this only briefly during her interview.

Discussion

These four women had differing experiences of violence and abuse, as well as of justice system responses. However, all accounts discussed below are connected by the women's experiences of not being taken seriously, having their reports of violence minimised, being treated with indifference, and being left alone to deal with what were often extreme forms of violence. A thread running throughout these stories was that the lack of common ground and trust with law enforcement - and indeed the amount of times they had been let down by police - short circuited pathways to procedural justice. In not being taken seriously, an additional, perhaps more symbolic violence was enacted upon the women by the criminal justice system on top of the violence and abuse carried out by NCMs. In this section we explore the violence and harassment the women experienced and the effects of the hatred/vulnerability dichotomy on responses to the violence.

Characteristics of the violence and harassment

The violence women experienced from NCMs included brutal and severe physical and sexual violence, harassment, property damage, burglary, and psychological and emotional abuse. The violence was particularly psychologically abusive and manipulative, and the tactics used by NCMs were severe and unusual. In the words of one of the women, Marita (50–60 years old), there is a 'coercive, psychological twisting [carried out by] the offender that turns it around so it looks like they are the victim'. Emotional and psychological abuse, or coercive control (Stark, 2007), was a prominent feature of the violence, as were vexatious counter accusations by perpetrators and 'gaslighting'. Such strategies undermined the women's sense of sanity and security. Unsupported by the criminal justice system, the women in this research had to take actions to defend themselves, such as collecting evidence, mounting cameras or protesting loudly in their communities. In a vicious and self-perpetuating cycle, in attempting to gain recourse to justice or prevent further violence, the women were forced to take steps that were perceived by some to be exaggerated or 'mad'. The women's behaviour was subsequently construed by attackers as representative of their general day-to-day demeanour. Perpetrators, on the other hand, can often present well to law enforcement, appearing coherent and rational in comparison to women who are scared, frustrated and at their 'wit's end'. This scenario was typical of the coercive control exerted by NCMs in the harassment reported by women in this research. We present descriptions here in some detail of the violence and abuse experienced by the women in this research to illustrate the coalescence of these complex and complicated issues.

Marita's attackers 'trashed' her possessions, tormented her pets and were engaging in ongoing personal harassment when we spoke with her. Marita said that she was forced into situations where she had to 'jump out of the way or be knocked over'. Sudden and extreme physical exertions such as jumping out of the way have the potential to cause significant injury to Marita. On one occasion, Marita was sexually assaulted and injured by a group of people. She told us of her hesitance to pursue the attack in court because the group would act as witnesses for each other and she would be accused of assault. Indeed, Marita told us the police laughed when she reported this assault to them. Marita had struggled to obtain intervention orders against her attackers as she did not know their names, saying it took her over a year to acquire the name of one of the people who attacked her. She kept written records of intervention order breaches, had set up cameras and lighting inside her house, and had started wearing body worn cameras in an attempt to collect evidence. As she put it, she was placed in the position of having to 'keep [her] neighbours under surveillance'.

In Tracey's (65–75 years old) case, the perpetrators were all neighbours where she lived. Tracey described them as 'extremely violent and

controlling ... both verbally and physically'. Tracey had been confronted and attacked, as had some of her other neighbours. Tracey told us that the tenants were running a 'scare terror horror campaign' against her and her neighbours. She had had a civil Apprehended Violence Order issued against her by one of the offending neighbours, which she says was in part the result of an incident during which Tracey witnessed this person attacking another neighbour. Tracey told us 'it's just so completely new to me, this form of violence and hatred'.

At the time we spoke with Melanie (45–55 years old), she had been moved to another suburb following a home invasion and sexual assault. Melanie had what she perceived as a good justice response to this attack and the perpetrator had been caught and convicted. However, she told us that she still felt afraid that the NCMs from her old neighbourhood would track her down and continue their harassment. Prior to the home invasion, Melanie had been the victim of a prolonged campaign of harassment, theft and violence waged by the same group of NCMs, and she told us that the perpetrator of the home invasion and rape was an associate of this group. Melanie suffered multiple physical and verbal assaults as well as vexatious accusations at the hands of these perpetrators, who included a number of adults and their children. She described numerous examples of violence and intimidation, including being knocked unconscious; being attacked on the street; people 'belt [ing] the hell out of [her]'; and coming home to find people in her house attempting to steal her possessions and subsequently being attacked in her home. Melanie had also been falsely accused of hurting a child and of being a 'child molester'. Melanie said the police 'knew that wasn't true'.

Sarah (55–65 years old) lived alone on her rural property and had endured sustained harassment, intimidation and violence from NCMs for 10 years. She described attacks from multiple perpetrators, up to 15 at the same time, in the middle of the night, noting no police support and that other neighbours were too fearful to get involved. In her most recent experience of violence, Sarah had been attacked in such a violent and sustained way by neighbours that she was rendered unconscious. The attackers called the police, telling them Sarah had attacked them. Sarah was taken to hospital and later found out from incident records that the police had made undermining remarks about her to hospital staff while she was being treated. Sarah told us that prompted by the severity of her injuries and the protracted nature of the abuse, hospital staff contacted the police to inquire about what steps were being taken to protect her. They were told by police that Sarah was 'well known' to them, and that she was 'a pain in the backside'. The hospital staff reported this to other hospital colleagues, commenting that 'police appeared to be not taking the matter seriously'.

Police inaction and lack of concern in response to these women's reports of violence may exacerbate, either symbolically or literally, the violence they are already experiencing. In Sarah's case, the trivialisation of her experiences by police - combined with their failure to adequately protect her - left her exposed to continued and escalating violence. Paradoxically, it was police indifference and inaction that produced precisely the vulnerability that had been attributed as something inherent to Sarah's situation (see Mason-Bish, 2012; Roulstone & Sadique, 2013). In Sarah's case, the police became preoccupied with the amount of times Sarah made contact with them, rather than with investigating the incidents. The absence of adequate policing gave impunity to her attackers and left Sarah increasingly exposed to continuing violence. Sarah described police reaction as a 'secondary element' of the assault, an additional element of the violence flowing from what she described as the 'ethical dissonance' of not being believed by police. As she put it:

So then it's all the strategies that police use in order to manage you and people like you ... who are seen as not as credible as someone in a police uniform. So it's the entire horror of the disbelief, and of course the worse it gets the bigger your horror is, because you can hear what you're saying, and if someone said the things to me that I've tried to tell other people, at first I wouldn't believe it.

These women's stories highlight that there is an absence of a shared understanding of what this abuse - characterised in particular by its severity and psychologically manipulative qualities - is. As it cannot be classified as family violence, there is an unintelligibility around how it can be understood and, indeed, addressed.¹ This issue was spoken about by the women in this research, and cited by them as a key factor inhibiting criminal justice responses. This unintelligibility and indifference became apparent in police responses to the abuse, as will be discussed below when we consider justice responses for the women. In the following section, we explore how the lack of understanding about this violence feeds into the hatred/vulnerability dichotomy, and the attendant inadequate social care responses offered to the women as a result.

The hatred/vulnerability dichotomy

The dichotomy of hatred and vulnerability has implications for the kinds of responses with which crimes are met. As noted, crimes that fall within the legal category of hate crime are generally met with a criminal justice system response (Mason-Bish, 2013). On the other hand, protectionist, social care responses tend to be offered when the crime is thought to have been perpetrated because the victim is seen as a vulnerable target (Mason-Bish, 2013). The women in this research were sometimes cast, by police in particular, as either uniquely vulnerable, or as 'crazy', vexatious people in need of social care as a priority in response to the violence committed against them.

This dichotomous framing of women's experience also highlights the burden on them to perform the role of the 'ideal victim', an 'image problem' of sorts in which justice gatekeepers have 'difficulty incorporating acknowledgement of both victimization and agency in representations of women's experiences of intimate violence' (Mahony, 1991; Randall, 2004, p. 2). Women are seen as either utterly helpless (suffering battered women's syndrome or 'learned helplessness'), or 'uncooperative' and 'non-compliant' when choosing not to participate 'willingly and fully' in justice processes (Randall, 2004, p. 3, 7). In the context of the experiences discussed in this article, women were construed as uncooperative and even vexatious when they pursued justice through diligent reporting, persistent follow up or other strategies such as collecting evidence.

When women are categorised as uncooperative, their agency is understood to 'undercut ... their victim status and the supportive response they warrant' (Randall, 2004, p. 3). The concept of the ideal victim thus omits the ways in which women experiencing violence are typically engaged in 'a variety of coping, help-seeking, and resistance strategies' as well as the way 'the social conditions of inequality so often limit or thwart ... women's help-seeking strategies' (Randall, 2004, p. 7). The stories discussed here are evidence of the ideal victim paradox in operation: the women struggled to obtain adequate justice responses, and when they pursued strategies to facilitate justice or secure their safety, their status as a victim was undermined and their access to support compromised. In the remainder of the article we explore the paradoxes of the hatred/vulnerability dichotomy and the impact the framing of women as either helpless or uncooperative has on their access to justice.

Though facing current and ongoing violence from NCMs, the women spoke about being referred to and engaging with therapeutic, non-criminal justice services. While they recognised the value and benefits that flow from engaging with such specialist services, their comments also pointed to the limits of social care responses when violence and the threat of violence are present. When asked where she felt safe, Tracey spoke about reaching out to free counselling services if

she was 'sad, upset or worried'. She also spoke about seeking support from her advocate and family members in relation to the Apprehended Violence Order she had taken out against her. The protracted nature of the NCM violence and intimidation, and the inadequacy of police responses, meant that Tracey sought to assuage her fear largely through non-criminal justice sources. Similarly, Marita had had long term and ongoing engagement with social care services. She described being disbelieved and victim-blamed by services in relation to the violence she had experienced. Services told her she 'was paranoid and delusional' and that they 'wouldn't attend the police station with [her]'. While Melanie's situation differed from the others as she was eventually relocated, it is worth noting that this response was precipitated by a severe sexual assault and break-in that followed a long history of assault, burglary and intimidation, which was routinely minimised.

Sarah seemed very conscious of the way police minimisation of the violence she experienced worked to elevate the idea of her as vulnerable and helpless and in need of social care rather than criminal justice responses. Sarah was herself under no delusions that the violence and harassment she endured were motivated by prejudice and hate. As she commented, 'I'd like to think I'm a rational person, and the irrationality of people hating other people when they've never met or talked to them, it just blows my mind'. While positive about the shifts in social attitudes and legal responses to family violence, Sarah did cite these changes as complicating responses to disablist targeted violence, summarising police attitudes to her situation as 'ohh right, it's not domestic, go away, neighbourhood dispute'. In Sarah's case, this 'category issue' had a two-fold effect, working to minimise the violence and criminal behaviour while simultaneously relieving police of a duty to respond as they would to criminal assault or family violence. It is worth noting, however, that this response is not inevitable; stranger assaults have been and often still are taken more seriously than family violence (Pahl, 1982, p. 337; Russell & Linda, 2006, p. 376). In the examples explored in this article, police chose to minimise the violence perpetrated against women, reinforcing the truism that police are very powerful as 'gatekeepers of the criminal justice process' (Crowther, 2007). Sarah told us that, historically, the police had been no support, failing to even adequately investigate incidents. Instead, as with the other women, Sarah was pushed toward therapeutic responses as a solution (see for e.g. Mason-Bish 2013). For Sarah, the absurdity of attending counselling at victim services while the violence and harassment continued was obvious:

[The police are] not looking at what's happening, it's more, 'Oh not her again'. So then it's the secondary element with the assault because the assault isn't just the physical thing in the first, it's the kind of ethical dissonance in, 'hang on, these are the police, I'm being attacked, it's the police I call, it's not a counsellor'.

Sarah also commented on the way therapeutic responses let the community 'off the hook' to a certain extent. As she said:

I'm getting counselling ... which I said no to in the beginning ... and I'm thinking, there's an aspect of counselling ... like not an easy way out for the community, but it's like here you are, you've got a victim who's still in the situation, neither the community nor the system has done anything to take you out of that situation. So it's sort of ... like, if there's a child being sexually abused every day or something and you're saying to the child, 'I came to offer you counselling'. But you're actually leaving them, it's immoral, it's putting all the responsibility onto the victim instead of the community to change it. What is happening is unacceptable ... I'm not going to make it easy to just let the system and the community say, 'oh well we'll send her to counselling'. It's outrageous.

Consistent with the social model approach to disability is the view that vulnerability is not an innate feature of a person. People are instead cast as vulnerable by society. It is prejudice about people with disability that creates the notion of innate vulnerability, which is itself a hostile notion

¹ This is not to diminish ongoing issues with adequate police responses to family violence, see *Royal Commission into Family Violence* (2016, vol. 3, pp. 14-15).

(Roulstone & Sadique, 2013). Amongst the women in this study, police and others failed to see the violence and harassment they experienced as crimes motivated by hostility and hatred, instead positioning the women as uniquely vulnerable victims and therefore in need of protectionist, social care responses. In other words, the violence the women experienced was minimised when their vulnerability and helplessness were emphasised. This in turn resulted in reduced or less urgent criminal justice responses. Exacerbating this situation, we argue, is the disablist and prejudicial perception, from perpetrators and sometimes police, of these women as 'crazy', prone to exaggeration, vexatious and therefore uncooperative. The absence of a shared understanding or intelligibility for this violence led to these women being disbelieved and the severity of the violence being ignored (see Mason et al., 2017). In the following, we explore the impact of this on the women's access to criminal justice responses.

Criminal justice responses

As we have noted, criminal justice responses were largely inadequate for these women due to the lack of a shared understanding of the violence, in addition to the minimisation of the violence when it was viewed as a result of vulnerability rather than a targeted crime motivated by hostility. In general, the women's reports were not taken seriously by the police, the police failed to act or intervene in the violence, and in some cases even exacerbated the violence, particularly through misidentification of the primary aggressor. Similarly, participants with disability in a study in the United States reported numerous barriers they faced when reporting intimate partner violence to police, including police seeing them as less credible, lacking understanding, and responding through the use of stereotypes (Child, Oswald, Curry, Hughes, & Powers, 2011; see also Hughes et al., 2011 on police perspectives and experiences in the United States of responses to crime victims with disability). In the absence of adequate police and criminal justice responses, the women in our research were left to come up with their own solutions and strategies for attempting to stop the violence. Oftentimes when such actions were taken by the women, the perception by police of their agency and uncooperativeness undermined their victim status and worked to thwart their pursuit of safety and justice. Crucially, the police indifference explored here reveals a disturbing disregard for human rights and the right to justice for certain members of the community.

When we spoke with her, Tracey was waiting to go to court to address being named as a respondent on an Apprehended Violence Order taken out by the perpetrator. Tracey's observations about the nonsensical and chaotic nature of the violence, harassment and process of accessing justice echo observations made by the other women. Tracey told us that she thought 'the best [she] could possibly hope for would be that somebody would just listen', despite also telling us that she has 'been through it enough [now] to know that people don't really want to know'. Tracey's comments here emphasise the way in which an initial response of doubt or disbelief by police can quickly evolve to an indifference inseparable from a devaluing of the lives of women with disability. Tracey recognised that she would need to get lawyers involved, but told us that she could not afford one and that Legal Aid was too overloaded to offer assistance. She added that she thought getting her 'into financial difficulty' was part of the perpetrator's vexatious strategy.

Marita's struggle to access justice was also ongoing when we spoke with her. As noted above, she was taking measures such as taking notes and using cameras in an attempt to collect evidence herself. Marita was exasperated and tired by what seemed to her to be a situation that favoured the perpetrators' rights over hers. She commented, 'you apply for an intervention order and you might get your order and then the orders are breached and the police say they can't do anything because the people are entitled to – they live here, they're entitled to knock you over'. Marita, like some of the other women in the study, raised the

issue of misidentification of the primary aggressor. She told us she thought the 'protocols and procedures' around this issue are not rigorous enough and that it is too easy 'to blame the victim':

each individual police officer can make up their own mind ... they come and they interrogate me and then they go and they talk to the person – the offending person who's already got their story about – and they're very, seem to be very reasonable stories as to how I provoked them when in actual fact I didn't.

For Marita, the situation had reached a point where the onus to prove she was being victimised fell entirely on her. She also raised the 'category issue' as something that negatively impacted her. Marita suggested people like herself were 'actually doing it harder' since the social shifts and increased awareness around family violence. She told us that she was unable to access legal aid because the violence she was experiencing was 'not intimate partner'. She suggested that people who 'shove vulnerable people around and trash their [property and] ... hurt their animals' do it because they know they can, 'they're going "oh not intimate partner, no-one can do anything about it, ha, ha, ha" and it's true. 'Cause they're still here. No charges, no fines, no evictions'. Marita said that having been to court multiple times, she had worked out that the only way to 'achieve anything ... is to humiliate the other person so much that they display their anger or confuse them and humiliate them where they can no longer cover up their lies'. When asked about access to justice, Marita said 'for people with disability, I don't think there is any'.

Though Melanie ended up with an effective justice response, this only came after a protracted period of violence in the lead up to a sexual assault. Melanie pointed out to us that the man who raped her was a known associate of the group of people who systematically attacked her. Poor responses to these earlier attacks left Melanie exposed and vulnerable to more attacks.

Having endured a decade of targeted violence, Sarah had many stories to tell about her interactions with law enforcement and the justice system. She spoke about confronting a police officer, asking him to explain why the police were not taking her reports seriously. She told us that the officer did not respond. Sarah said she initially thought that police did not believe her reports of violence, but that later on, 'at the point where it's indisputable' such as when there are multiple witnesses, other measures are taken to make it 'go away'. Sarah recounted being told that she would be charged for the crime that was committed against her based on the counter claims of the perpetrators. Sarah refused to 'do the deal' and was taken to court. Her solicitor told her it was 'the most bizarre behaviour he's ever seen from any police'. The ultimate 'horror' for Sarah was when she realised that police were well aware of what was going on and were systematically refusing to do anything. As she said:

I said to the officer on the phone in tears, this is when I was naïve enough to think 'they're just too busy, they'll get it right in the end' ... something in me broke when that good police officer said to me, when I said 'I don't understand, why don't they believe me?' He said, 'Sarah, they know' ... it's a systemic thing that comes from above that tells the officers below, we haven't got time for this nonsense, you're not going out there for the third time, we've got to deal with this woman, shut her up.

Sarah's revelation, like Tracey's above that 'people don't really want to know', is that the police were completely indifferent to her situation. The shock of this revelation was compounded by the knowledge that such indifference can only come from a devaluation of her life and her right to safety and justice.

In lieu of any protection from the law, Sarah's response, like that of many of the other women, had been to try to take things into her own hands and work toward building bridges between herself and her attackers. As she told us:

if I can try and just get one, to talk to them separately to get them to just reflect on what is going on, then that person, even though they'll keep on in the group doing stuff to me ... they'll have their head ... down.

Sarah, like the other women in this article, was cognisant of the community perception of her as 'crazy', and was clear about the role this played in designating the lives of 'people like her' as less worthy than others. Sarah reflected on possible reasons why people with disability are not offered the same rights as other citizens:

Maybe people just don't have the time and energy these days to get to know anyone, that's why the cops might look at me, and if I'm [working outside and I'm covered in dirt], or you know, my place is a mess, it's not a place that's all neat and tidy, it's a rural property, you know. So they look at me, 'oh yeah, we've got a whacko here'. ... we just make these, like bigoted biased evaluations based on what it looks to be.

Sarah's story also exemplifies the insidiousness of the concept of the ideal victim. Police were annoyed or at least put out by Sarah's persistence and unwillingness to 'play the game', such that her attempts to shore up her safety operated instead to undermine her right to protection and justice.

Importantly for discussions of justice, when we spoke to Sarah she had just had a breakthrough with an individual police officer. Following the most recent attack on her property, a new police officer had proceeded with charges against the perpetrators. After many reports of violence over many years, Sarah said that it was the first time one had ever progressed to a charge. She told us that whatever happened in court she felt validated:

I was in tears thanking that police officer, I said, 'I want you to know, whatever happens from now on with that court case, if they walk off...', and I said, 'do you know what, you have done the justice, you have done it. It's already done'.

In the larger research of which the women were a part, Maher et al. (2018, p. 10) found that women 'often distinguished between personal and legal justice'. That is to say, '[w]omen's aspirations for everyday security for themselves ... were also a critical aspect of what they identified as justice and access to justice' (Maher et al., 2018, p. 10). As Sarah's story highlights, when the severity of the violence and situation was understood, in her case by staff at the hospital and the police officer who pursued her case in court, there was a progression to a personal belief from Sarah that procedural justice had been achieved, regardless of the outcome of the court case. For the women in the broader study, as for those mentioned here, justice could in part be achieved not by the entry of the perpetrators into the criminal justice system, but rather by being believed and having their immediate needs for safety responded to.

Conclusion

The women considered in this article told us stories of protracted and severe violence from NCMS, and of the inadequate legal and justice responses to this violence and harassment. We have suggested that these forms of violence might productively be understood as a form of hate crime or, more specifically, targeted violence. The dichotomy between hatred and vulnerability offers one way of understanding how and why these violent crimes are persistently minimised and ignored. The experiences of the women considered here suggest that women with disability are perceived as uniquely vulnerable. Their stories suggest that police understand the harassment these women face as stemming from a pre-existing vulnerability ascribed as something innate to the women themselves, rather than as stemming from prejudicial attitudes held about them. This reliance on the concept of a pre-existing vulnerability enables law enforcement to minimise the violence

women experience precisely because it is not viewed as hate crime. Women are then pushed toward social care and therapeutic responses and law enforcement is 'let off the hook'.

In this vicious cycle, women are gaslighted, undermined and paradoxically *made vulnerable* because perpetrators continue to 'get away' with repeated attacks against them. Women who attempt to break this cycle and have their grievances taken seriously by police meet with the limitations imposed by the image of the ideal victim and are cast as troublemakers. We suggest that pejorative discourses about disability, or disablist prejudice, play into and perpetuate this vicious cycle, and that perpetrators are able to retrieve popular discourses that echo their own prejudice about the value, or lack thereof, of certain kinds of lives. When violence and harassment directed toward women with disability is met with piecemeal or non-existent criminal justice responses, perpetrators are inadvertently validated, as are the disablist norms that cast women with disability as less worthy of protection. We suggest that the discursive slippage in the popular imaginary between disability and 'madness' plays a significant part in the cycle of violence we have outlined here. We have suggested that it facilitates both the commission of, and the inadequate response to, violence perpetrated by NCMS against women with disability. By demarcating some lives as less worthy than others, disablist discourses contribute to the trivialisation of violence while simultaneously obscuring the prejudice that motivates such violence.

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