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To cite this article: Linnéa Bruno (2018) National self-image as an obstacle to ensuring children's rights in the context of domestic violence and family law – the case of Sweden, Journal of Social Welfare and Family Law, 40:4, 426-440, DOI: [10.1080/09649069.2018.1519156](https://doi.org/10.1080/09649069.2018.1519156)

To link to this article: <https://doi.org/10.1080/09649069.2018.1519156>



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Published online: 17 Sep 2018.



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## National self-image as an obstacle to ensuring children's rights in the context of domestic violence and family law – the case of Sweden

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### ABSTRACT

The aim of this paper is to highlight and discuss contradictions and challenges in the current policy and practice regarding fathers' violence towards mothers and children in the Swedish welfare state. In particular, professional discourses and understandings of domestic violence in disputes about contact, custody, residence and maintenance, following parental separation, are analysed. My research suggests that abusers find ways to manipulate professionals and get them unwittingly to enable their continued control of victimised mothers and children. One conclusion is that oppression is maintained through processes of familialisation and selective repression. These discursive practices reproduce intersectional inequalities and, in doing so, in many cases result in the administration rather than prevention of further violence.

### KEYWORDS

Child contact; familialisation; gendered responsibility; joint custody; selective repression; racialisation; Swedish welfare state; violent fathers

### Introduction

For some survivors of domestic abuse, the troubles end with separation – a new life begins. For many others, however, the troubles continue after separation. For some, physical and sexual violence may end, but stalking, harassment, financial abuse and conflicts regarding the children mean that the previous times of trouble transform into new ones (Brown, Frederico, Hewitt, & Sheehan, 2000; Ekbrand, 2006; Fleury, Sullivan, & Bybee, 2000; Radford & Hester, 2015). In my doctoral dissertation *Times of Trouble – Fathers' Violence, the State and the Separating Family* (published in Swedish in 2016) the times of trouble following a separation are analysed, contributing to a sociological understanding as to why violence so often persists when survivors have done what they could to escape from it. The thesis examined the handling of domestic violence in three domains of practice in the Swedish welfare state: 1) children's education in school and preschool; 2) family law proceedings concerning contact, custody, residence and maintenance; and 3) welfare benefits such as financial aid. In this article I focus on two salient social processes which were evident in all three domains and which facilitate the continuation of violence: *familialisation* and *selective repression*. These concepts are elaborated below. Selective repression, in turn, can be seen to follow two kinds of patterns which are discussed below under the headings *racialisation* and *gendered assignment of responsibility*.

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Separation is a critical phase in an abusive relationship, especially so in cases where the perpetrator of violence and the abused party have children together (Enander, 2008; Featherstone & Peckover, 2007; Khaw & Hardesty, 2007; Radford & Hester, 2006). Within different domains of practice professionals have varying ways of formulating, or not formulating, violence as a problem, varying ways of understanding risk and exposure, and varying discourses. Variations in framing and handling domestic violence create contradictory outcomes and difficulties for victimised women and children (Eriksson, Bruno, & Näsman, 2013; Hester, 2011). For example, a mother may be told by a family law social worker that she has to promote a positive image of the father to the children, and let them see him – if not, she may lose custody. The child protection social worker involved in the same case may tell her she has to protect her children and not let them see their father – if she fails to protect, the children may be taken into care by the social services.

In Sweden, women run the greatest risk of being murdered when separating from a male partner. Many times, children are present. In a majority of cases, the mothers have, in various ways, looked for help – reported to the police, applied for a restraining order, shared information on violence with personnel in health care, at hospitals, or the social services. According to a review by National Board of Health and Welfare, of lethal violence committed by partners or ex-partners during 2016 and 2017, all victims had previous contact with relevant agencies and most cases could have been avoided had professionals acted more adequately (Socialstyrelsen, 2018)).

Most violent fathers have continued contact with their children after parental separation (Forssell, 2016; Forssell & Cater, 2015). A major Swedish evaluation of interventions for children who have experienced their mothers being physically abused by their fathers found that the single most important prerequisite for children to be able to benefit from the treatment was that contact with a perpetrator (either convicted or merely alleged as such) was not being forced upon them. This condition proved more decisive than the type of treatment being received by the children (Broberg et al., 2011). Hence, a court's decision might have considerable consequences for a child's opportunities for recovery, and the results speak against the current common practice of children being forced to have contact with someone they perceive to be a perpetrator of violence. Drawing from interviews with and psychometric data on 165 children and 165 mothers, researcher in social work Anna Forssell (2016), raises concerns about why and in whose best interest contact is maintained. All of the children in her sample had received treatment for being exposed to or directly subjected to violence from their fathers but 75 per cent of them had continued contact. Nearly half of the children in cases with indications of physical or sexual child abuse had unsupervised face-to-face contact. Further, the results confirm previous international studies on violent men's parenting which highlight self-centredness, expressions of entitlement to the children and/or mother and difficulties in viewing their actions from the child's perspective. In Sweden, the ideal father is active and engaged as a parent. Many children in Forssell's study described their fathers as disengaged, absent and lazy. By analogy with the concept of *relative poverty*, Cater and Forssell (2014) introduce the term *relative neglect* to conceptualise these children's situation. Furthermore, children who have been exposed to intimate partner violence, the authors emphasise, may have needs that exceed those of children in general, when it comes to safety and parenting skills.

## Legal and political context

Sweden has the reputation of being a child-friendly and relatively gender equal society. Nevertheless, the family in Sweden was a lawless space until only a few generations ago and the father had the legal right to use violence for educational purposes towards his wife and children. The women's movement in the 1970s, supported by extensive research and a growing number of female politicians, was instrumental in putting women's rights to bodily integrity on the political agenda (Nordborg, 2005). Since the 1970s the government has emphasised welfare reforms enhancing women's financial independence through paid work, affordable child care and promoting gender-equal parental leave (Gunnarsson, 2013). In addition, reforms aiming at reducing men's violence have been initiated. Rape within marriage was criminalised in Sweden in 1965. In 1999 several reforms were taken on the basis of the government's report *Kvinnofrid – women's peace*. Sweden was the first country in the world to criminalise the purchase but not the selling of sex. Of great significance was the introduction of a new crime – *gross violation of integrity/a woman's integrity*. This takes into account the process of normalisation of violence in intimate relationships – it captures repeated acts against a partner or previous partner and violations designed to damage self-esteem. Each individual violation does not need to be severe, but as a repeated pattern they are, the legislator argued (Burman, 2010; Nordborg, 2005). Research suggests that the legal standing of victims of intimate partner violence has been improved by this legislation (Diesen & Diesen, 2013). Domestic violence, however, is still a major issue (FRA, 2014). Moreover, there are contradictions between the reforms of criminal law and those of family law, as will be discussed further below. Shared parenting after parental separation is also a political priority. Shared legal responsibility for children's custody is strongly recommended and, since 1998, can be awarded even against the explicit wish of one of the parents. As will be elaborated in this article, the policy efforts to promote parental co-operation after separation, including in cases with reported domestic violence, have negative consequences for victimised mothers and children (Bruno, 2015; Eriksson & Pringle, 2005). In the public debate, lack of gender equality has increasingly been associated with *racialised Other* men, constructed as a threat coming from abroad (Carbin, 2014; Keskinen, 2009; Towns, 2002). One of many examples of this, is when the violence of Swedish-born men against women born in Thailand is suggested, even in social medical research (Fernbrandt, 2013), to be related to the lack of gender equality in the victimised women's culture, rather than to the norms and values of the Swedish-born abusers. On the other hand, if the perpetrator is from Iraq, the same study seeks to find an explanation in the violence of his culture.

As with the question of the safety of women, child abuse has gradually been made into a social problem which requires political action. It was only in 1926 that the Swedish state was given legal rights to interfere in a family if a child was being mistreated or abused. The ban on corporal punishment of children from 1979 has had a norm shaping effect, as there has been a sharp decrease in child abuse (Diesen & Diesen, 2013). It is estimated that around 90 per cent of children were being physically abused a hundred years ago, compared to 10 per cent today. However it was not until 2014 that forced marriage and child marriage were criminalised.

Over the last decades, there has been an increased awareness of children's vulnerability in the context of family law proceedings, and also examples of legislative reforms aimed at increasing focus on the best interests of the child. Since 2006, Swedish family law stresses that special consideration is to be given to the risk of abuse when considering the best interests of the child. In addition, the child's need for contact with both parents, and the child's own wishes should be considered. Prior to this reform, the child's need for close contact with both parents was emphasised as the most important consideration. Also since 2006, children who are exposed to violence have the right to crime victim compensation from the state (Eriksson, 2011). However, the policy area is still characterised by intense discursive struggle (Burman, 2016; Eriksson et al., 2013). In her thesis, Gunilla Dahlkild-Öhman (2011) explores the scope for children's voices offered to children exposed to domestic violence, in court mandated investigations regarding custody, residence or contact. The legislation, she argues, is potentially transformative and radical since it may challenge established adult-child relations as well as gender relations. However, family law secretaries, the social workers specialised in family law who carry out these investigations, seem hesitant to talk to children about the violence as such.

The exposure of children to contact with abusive fathers and their limited possibilities for participation and protection do not necessarily change, even with the death of the mother. A recent governmental report (SOU 2017: 6, 2017) has confirmed that even when the father is convicted of the murder of the mother, he may still be given continued custody. In effect, this means that he has the right to decide from jail, for example, whether or not the children are to receive treatment in order to process their trauma and loss, or where they should go to school. Even being convicted of the murder of their mother does not necessarily disqualify him as legal custodian, according to current legislation. The report suggests this should change. But other suggestions in the same report have more problematic implications for victimised parents and children.

The main task of the report was to evaluate the 2006 custody reform and additionally to analyse the reasons behind the increase in the number of custody cases and consider whether there is a need for further regulations. Issues concerning domestic violence are downplayed in the text. The main aim of the 2006 reform was to strengthen the child's perspective and to give priority to the risk of abuse over contact and joint custody when considering the best interests of the child. The report suggests this may have contributed to more parents petitioning for sole custody. Moreover, parents increasingly focus on their difficulties cooperating rather than finding solutions, it is claimed. Therefore, the authors propose that courts should be able to award joint custody even if both parents oppose it. Yet increased emphasis on joint custody, irrespective of what has happened, and the possibility for the court to force parents to have frequent contact post separation, may aggravate the situation for victimised parents and children. Perhaps the most striking feature of the report, however, is its lack of support in research. The references to research are so few that the authors choose not even to include a list of references in this 600 page publication. It should be noticed, however, that the Swedish government has not yet made any propositions with reference to this report.

As an interesting contrasting example, I would highlight the more child-centred practice adopted in Norway. The Convention on the Rights of the Child is incorporated into domestic law, and children from the age of seven have the right to have their say in

family law disputes. Moreover, the investigation must give further details about the child's own view on his or her situation. It is not uncomplicated, but it has been shown in a large study (Skjørten, 2013) that this has contributed to a shift from a focus on the parental couple in conflict to a focus on the situation of the individual child and her or his rights to participation. In addition, after decisions in family law proceedings are made, the judge together with a child psychologist is obliged to have a meeting with the child, and to give a face-to-face explanation of the decision. I find the Norwegian example interesting, as it shows how it may be possible to better implement the rights of children than what is being done in Sweden at present.

### The study

The empirical base for my dissertation (Bruno, 2016) was all relevant cases from three strategically sampled district courts during 2010 and 2011. This yielded 196 disputed family law orders with indications of violence, involving a total of 224 children. I also reviewed 100 court records on welfare benefit appeals and conducted interviews with 22 teachers and other staff from 10 different schools and preschools, and with 8 victimised and divorced mothers. The thesis explored intersectional and institutional conditions for counteracting domestic violence in the Swedish welfare state, especially in the context of parental separation and family law proceedings. Professional discourses and practices were examined empirically in four sub-studies: two on school and preschool, the third on obstacles to implementing children's rights in disputed contact cases, and the fourth on the handling of financial abuse in the context of parental separation in both welfare and in contact cases. The results have been published in English elsewhere (Bruno, 2015, 2017; Eriksson et al., 2013) and therefore the present article does not give a detailed account of the research methods used. The analytical focus throughout the four sub-studies was on how alleged and confirmed violent fathers and victimised children and mothers are positioned and their rights negotiated in the discursive practices of welfare professionals acting as representatives of the state.

### *Feminism, childhood studies and critical race studies*

I am in agreement with those who, in their research on violence, emphasise gender and gendered processes as particularly relevant considerations (e.g. Hearn, 2012; Hester, 2011; Walby, 1990, 2013). Nevertheless, the results of the four sub-studies (Bruno, 2015, 2017; Eriksson et al., 2013) suggest that patriarchy, gender inequality or male privilege are insufficient as an explanation as to why the troubling (stalking, harassment, abuse) persists after separation, and that other structuring categories also are important. The analysis takes a double view of children in line with the sociology of childhood, as both competent actors with a right to participation and vulnerable subjects in relation to adults and with rights to protection and provision (Eriksson & Näsman, 2008; Fernqvist, 2011). The key concept of *familialisation* was coined by the Finnish childhood sociologist Leena Alanen (1994) in order to describe the tendency to naturalise the subjugation of children in the family, this being the child's only natural platform to access resources.



In addition, insights from critical race studies have contributed to the analysis. In this field of research, for example, it is suggested that Sweden is characterised by a hegemonic whiteness. As a consequence, passing as a white person makes it easier to be accepted as a Swede, while being born in Sweden with Swedish born parents may still result in racial discrimination and being perceived as an immigrant due to name or appearance. Whiteness – as an unmarked normative position – thus seems central for the construction of Swedish identity (Hubinette & Lundström, 2014). The concept of *selective repression* is related to this perspective. By this concept, I refer to the way in which representations of violence as a problem vary with the position of victims and perpetrators in relation to social categorisations and inequalities – in effect a selective disciplining of both perpetrators and of those who have been abused. A further theme in the analysis is the way in which different modes of the exertion of power (economic, discursive, legal-political and through violence) cut across the domains (areas of policy and practice) empirically investigated in the study. In so doing, these different modes of exertion of power can mutually support each other in maintaining (but also theoretically destabilising) inequalities, in this case related to age, gender, kinship, ethnicity, race and, to some extent, class. Hence I agree, for example, with Floya Anthias (2001, 2012) who disputes the assumption (derived from the Marxist tradition) that some dimensions of inequality are more discursive/cultural while others are more economic/material.

### **Familialisation**

The dissertation shows how processes of familialisation can strengthen adult power, parent power and gender power simultaneously when children are positioned as objects or as incompetent subjects in cases with reports of control and violence, and that this can occur within all examined domains. The question of responsibility for care and parenting capacity is marginalised within the domain of custody, residence and contact, as most cases focus on the issue of cooperation between the separated couple, and the problem is represented as a conflict of interests between two equal parties (cf. Ingrid, 2014). A focus on the position of children, however, is important in order to put the complex of problems into perspective and to avoid reproducing simplified and stereotypical presentations of victim and perpetrator. Children can be emotionally ambivalent towards a violent parent and do not always wish for the relationship to end (Cater, 2004; Eriksson & Näsman, 2008). High levels of reports of domestic violence and children's vulnerability in this context call for risk assessment by the courts. As shown in my analysis of district court orders, comments on risk assessment were lacking in more than half of the cases which included reports of violence (Bruno, 2015). However, to assume that the wishes of the mother are always beneficial to the child would also be a form of familialisation, and this is not a conclusion which I draw from my research. Whenever the requests of the mother are framed as coinciding with those of the child without giving the child an opportunity to share his or her perspective and seriously considering the child's wishes, this also entails a denial of the individual situation of the child, as well as their rights, especially those regarding participation. A parent who is denied court-ordered contact with his or her child can apply for contact to be arranged through enforcement – and ultimately by police intervention (Röbäck &

Höjer, 2009). The parent can also have the other parent sued and fined for obstructing the contact. A child who misses his or her parent, however, has no rights to demand contact or to any compensation if a parent time and again fails to show up when contact is scheduled according to court orders (cf. Nordborg, 2005).

Different forms of power can have different significance in the different domains. Within the domain of Education, judicial power in the form of court orders may not be effective. The fact that there are court orders stipulating that there should be no contact with one parent does not guarantee that preschool or school staff will act in accordance with the orders and thereby protect the child. This does not necessarily mean that the staff disagree with the orders; they may rather be motivated by a fear of the abusive parent's violence. However, there are also cases where staff consider it perfectly reasonable to act against court orders and leave a child with the abusive parent – having the openly stated ambition not to interfere in the 'conflict' between the parents, and equating this with professionalism. I interpret this pattern as an expression of familialisation which does not consider the individual situation and rights of the child, but instead positions the child as an object for the adults' conflict of interests. In these instances, discursive power has greater significance than violence, judicial or economic power. However, in a school system which increasingly interacts with parents as customers, economic power and economic considerations are not irrelevant. Examples of this were found in interviews with teachers who claimed to have been instructed by their Principal to ignore their concerns regarding a child's situation. A school might choose to turn a blind eye to the exposure of a child to violence, making it an economic priority not to get into conflict with the parents in order to be able to keep them as happy customers.

Children are not involved in economic production and if they are given any attention at all in this sphere it is as an economic burden for whom the parents must provide. However, the UN Convention on the Rights of the Child states that they have the right to have their needs taken into consideration and a right to participation in all matters that concern them (Fernqvist, 2011). While the last decade has seen a dramatic increase in the attention given to the position of children being exposed to physical violence from a parent (or another adult) (Eriksson, 2011) one of my conclusions is that there is complete silence regarding children's exposure to the financial abuse of one parent towards the other (Bruno, 2017). Parents have a shared financial responsibility for their children and the law presupposes that resources are available to everyone in the family. However, as is suggested in Bruno (2017), as well as other studies, this is far from certain. The opportunities for exercising financial abuse, not least during or following a separation, are considerable (Branigan, 2004; Patrick, Cook, & McKenzie, 2008; Sanders, 2015; Ulmestig & Eriksson, 2017).

### *Kinship and parental rights as the right to ownership*

Familialisation is the process through which kinship as a power structure is reproduced. This can also help to explain the great scope for action a father can have within the domain of Education, even in those cases where a court order denies him the right to access. He claims, and is given, power as a man in relation to the mostly female staff, as an adult in relation to the child, and as a father to the exposed child in particular.



In the Legal domain, children have neither the right to bring a claim nor the right to personal legal representation, nor the right to have a say; rather, they are constructed as objects for the conflict of the parents and thus have the status of a kind of property. As has been shown by Anna Singer (2000), legal custody is unrelated to the actual responsibility to provide care, appearing more like the parent's right to ownership than the rights of the child to have someone who provides for their needs and ensures their rights. Biological fatherhood in particular is seen as valuable in itself and appears to offer great capacity for action, even for convicted perpetrators of violence. Through the promotion of shared custody, the governance of the state appears to aim at keeping the separated family together, at a very high price in cases involving violence (cf. Eriksson, 2005; Hautanen, 2005; Heide Ottossen, 2006).

Nevertheless, exceptions to this effort to keep families together can be seen. In my empirical data (Bruno, 2017), there are examples of fathers who, in their interaction with professionals, show an apparent lack of interest in their children, for example by making their contact with the children conditional on the demand that all travel expenses be paid for by the mother, or by not showing up on a number of occasions when contact has been scheduled. Separation is then completed and an end to the troubles is realised on the father's conditions. The second important exception is related to privileges of whiteness and racialisation, which is discussed in the following section. As seen, the subjugation of children is achieved through familialisation, and the individual situation of the child is not considered when the problem is represented as a conflict between the adults. Against the adults, however, a selective repression is carried out.

### *Selective repression*

My research confirms Keith Pringle's suggestion (2010) that difficulties in confronting and countering racism in Sweden intersect with insufficient societal responses to men's violence against women and children. My dissertation points to the effects of both familialisation and racialisation in the practices of district courts within the Legal domain. Furthermore, I show how disciplinary strategies can be utilised within the domain of Education, not primarily against the person who is abusive and threatens the safety of children and staff, but rather towards those being exposed to the abuse. There appears to be a selective culturalisation of domestic violence, a selective assigning of responsibility and a selective disciplining of perpetrators and those who have been abused.

### *Racialisation*

As noted above, the dominating pattern of familialisation and legal regulation aimed at keeping the family together was potentially broken when fathers showed an all too apparent lack of interest in their children in their contact with professionals (Bruno, 2017). In addition, my research showed an exemption from the steer towards keeping separated families together to be typical in those cases where the father had a non-Nordic name (Bruno, 2015). In cases with indications of violence, it was four times more common for fathers with non-Nordic names not to be given visiting rights. I also found several cases where non-Nordic fathers were not given rights of

access, or given only limited rights, without there being any reports of violence at all (Bruno, 2015). The expressed wishes of the child, or the court's idea of the child's true wishes, were decisive in these cases. Here, the cases where fathers with Nordic names were given complete access to the child, in spite of there being explicit reports of severe violence, and in spite of the wishes of the child not to have contact, stand out in remarkable contrast. Thus, it seems to be the nuclear family perceived as Swedish/Nordic that is to be kept together at all costs, not racialised Other families (cf. Eriksson, 2006). Kinship is thus also shaped by race (as a power structure) in the discursive practices of professionals.

The positions of victims and abusers are constructed in relation to each other, but can be weighed differently depending on the context. One of my conclusions (Bruno, 2015) was that the discursive practices regarding violence in parental separation are determined by the position of the perpetrator, not that of the victim. It is, in other words, not because the courts are more eager to protect children with non-Nordic names that they tend to emphasise the rights to protection and participation of these children in particular, and refer to the Convention on the Rights of the Child and so on in these cases, even if it might appear so at first sight. Rather, my interpretation of the findings is that it is the image of the *patriarchal Other* (Eriksson, 2006) which influences professional practice, in many cases probably subconsciously. This interpretation is supported by the fact that no other research indicates any particular concern to defend children with foreign backgrounds. Rather the contrary can be noted in, for example, the treatment of refugee children by the state or in relation to age determinations for unaccompanied refugee children before the granting of a residence permit (Hedlund, 2017; Wernesjö, 2014). There are, however, in interviews and court orders, very few examples of suspicion being openly cast on fathers with reference to their foreign (or non-Nordic) background. Thus, the patriarchal Other is invisible as a rationale for the activation of discourses of care and/or participation for children (Eriksson & Näsman, 2008). I interpret the activation of these discourses as mainly rhetorical. Instead, whiteness can be seen as the unmarked normative position (Hübinette & Lundström, 2014) which, together with adult privilege and male privilege, shapes family law disputes involving allegations of violence.

### *Gendered assignment of responsibility*

In research on violence, and not least on sexual violence, victim blaming is an established concept. Those who give voice to problems are depicted as the site and cause of these same problems. There is extensive literature on how the gendered positions of victims and perpetrators are constructed in relation to each other in different discourses and practices, such as in criminal law, popular culture, youths discussing rape, the individual interpretations of events made by perpetrators and abused parties, and so on (see e.g. Alinia, 2013; Burman, 2010, 2016; Enander, 2008). In my research, the primary focus of examination was not on the complex and often ambivalent psychological processes of the positioning of oneself and others in relation to images of perpetrators and victims, but rather the positionings and presentations made by professionals. Furthermore, my main focus was on children's positions rather than gendered conflict, while still acknowledging the importance of feminist theory in understanding discursive practices surrounding fathers' violence.

In her analysis of American political discourse on men's violence against women, Nancy Berns (2001) identifies two discursive strategies: degendering of violence and gendering the blame. She claims that domestic violence is generally portrayed as mutual and gender symmetric and, if it is admitted that most perpetrators are men, the cause of the violence is sought in women's provocative behaviour. Examples of these discursive strategies can certainly be found in my data. However, explicit blame for the violence is less notable than the recurring pattern of indirect assignment of responsibility. While women are to a limited extent held responsible for the causes of the violence, they are, in their capacity as primary or sole care givers (cf. Singer, 2000: givers of *actual* care), consistently assigned responsibility for the effects of the violence on their children. Thus, what we are specifically dealing with here is *mother blaming* (cf. Harrison, 2008; Lapierre, 2010; Radford & Hester, 2006). Research by Eriksson (2005) suggests that some family law secretaries openly presuppose that the mother will act as a buffer between a potentially dangerous father and his children. Furthermore, the recurring emphasis on cooperation between the parents, although superficially gender neutral, does have gendered effects in cases with indications of violence, by formulating the violence of one parent against the other and/or against the child as a conflict between equal parties. To conclude, assigning of responsibility appears as a selective process by which the professionals' use of disciplining or repressive measures varies with the gender and race of perpetrators and those who have been abused.

### Conclusion and looking ahead

Why does the troubling (abuse, coercive control or violations of integrity) persist, even after the separation? In the Swedish welfare state, what stands in the way of implementing the law and prioritising victimised children's rights after a separation, when the father is the perpetrator? My research suggests that the social processes which (albeit to varying degrees) are undermining the work of protection from domestic violence are familialisation and selective repression. These processes are supported by certain institutional and intersectional conditions. The results reinforce the notion that violence is actively *administered* in ways which contribute to the continuation of abuse. It should be emphasised that what is being examined here is not the intentions of the professionals involved, but the patterns of effects which follow from their practices. Many professionals are genuinely dedicated, and their intentions are generally to work for the best interests of children and to improve the conditions for people in vulnerable life situations. Practices regarding violence have their institutional and discursive contexts, and organisational, professional and political conditions, but within these structures active subjects are operating with the option of choosing different discourses and alternative courses of action. In some cases, the possibilities are limited by formal conditions, such as legislation and mandates to take action. In other cases, it is more a matter of informal conditions, interpretations of the situation and of the professional task. In some cases, there is a fear of making mistakes, or of being exposed oneself.

Fathers' violence against children and mothers constitutes an exercise of power in several ways. Control can be achieved by means of threats and violence, but it can also be enhanced by judicial power (in this case interpretations and established practices of

family law), economic power and discursive power. Discursive power is not unambiguous, and different discourses are competing for legitimacy.

### *The national self-image*

As Pringle (2010) has argued, Esping-Andersen (1990) and other researchers of welfare give a misleading picture when, in their comparative analyses and typologies of welfare systems, they only take into account the way in which states prioritise reforms for increased economic equality – where Sweden shows greater ambition compared to, for example, Great Britain. If the focus instead is placed on how the state handles issues of bodily integrity, such as in relation to institutional racism and men's violence against women, another image of Sweden appears. In particular, Pringle (2010) problematises the silence around sexual abuse against children. Taking this line of reasoning a step further, one might say that the Swedish welfare system is still fairly effective in countering poverty and securing the most basic material needs of its citizens, unless economic violence is exercised in the family (including after its dissolution). If, on the other hand, we use the handling of violence as an indicator of welfare, it can actually be questioned if Sweden has any welfare system worth mentioning.

The prevalence of domestic violence and the obvious difficulties in combating this problem challenge the Swedish self-image of being a gender equal, modern state with its rule of law and monopoly of violence intact. Women's increased economic independence and their advancement into positions within academia, culture and politics during the last half-century is welcomed by many men, but it is provoking to others and leads some of these to exercise violence in order to regain control. The increasing number of family law disputes can partially be seen in the light of this, as well as the urge to assign racialised men a greater responsibility for violence through selective culturalisation – viewing violence as cultural in some cases but not in others, depending on the ethnicity, skin colour, religion, etc. of the perpetrator.

I suggest that the current practice of prioritising abusive fathers' relations with (or control over) their children, over the rights of these children, is supported by conservative ideals of intact families and the normative power of the father – kinship as the right of ownership and as a power order of particular importance. In addition to this there is, simultaneously, a consensus-oriented and hegemonic discourse of gender equality which focuses on quantity – equal representation, equal amount of time with the mother and the father. Policy efforts to promote parental co-operation and to hold parents jointly responsible for their children's well-being have unintended and negative consequences for children exposed to domestic violence. Most fathers in Sweden are not abusive, but those who are can, ironically, use public discourses on the best interest of the child and on gender equality in order to gain continuous access to those being abused (Eriksson, 2005). A banal nationalism and a strong political commitment to create equal and involved fathers both have the unintended consequences of undermining the protection of victimised children and mothers. Obviously, fathers generally being more child-centered today than a generation ago is a positive development. It is crucial however, that professionals are able to recognise the difference between engagement and control.

### **Implications for policy and practice**

My results confirm previous studies which point to a discrepancy between official rhetoric and practices with regard to the safety of children and the safety of women. This discrepancy is expressed as a lack of implementation of children's rights to protection, participation and provision, as well as the state's responsibility to work towards ending men's violence against women as part of the adopted goal of gender equality (Burman, 2010; Eriksson, 2013; Röbbäck & Höijer, 2009). The violations of integrity persists in many cases, in spite of the mothers leaving their perpetrators in order to seek the protection of society for themselves as well as for their children. Apart from being sociologically relevant, the implications of my results are also practical and political. Implementation of more coherent and prioritised policies to combat violence within all domains of practice appears crucial (cf. Hester, 2011).

For the abuse or troubling to cease, it is necessary for the system to function in all its parts. When a preschool leaves an exposed child with a parent without visitation rights, or when the social services forcibly take a child from school in front of their friends – children for whom teachers are trying to create a safe learning environment – or when the district court makes a decision contrary to the risk assessment of the social services and the recommendations of child psychologists, the efforts of some professionals to ensure the rights of children are rendered ineffectual, due to the undermining of children's rights caused by other professionals.

It is necessary for all legislators and relevant authorities to take on board the scale of the oppression and to realise how the bureaucracy can be used by perpetrators and how they can unknowingly be made to administer the violence instead of countering it. Increased competence and guidance for implementation of children's rights is needed. All relevant professionals should have mandatory training in these issues. Further, I believe children should have their own legal representation in family law disputes. It is important in cases with children who have experienced violence (directly or indirectly), and who wish to maintain contact with a parent who has used violence (typically the father), that this contact is arranged following a thorough assessment of risks and in a way that is safe for everyone involved. In my view, forced contact can in most cases not be considered in line with the best interests of the child. Children should not have to take any responsibility for decisions regarding contact, custody or residence. However, a child who expresses a clear opinion should be able to have a stronger influence on the decision than at present. Politically, the conclusion can be drawn that in order more effectively to combat and prevent men's violence in daily life, the state must reconsider its nationalistic priorities regarding what and who should be protected from whom and on what terms

### **Disclosure statement**

No potential conflict of interest was reported by the author.

### **Notes on contributor**

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