

Exercise

History Timeline

AVERT
FAMILY VIOLENCE



**Collaborative Responses in
the Family Law System**



An Australian Government Initiative

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History Timeline Exercise

Materials required:

- History timeline cards x 4 sets
- Key dates cards x 4 sets
- Key dates answer sheet
- Historical themes
- A white board and markers

Purpose:

- To provide an historical perspective on ideas about violence
- To provide opportunities for participants to explore these issues in small groups.

Process:

Ask participants to work in groups of about 4 – 6 people. Give each group a full set of the **history timeline cards** and ask them to arrange them in chronological order so they represent a 'timeline'. You can shuffle the cards before giving them to the groups.

Once the groups have had time to place their cards, run through the correct order and encourage comments and debate. Ask the groups to adjust their cards so they are in a correct line.

Ask participants: **To what extent do they think any of the attitudes in the timeline prevail today?**

Next, give out the **key dates cards** to each small group in upside down piles. Ask each participant within their group to take one at a time and place it on their timeline until all the cards have been placed. Allow time for the small groups to discuss their decisions.

Run through the correct order and discuss reactions and questions that arise.



Emphasise:

- Children and women have been constructed socially and legally, over time, as possessions/objects; as vulnerable and needing protection; or as people with Rights. Our understanding of what is operating in current times is an important influence upon our approach as professionals
- These attitudes have been variously adapted according to prevailing views about culture and other diverse identities
- A human rights approach to family violence positions it within a framework of respect for the dignity of all humans and highlights freedom from violence as an inalienable right of all, not a variable, socially determined value or belief.

Modifications:

People can be asked to think of other events that are significant that are not on the cards. This can allow people to raise social events and experiences that are not already reflected in the cards. (For instance the beginning of particular services, or updates to law that have occurred since this resource was printed). This will ensure that the exercise captures the issues and experiences of people in the group.



History Timeline Cards

Women are Inferior to Man-made Laws

"Women do wrong to complain of the inequality of man-made laws.
...When she tries to usurp our rights, she is our inferior"

Children as Property

"The justice of a master or a father is a different thing from that of a citizen,
for a son or a slave is property; there can be no injustice to one's own
property."



History Timeline Cards

Wives' Obligations

The first marriage law 'obliged married women as having no other refuge, to conform themselves entirely to the temper of their husbands to rule their wives as necessary and inseparable possessions.'

Children as Hostages

'... it was quite customary to give young children as hostages to guarantee an agreement, and equally so to make them suffer for their parents' bad faith. When Eustace de Breteuil, the husband of a natural daughter of Henry 1, put out the eyes of the son of one of his vassals, the king allowed the enraged father to mutilate in the same way Eustace's daughter whom Henry held as hostage.'



History Timeline Cards

Children Not a Civil or Legal Category

Children are chattels, valued for their contribution to family work and for the potential support for parents in their old age. Children have no individual identity within civil society.

Children as Valued Property

Children came to be seen as 'flesh and blood', they came to be valued as valuable and vulnerable property.



History Timeline Cards

Rule of Thumb

The 'nagging' or 'disobedient' wife could be subjected to punishments such as the ducking stool or scold's bridle which were meant to restore domestic order and the authority of the husband. The 'rule of thumb' provided guidance to husbands as to the thickness of the rod that could be used to chastise wives.

Wives as Bondservants

"We are continually told that civilization and Christianity have restored to the woman her just rights. Meanwhile the wife is the actual bondservant of her husband; no less so, as far as the legal obligation goes, than slaves commonly so called."



History Timeline Cards

Married Women's Property Act

For the first time, married women could acquire, hold and dispose of property, with legal avenues to sue and be sued.

Child Protection

Children recognised as a potential person, requiring protection and support to grow into healthy people.

The concept of the 'best interests of the child'



History Timeline Cards

Rights for Children

Children recognised as having person status and therefore having rights under law. This involves the assurance of due process within juvenile courts and being accorded limited freedoms.



History Timeline Cards

Answer Sheet

Children as Hostages	Middle Ages (5 th – 15 th Centuries) (Sidney Painter – writing about William Marshal)
Wives' Obligations	Rome 8 th Century (Romulus - Early Roman Law)
Children as Property	Roman times to 18 th Century (Aristotle)
Rule of Thumb	Late medieval times until the late 19 th Century
Children Not a Civil or Legal Category	16 th and 17 th Century
Children as Valued and Vulnerable Property	18 th Century
Women Inferior to Man-made Laws	Late 18 th Century (Jean Jacques Rousseau)
Wives as Bondservants	Late 19 th Century (John Stuart Mill)
Married Women's Property Act	1883
Child Protection	Early 20 th Century
Rights for Children	Late 20 th Century



Key Dates Cards

Shift to equal, shared parenting responsibility

The rights of couples in de facto relationships, (including same sex relationships), mirror married couples' rights

Forcible removal of Aboriginal children from Aboriginal families

Shift from 'custody and access' in family law to 'contact, residence and parental responsibility'

Compulsory schooling begins

Children's charter; first legal intervention in relation to cruelty to children



Women can vote nationally in Australia

Establishment of children's courts and introduction of supervision orders for children at risk

League of Nations Declaration of the *Rights of the Child*

Introduction of family dispute resolution sessions

United Nations Convention on the Rights of the Child

Federal Family Court established



Key Dates Cards

Aboriginal people
registered through the
Census

No-fault divorce
introduced

Indigenous women
granted suffrage in federal
elections

Rape in marriage
recognised as a criminal
offense



Key Date Cards

Answer Sheet

1850 – 1950	Forcible removal of Aboriginal Children from Aboriginal Families
1880	Compulsory schooling begins
1889	Children's Charter, first legal intervention in relation to cruelty to children
1902	Women get the vote nationally in Australia
1908	Establishment of children's courts and introduction of supervision orders for children at risk
1923	League of Nations Declaration on the <i>Rights of the Child</i>
1959	United Nations <i>Convention on the Rights of the Child</i>
1962	Indigenous women granted suffrage in federal elections
1971	Aboriginal people registered through the Census
1975	No-fault divorce introduced
1975	Federal Family Court established
1992	Rape in Marriage recognised as a criminal offence in all states
1995	Shift from 'custody and access' in family law to 'contact, residence and parental responsibility'.
2006	Shift to equal shared parenting responsibility
2007	Introduction of family dispute resolution sessions
2009	The rights of couples in de facto relationships, including same sex relationships, mirror married couples' rights