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Locked down? Speaking from the shadows and silence for survival

Rima Patricia Hussein

Northumbria University, Newcastle upon Tyne, UK

Correspondence

Rima Patricia Hussein, Northumbria University, Newcastle upon Tyne NE1 8ST, UK.

Email: rima.hussein@northumbria.ac.uk

Abstract

I write to speak of silencing and the suffering of survivors of domestic abuse in the family courts of England and Wales and the struggle to find a voice to articulate the hardship faced in this lockdown through court. It has taken the whole period of lockdown to find the words, the courage to keep writing, even as tears stream down my face, even as I sit in a virtual court hearing, even as my voice breaks as I fight to be heard. This text is a glimpse into a world that is hidden in plain view, where I will share fragments of my lived experience. I am scared to write but know I speak or am lost in the silent void that I have known for too long. Domestic abuse and the taboo around it screams at me to remain unseen, hidden, and invisible. I keep returning to find the words, as the very real cost of not naming the violence and reaching out to speak through it is too high. The fragmented account that follows is a raw telling of living life through the court system; it is written to share a voice that was unheard in the family law court and has been minimized, side-lined, ordered, and silenced through 3 years of the court journey and the embodied effects this has had. It moves between space and time to show a journey endured. Can you hear me? Will you bear witness?

KEYWORDS

activism, domestic abuse, familylaw court, silencing

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I can't do this anymore.

It is the burning, the stretching, the moment of reckoning.

I don't want to do this anymore.

My heart is broken over and over by the loss of my faith in justice.

By seeing my Children's pained faces as they say goodbye for another three days.

I sat in a court room today.

It was secret, as all my family law hearings are.

There sat a [REDACTED] judge. He does not see what has been so directly shown.

Yes he [REDACTED] me, yes he [REDACTED], yes he [REDACTED] all our years together.

And now he [REDACTED] you. So that you sit in a court room asking why this woman keeps making allegations.

You avoid the abuse word; too messy. Skirt over all the entrails of the abuse lying there in the room and stare at the woman, daring her to look back. Well, she does and will continue to. You hold no authority over me, nor do you preside over truth or deal in any kind of justice. This is a kangaroo court in the 21st century in a privileged nation in the Western World. Except in the court room the years have rolled back, we are in another place and time. Survivors have no voice, they are silenced, they are labeled over-protective of their Children, they are gaslit and retraumatized in a "civilized legal system". A carousel of money spent for someone to speak for me, that doesn't say the right things, trying to understand what the nuances are, as the solicitors and judge speak in a code I don't understand. What do they understand? Not the pain, the courage, the love, protection, sacrifice and the responsibility, honor and justice it deserves.

Welcome to the English Family law court, you have been in District judge [REDACTED]'s chamber.

1 | GAGGING THE OTHER¹

This writing is a testimony and bearing witness to a system and how survivors are treated within that system, to the invisible silenced reality of domestic abuse survivors navigating the corridors of power within the family law court system. It is not a confessional or an airing of my story, it is an antinarrative of justice; it is a plea for advocates and support for those in these processes. It is shining some light onto a very dark, hidden place. I will attempt to bring this world to life, to open up the court for questioning.

I use the term antinarrative here to situate the conventional aspects required for justice such as responsibility, accountability, resolution, and establishing accurate information to be unattainable in the system as it operates. Rather than writing a narrative that has a neatly tied together lived experience into "semblances of coherence that are performatively narrated" (Riach et al., 2016, p: 2078), my writing falters, gasps, pauses, and attempts to share my lived experience as Butler (2009) emphasizes for undoing the performativity that was created through the sanitized, narrow, and rationalized court process. Butler has questioned the possibility of a liveable life in the context of the judicial system with the law having the power to demarcate life and how a subject is valued or recognized, with those falling outside the lines remaining unrecognized on the margins. An antinarrative allows what is, the unknown and writing from the margins which brings the unliveable to life rather than wiping it clean and performing for the audience. I do not have any answers, but my body has some experiences to share/shout about/whisper/sob over.

"There are texts that are made of flesh. When you read these texts, you receive them as such. You feel the rhythm of the body" (Cisoux, 1990, p: 27).²

My hope is that this antinarrative may offer a glimpse of the in-between, outside the trope and conventions of the court narrative into the lived hidden, shadow aspects of the court experience and decisions that render antijustice to Women and Children. This is documented widely by campaigns of third sector domestic abuse organizations such

as Women's Aid and the Center for Women's Justice and media campaigns such as "the court said",³ which chart the very real barriers to the possibility of justice.

The backdrop to this account is the terrain of the family law court in England and Wales. The space that is terrifying for abuse survivors, the actors in the system holding little understanding of what abuse looks like and how to support victims. The buildings are foreboding, old, and scary, there is little possibility of avoiding the perpetrator when you arrive at court. They are often sitting in the same space as you, no special adjustments made. Though they are officially available, special measures are not routinely used. These special measures include separate entrances, video links and the ability to have a specialist support worker present with the victim. Every time I asked for a domestic abuse support worker to be present in the court room it was refused. The court space is one of hostility, the professionals have little awareness of how it is to feel unsafe and be sitting right by your abuser. I entered that world naively 3 years ago. I say naïve as at that time I believed in justice. Tell the truth and all will be well...

The family law court is especially secret when you are in private proceedings. Private proceedings are when an adult with parental responsibility has started court proceedings to ask the court to consider the Child's welfare in making decisions on Child contact arrangements. Due to the proceedings being brought privately (rather than through involvement with Children's services or social workers starting proceedings), there are no witnesses present and hearings are not reported. You cannot record the exchange; it is recorded by the court and as a participant you can ask for a transcript of what happened in that court. The person that has the most power in the court room—the judge—can censor what that transcript says and change it before it lands in your hands. The lived reality of the court space can be modified and amended by the most powerful authority in the room, they decide how it is portrayed and what was said in that space, erasing what was experienced by the domestic abuse survivor word for word. It is illegal for that amended transcript to then be shared.

The subjective experience of being in front of a judge, trying to read a judge, hoping that the judge is reading your court papers and knows something of your case, trying to be as honest as possible in a scary and hostile place—is a gauntlet. There is a principle in the courts of judge continuity being important, with the notion that the same judge holds your case and the assumption that they understand it well, yet it all hinges on the judge that you end up with. I have lost count of the number of judges I have seen, but I can tell you some stand out facts: there have been two women judges, they are mostly old, white male judges, and there was one kind judge; they never call me by my title, it is always "Miss". I am not a fucking Miss. I have been told off, sneered at, stared at, condescended to, and had judges make decisions that have altered my time with my Children, decisions that make no sense to me, decisions that have kept my Children from starting school, decisions that result in young Children being separated from their Mother⁴ for multiple nights every single week, decisions that retraumatized me to the point of my bed feeling like the only safe space in the world, and decisions that have me broken again and again and again. Those decisions have silenced, minimized, bullied, retraumatized, drained, forced, and separated a Mother.

The court space is a distilled narrow distorted place where complexity cannot be tolerated. All arguments that are holistic and show the real nature of abuse and the impact on families are watered down to a black and white image, a still, flat snapshot which undermines and diminishes the very real trauma that abuse has on the survivor and their Children. There are mechanisms that are meant to be implemented and one of them is to have a fact-finding hearing, which ultimately results in a judgment on whether you have been telling the truth or not about your abuse. However, it is up to the judges to ask for that to happen and so if the judge does not think that is necessary then you continue and rumble on with abuse being a backdrop, like a watermark in paper but not considered by the judge when making decisions. Toward the end of my process, one judge specifically blocked me from including any further information on domestic abuse because *it was deemed not of significance*. It is these responses to abuse survivors that retraumatize and create a space of unsafety, a place where you cannot be heard, understood, or have the abuse seen and the trauma impact recognized.

The Court renders Woman Mother abject; as that which identifies me as mother is excluded from the object, I am an outcast exiled from the confines of the legally constructed culture and accepted (unwritten) rules (Kristeva

& Lechte, 1982). The degradation of the role of Mother cannot be over-emphasized. Not only am I “othered” but all that I have labored for is reduced and narrowed, I am not afforded the humanity of our symbiotic connection being recognized. It is this gap between self and other that I am falling through as “abjection is constructed through the non-recognition of what is close to it: nothing is familiar to it, not even a shadow of memories” (Kristeva & Lechte, 1982, p: 129). The erasure that takes place in the court reduces who I am time after time, rendering me to procedures and actions that will not accept my lived experience. The Mother vanishes as she is asked to behave in a masculinized way that fits (Höpfl & Matlal, 2007). She is not able to show her fear, concern, or emotions. She is told to speak only of the issues deemed pertinent to the judge. To speak in court an othering takes place, the Other, in this case both Mother and feminine are overruled by the enforced compliance enacted by the judge in authority sanctioning and reproducing the patriarchal order. Bodily experience is removed as it speaks of embodied knowing, while rationality is emphasized (Höpfl, 2000). The separation of Child and Mother takes place, no stories that share love are welcome, no recognition of what it means to be a young Child away from their Mother. My identity as Mother “perturbs...a system, an order; that which does not respect limits, places or rules. It is the in-between, the ambiguous” (Kristeva & Lechte, 1982, p: 127). All recognition of our bond, our unbreakable bond is removed. There is no place for love in the courtroom, with the implementation of rationality and the enforced rights/law of the father where it is considered more essential to have contact with a father even if that father has a history of abuse and there is evidence to support that.⁵ This erasure is akin to the stripping that has taken place at the hands of my abuser, expected to give all that I am, in birthing and mothering, offer everything I have, with no recognition, acknowledgment or human rights. No safety or humanness provided.

Her natural instinct to protect is cut. If the Mother shows her whole self; her embodied response to the court space, then she can be labeled *over-protective*, *crazy*, *unfit*, and *hysterical*. I was taught to be rational by my legal representatives, to consider what would be palatable to the judge, to present myself with no emotion, to keep my face clear of any expression as the judge was watching. This surveillance extends outside the court as you start to manage your own actions around what would be deemed reasonable by the judge. The judge was present in my every day as I engaged in self-surveillance for 3 years—at home, at work, at their school...with a sense of being watched as my way of being as woman and Mother was wide open to evaluation and criticism. I found myself changing the way my hair looked to be more conservative, being careful about what I shared on social media, scrutinizing my home for how a social worker would view it, and watching my words at school as professionals were communicating and assessing how the Children were and how I presented.

Rape: Poems 1971–1972

You hardly know him but now he thinks he knows you:
 he has taken down your worst moment
 on a machine
 and filed it in a file.
 He knows, or he thinks he knows, how much you imagined;
 he knows, or thinks he knows, what you secretly wanted.
 He has access to machinery that could get you put away...
 (Rich, 1973)

There is a compulsion in me to write, to speak, to expose the family law court space where there is no hearing or seeing of abuse. I am afraid he⁶ will read this. I am afraid his family will read this. In this fear is the transformation of silence into visibility, as my wholeness connects to my ability to speak and be seen (Lorde, 2017). This knowing of my words being read...it has taken me years to be able to put these words on paper. Being able to write in a stream of emotion; an embodied response though not an uncensored voice, it helps. I want to write more and louder, bolder, and angrier, but I know that my words could be used against me by the system. The court system gags.

"Writing which refuses to conform is extremely threatening to such a notion of order."

(Höpfli, 2000, p: 100)

2 | WRITING THROUGH TRAUMA

What are the words you do not yet have? What do you need to say? What are the tyrannies you swallow day by day and attempt to make your own, until you will sicken and die of them, still in silence? (Lorde, 2017, p: 3)

As Audre Lorde invites us to consider how silence can be transformed into language and action, she writes that when awaiting results of a biopsy there were 3 weeks in which she assessed her life, and her silences were what she most regretted. She talks of betraying herself into "small silences", the time spent waiting and planning to speak and the delaying and hoping for someone else to speak on her behalf.

Everything I say is wrong or twisted (by him) – I cannot find the words anymore. I decide to be silent. (Diary insert, 2008)

There seemed a dignity in making a choice about it at the time. But I remember the suffocation of not speaking and it haunts me to this day. This was the year that I submitted my thesis. I was in danger but not able to articulate it to my family or workplace and barely to friends. It was not only my voice that was suffocated but also my writing. I managed to submit and pass my viva with minor amendments and then collapsed.

The echoes of the violence are there present in my thesis, but unseen. The difference between what is laid out in the chapters of the thesis and the words left unsaid both in the process and on the pages is stark, that separation between public and private being the chasm that hides me and the ongoing abuse. I have since been unable to publish from my thesis as it symbolizes violence to me. The real costs of not naming what was happening were not only physical with my loss of voice, but also my identity and humanness. I did not know who I was anymore.

To write here is an act of resistance, to reclaim myself, that my life and work are intertwined, and I can show up as it all (Gilmore et al., 2019). This integration of my humanness into my academic voice is a long-awaited move and breaks a dam of silence, a writer's block spanning more than a decade. I have written. But not with my full voice loud and clear, parts of me showed in my teaching and scholarship but still there was hiding and shame. The resistance has gained momentum and the dam has burst. The vulnerable, hurt me is speaking, will you believe me?

This is not a linear account; abuse cannot be packaged in such a way. My writing is spatio-temporal—shifting between day and night, shadows and light, silence and the effects of it and the compulsion to break it. This may seem binary; however, it exposes the extremes that are encountered in the enduring. I move between and endure when I first entered the court 3 years ago and now, it is those who (temporarily) inhabit the court space that have understandings, but the space of a court room is different for the domestic abuse survivor to that which the judge inhabits. Time is measured through memory, which flicks back and forth, is forgotten and erased, trauma does that. Time is immaterial. I can sit in my home safe and then a memory lands and triggers physical reactions. This is the work of post-traumatic stress disorder. My writing is spatio-temporal and nonlinear as experienced through *La duree* (O'Shea, 2001). The clock could not count the minutes sat in court, or how time felt when waiting to go in, the weeks and months between hearings stretching with tension as I could only see to the next one. Contractions in time, spent depending on the day and correspondence, I had received in relation to the court process. I was enduring and rather than the sacred moments marking the time, in this case it was the tension, stretch, and sense of painful reckoning that awaited me. I often referred to it as a birthing process.

I have purposely embodied the rawness of experience in these snapshots. As Sara Ahmed (2017, p: 10) writes of building feminist worlds she emphasizes that "the personal is theoretical" and that though it is assumed that theory is

abstract, “the more abstract it is, the more it is abstracted from everyday life”. These words come from a body that has struggled, bruised, and side-lined, traumatized, and retraumatized. How about if I “stay with the difficulty” and show the labour that this is for me? When academic convention is to rationalize and clean up the mess, the work needed to bring ideas through experience cannot be underestimated as we see from those that write differently (Boncori & Smith, 2019; Pullen, 2018; Weatherall, 2019). This is one piece of the puzzle that is a lived life, it is not sanitized, cleaned, or rationalized, to do so would be to remove the tensions, stuttering, and process of breaking through the silence. It is the anti-thesis of the sanitized, narrow, monochrome, distilled court claims. It is a relief, my stomach relaxes, and I let out a sigh.

For domestic abuse victims, the true cost is a separation from all they know as what was true is slowly dismantled in the abuse cycle and a chasm builds between them and the outside world. For me, there had to be a point reached of no return before I could see, hear, and feel the abuse and the alarm sounded. I did not want to see; it was overwhelming, and I then could not unsee. Being gaslit means being desensitized across time, the longer I stayed the more I lost myself and I was unable to feel anymore.

Writing to capture the abuse - it is slippery - my mind wants to erase each awful moment and forget. I make myself write down what has happened. When my head erases it, I find the words on the page and can't believe they happened to me. What a cruel trick this is. Yet each word has truth, holds memory and tells me my erased life moments. I hold onto those words in amidst the gaslit fog and they show me a way through. A way to know what is true in the confusion that is purposely created to lose me in the fog. The words are my breadcrumbs, a trail I can follow. Oh God it is true, I can't pretend anymore. I see and cannot unsee this trail, these words that show me the pattern of hurt, these pages that chart a cycle of abuse. I face the words and the life that I want to forget, as painful as that is, and ask him to leave. (Diary insert, 2009)

3 | COURT DURING COVID19 LOCKDOWN

Lockdown is here. There is anxiety and separation for everyone. A time that shows the glaring differences in people's lived experiences, especially those of the vulnerable.

I know the feeling of being stuck, unable to speak out, nowhere to run and being there with an abuser. It is hard enough to have the capacity to survive the abuse, let alone consider leaving it. At this time, victims are in more danger than we can imagine. Where can you turn when you are scared in your own home but told to stay there? How do you find safety when you see daily headlines of domestic homicides and you know that the most dangerous time is when you try to leave? How can you stay in your home or ask them to leave when there is no support or back-up?

Here I have many questions and very few answers.

I write to you at night time, the scariest time for me. I am physically “safe”, but any loud noises make me jump, I cannot stand anyone walking behind me, surprises of any kind make me uneasy, I sleep with the light on and a cricket bat under my bed. I live every day with the aftershocks and subsequent PTSD.

I write to let you into this World that I navigate alone. The walking that has been needed on the rockiest of paths. I am angry that I even need to explain, to educate. But I know that my voice is being found by speaking of this as a survivor, though I hesitate and stumble, meeting blocks, triggers, and resistance on the way.

I sit here overwhelmed with fear and rage. I am forced to hand my Children over today. “Stay at home” they say, my Children cannot.

For survivors of abuse, this time has an added layer of risk. A layer that is invisible. I witness Mothers online asking what they can do, how to protect, keep safe, negotiate safe space with their abusers; otherwise known as the father of their Children. We look for help, there is little to be found. This is usual though not just in COVID times. Our struggle is unseen, the bounds by which we live unknown, the terror unfelt by society.

I am forced to have phone calls with him at this time to negotiate the crisis. I hear the edge in his voice. I remember.

I ask what we do if [REDACTED]

[REDACTED] I feel the violence of his words and actions, this is his language and narrative, for the [REDACTED] and the 23 years that I have known him. I scramble for help from the solicitor, she understands, but the judge looms. He is safely self-isolated, yet he will criticize me if I keep my Children safe at home with me. A rational eye on an instinctual and intuitive Motherly response, a distanced male view of my maternal world.

I shift between Worlds...

One full of Mothering, schooling little people, feeding them, content in the busyness of Mothering, finding challenge and joy. No space for my brain as intuitive Mother overtakes me.

Then empty silence, my Children gone.

There is deep grief in me. I remember how life used to be before the protracted legal process. My world has contracted to the point that this COVID time is my actual normal. A world in which I cannot reach out to anyone for fear of not being safe, days spent inside my four walls being the only place where I am truly "safe", isolation and panic known to me remaining unknown to society.

This COVID time triggers the realization that my World is suddenly shared by everybody else. My world is suddenly normal. The pain that this realization brings is huge as the gulf that once lay between us is gone. The grief, pain, isolation, anxiety, and panic are felt out there in society too. For now, we can share our path, it has been such a lonely path. Not able to go out, looking over my shoulder wherever I go, carrying anxiety and fear.

All this floods back now. Because this is my normal life.

4 | EMBODIED RESPONSE TO THE VIRTUAL COURT "HEARING"

The courts in Covid time are an unfortunate place. If you are having remote hearings, then it is urgent. The waiting, worry, anxiety, sitting in a virtual waiting room with the judge and your abuser is hard to describe. My personal safe space is now invaded by the virtual Court, I have mixed feelings, at least I do not need to visit the imposing building and be physically present, but my home is now shared on the Court platform with hostile professionals and him. My body is akin to jelly on the inside, wracked with worry, concern, and surging with adrenalin. The shaking rolls from the inside out. Hands twitchy and needing to be busy and so I write to you.

tears flow

I sit and write whilst waiting for the call from the virtual court. My heart races. I cannot sit still, my body shudders. It is hard to write, there are very few words.

Yet, this needs to be felt, seen, and heard. Hands shaking, words spilling out.

This is the 20th hearing I have attended. This is the second virtual one. Will my body get used to this? I shake inside out. The world of the court is not one for bodies, only heads. Remote voices arguing points of law, rational disembodied thoughts that form the basis of decisions that affect so many. These heads put forward cases and clarify details, looking at contested issues from a logical place.

There is no acknowledgment of, or place for my heart that longs for justice, my eyes that spill with tears whilst I listen, my stomach that flips constantly scared, my hands that cannot sit still and knit my daughter's scarf pouring all the love there, the love that is not seen or understood by the rational heads.

My head trusts my barrister and my heart hates the system. Abuse remains unseen and misunderstood here. (I am disconnected from my feelings as required in this space)

They talk in points of law about Children they do not know, making decisions that affect their wellbeing using information they receive in snapshots. My arms ache with grief at the holding that I need to give my Children impacted by these decisions. The nightmares, sobbing, tantrums, clutching teddies, countless cuddles.

I listen to the voices but slip away into a world of purl and stitch, the only way I can do this is to focus on the next stitch. I knit rows as my family is discussed along with [REDACTED]
[REDACTED] The time passes as I watch the scarf grow. The judge starts his summing up. He talks of [REDACTED]
[REDACTED]

The relief and exhilaration of a hearing that went well today. I was fighting to be able to [REDACTED]
[REDACTED]
[REDACTED] The absolute absurdity of this being something I must fight for is just one story amongst countless small battles encased in the bigger wars in the court room. Today there was a fair wind. My body is exhausted and wants to collapse. Back aches, head rings, heat in my body from all the adrenalin.

Today I knitted, I fought a battle and survived, now I can rest until the next. The scarf received all the love that there was no place for in the courtroom. I am shattered by this cycle.

At night time, the effects of the court ordered separation take over.

There is silence. My body shakes. I cannot sleep. Body frozen. Too scared to move. These are the effects of years of abuse followed by being retraumatized in the legal system. The smallest noise makes me jump. Yet I force myself to write this to you. To be seen. It is hard to come out of the shadows. I have lived in them for so long. I take long breaks between writing as opening, speaking, and remembering affects me. I have learned that walking the pain is work; living the grief and mining it to raise awareness for those further down the line is needed and hard. O'Shea (2018, 2019) depicts the pain of writing, rather than writing being cathartic or resolution, they describe working through the emotions while writing and being transported back into that time and the raw embodiment of the fragments of story. There is little acknowledgment on the grief and wracking pain of writing auto-ethnography, and I am grateful for Saoirse's sharing of their pain as I sit here with mine. I have compulsion to write, my body as scared as it is, needs to be heard, and yearns to be understood.

As I write I hear that my youngest broke her arm whilst in his care.
I got no call or notification, could not be there for her.

The rage wells up inside me, the sadness and grief spilling out.

This is not how it should be.

This is "safety"! [REDACTED]

I cannot get to her. My official time starts in two days.

What will it be like to be free?

Four weeks later...

I imagine this falling into his hands. Could be him or the judge, either way dangerous. I scan my writing is it too much? Can my words be used against me? In this moment, I see the shackles. Not only the physical remnants of the [REDACTED]; the parts of my body that remember (left arm particularly), or the thought patterns that remain in my head as I was [REDACTED]. He called me [REDACTED] most of all, it was all down to me. I was [REDACTED] to want to just sit still and read a magazine, I was [REDACTED] for allowing my two small Children to sleep in the bed with me, I was [REDACTED] for wanting to listen to Carole King, I was [REDACTED] for needing rest, I was [REDACTED] for saying [REDACTED], I was [REDACTED] for being scared of [REDACTED] or panicking when a [REDACTED] across the room. Most of all no one else really saw the mask slip. Unless you count the time at the motorway services where I was soaked from head to foot with water because I wanted to read a magazine and did not feel like talking.⁷ It is in the lingering sense of being watched, monitored, self-censoring to be safe, the bounds on my Mothering, the loss of my voice, and the stuttering writing that I feel the echoes of the gaslighting and abuse.

5 | SURVIVAL THROUGH THE DARK

My silences had not protected me. Your silence will not protect you. But for every real word spoken, for every attempt I had ever made those truths for which I am still seeking, I had made contact with other women while we examined the words to fit a world in which we all believed, bridging our differences (Lorde, 2007).

I ask that this piece be heard in the in-between spaces—the pauses, the intakes of breath, and the jarring gaps. There is a silence that this trauma brings both from the abuse and the family law court. We are casting a spotlight on the court. What would you ask the actors in that system?

I ask, what would it feel like to be believed? What would it be like to feel safe? How can the court recognize trauma? How can the system attend to the violence that is being reported to them? How can domestic abuse survivors be seen and supported in the family law court? How can the system stop retraumatizing domestic abuse survivors? How can the court be held accountable?

Lorde writes of learning to orchestrate furies before they tear us apart; harnessing the anger “to move through them and use them for strength and force and insight in our daily lives” (2017, p: 113) and how essential this is for survival. I see survivors harnessing their fury and raising their voices. We are surviving the court and illuminating the individual and collective silencing by the family law court system. Writing this embodied response challenges the continued masculine thinking and enactment (Boncori & Smith, 2019) in the court space inviting all that has been cut and silenced to be heard. Further questioning of the court is critical and needs to be drawn from the lived experience of survivors and the harnessing of their calls for change.

Diving into the Wreck: Poems 1971–1972

I came to explore the wreck.

The words are purposes.

The words are maps.

I came to see the damage that was done
and the treasures that prevail.

I stroke the beam of my lamp
slowly along the flank
of something more permanent
than fish or weed

the thing I came for:
the wreck and not the story of the wreck
the thing itself and not the myth
the drowned face always staring
toward the sun
the evidence of damage
worn by salt and sway into this threadbare beauty
the ribs of the disaster
curving their assertion
among the tentative haunters.
(Rich, 1973)

6 | POST SCRIPT

There has been a very important family law judgment given by Mr. Justice Peel (14/12/21), which looked at a case on appeal and ruled that the judicial decisions could not stand, due to a multitude of reasons such as failure to consider vulnerability, or special measures for the domestic abuse victim. Here is a part of the conclusion:

“I am further satisfied that the judge (i) did not properly consider and weigh in the balance the police and medical disclosure, (ii) minimized the nature of some of the allegations and their potential impact, (iii) did not consider the totality of the evidence in the round, or fully address how the individual pieces of evidence played into a narrative of coercive and controlling behavior, and (iv) relied heavily upon an assessment of each party as a witness, without factoring in the likely impact of giving evidence of traumatic episodes as a vulnerable witness, in the context of a pressurized court setting.”⁸

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DATA AVAILABILITY STATEMENT

My lived experience has been used to write this paper.

ENDNOTES

¹ This paper is self-censored to abide by legalities, my full writing could be drawn to the attention of the judge and if I write freely, I could be found to be in contempt of court. I have therefore blacked out identifying details about individuals, the proceedings, and omitted any detail from orders made by the court. I have left the blacked-out sections in the manuscript so that the reader can get a sense of the level of silencing that occurs for domestic abuse victims in the English and Welsh family law court system.

In a guide for family court users written by the HM Courts and Tribunal Service it is explicitly stated that: *You, and the people you share information with, cannot share information about your proceedings with the public in general or with a section of the public under these rules. If you, or another person, want to publish information about the proceedings to the public, you will need to get the judge's permission.* This is enshrined in Part 12 of the Family Procedure Rules 2010 and Practice Direction 12G.

² I invite you to read this aloud, to feel the words, as helpfully recommended by reviewer 1.

³ <https://thecourtsaid.org/>.

- ⁴ Throughout I am using capital letters for Mother and Child and lower case for judge. It is a small adjustment that helps me center the Mother and Child in this writing and reject the consistent minimizing of the Mother role that was enacted in the court space.
- ⁵ I write generally here as it is not possible to refer specifically to my case.
- ⁶ I use he to mean the perpetrator of the abuse. I am unable to name him or provide details that would identify him due to the legalities of the court. Although the court process ended this year, I am bound under the law to keep details confidential, such as names, happenings in proceedings, or any information from legal orders that could affect my Children.
- ⁷ I include the details here as this was too minor to be included in court papers and therefore, I can share it.
- ⁸ Full information available at <https://www.bailii.org/ew/cases/EWFC/HCI/2021/106.html>.

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AUTHOR BIOGRAPHY

Rima Patricia Hussein is Senior Lecturer in Organization Studies and the Faculty Director for Equality, Diversity, and Inclusion in the Faculty of Business and Law at Northumbria University. I write about domestic abuse and what survivors face when navigating the family law courts. To amplify experiences wherever possible for the change needed on a systemic level and the possibility of care, safety, and trauma informed practices for survivors and their children.

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