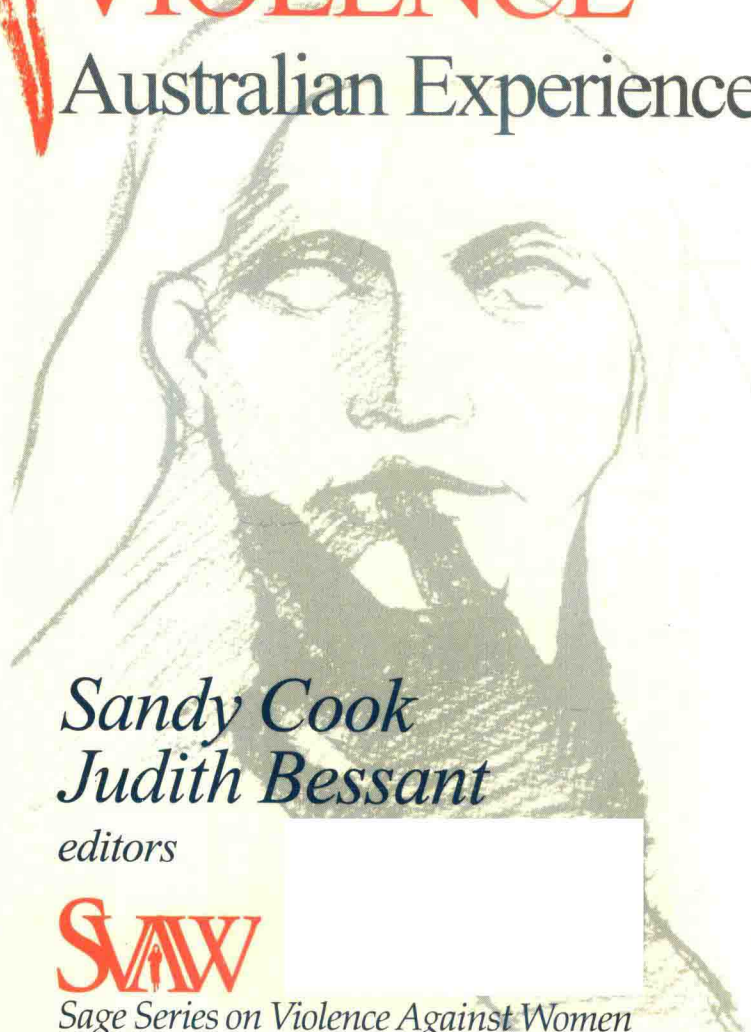


WOMEN'S ENCOUNTERS WITH VIOLENCE

Australian Experiences



Sandy Cook
Judith Bessant

editors

SAW

Sage Series on Violence Against Women



WOMEN'S ENCOUNTERS WITH VIOLENCE

Australian Experiences

Sandy Cook
Judith Bessant
editors

SAW

Sage Series on Violence Against Women



SAGE Publications

International Educational and Professional Publisher

Thousand Oaks London New Delhi

Copyright © 1997 by Sage Publications, Inc.

All rights reserved. No part of this book may be reproduced or utilized in any form or by any means, electronic or mechanical, including photocopying, recording, or by any information storage and retrieval system, without permission in writing from the publisher.

For information:



SAGE Publications, Inc.
2455 Teller Road
Thousand Oaks, California 91320
E-mail: order@sagepub.com

SAGE Publications Ltd.
6 Bonhill Street
London EC2A 4PU
United Kingdom

SAGE Publications India Pvt. Ltd.
M-32 Market
Greater Kailash I
New Delhi 110 048 India

Printed in the United States of America

Library of Congress Cataloging-in-Publication Data

Women's encounters with violence: Australian experiences / editors,
Sandy Cook, Judith Bessant.

p. cm. — (Sage series on violence against women; v. 4)

Includes bibliographical references (p.) and index. ISBN 0-7619-0431-X
(cloth). — ISBN 0-7619-0432-8 (pbk.)

1. Women—Crimes against—Australia. 2. Women—Abuse of—
Australia. 3. Violence—Australia. 4. Sex discrimination against
women—Australia. I. Cook, Sandy. II. Bessant, Judith.

III. Series.

HV6250.4.W65W664 1997

362.88'082—dc21

97-4601

This book is printed on acid-free paper.

97 98 99 00 01 02 10 9 8 7 6 5 4 3 2 1

Acquiring Editor: C. Terry Hendrix
Editorial Assistant: Dale Grenfell
Production Editor: Sanford Robinson
Production Assistant: Denise Santoyo
Typesetter/Designer: Rebecca Evans
Indexer: Will Ragsdale
Cover Designer: Lesa Valdez



WOMEN'S
ENCOUNTERS
WITH
VIOLENCE

Sage Series on Violence Against Women

Series Editors

Claire M. Renzetti
St. Joseph's University

Jeffrey L. Edleson
University of Minnesota

In this series. . .

I AM NOT YOUR VICTIM: Anatomy of Domestic Violence
by Beth Sipe and Evelyn J. Hall

WIFE RAPE: Understanding the Response of Survivors
and Service Providers
by Raquel Kennedy Bergen

FUTURE INTERVENTIONS WITH BATTERED WOMEN
AND THEIR FAMILIES
edited by Jeffrey L. Edleson and Zvi C. Eisikovits

WOMEN'S ENCOUNTERS WITH VIOLENCE: Australian Experiences
edited by Sandy Cook and Judith Bessant

WOMAN ABUSE ON CAMPUS: Results From the Canadian
National Survey
by Walter DeKeseredy and Martin D. Schwartz

The phone went dead as the woman begged for help at the couple's Darebin Rd, Thornbury, home. . . .

Det. Sen-Constable Allan Brown of Greensborough CIB said police received the distraught call at 9:33pm.

"A woman rang and said she'd been stabbed, but then the phone went dead," he said.

"Police arrived within three or four minutes and set up a command post across the road, and about five minutes later the woman's parents turned up."

"The police got the keys for the house from the parents, opened the door and found the two bodies lying side by side in the hallway." (*Herald Sun* [Melbourne], June 27, 1996, p. 3)

This book is dedicated to the memory of Sue Stoikas and her unborn child. Sue worked as an administrative assistant in the School of Law and Legal Studies at La Trobe University for eleven years. She undertook the word processing of this manuscript and offered invaluable advice during the course of its technical production. Sue, who was seven months pregnant, was stabbed to death by her husband the day before this book was to be completed. We had expected her to arrive at work as usual, but she never came. We never had the opportunity to say good-bye and thank you.

No words can express adequately the significance of Sue's death to us. All that we can say is thank you Sue, for all your hard work, support, and encouragement.



List of Images

All artwork is by William Kelly and made available courtesy of The Peace Project. All works with an * are from the “Women and Justice Series.”

<i>Title</i>	<i>Medium</i>	<i>Size (in cm)</i>	<i>Page</i>
July/1995/Rainbow Warrior: In Memory of Fernando Pereira*	charcoal	110 × 76	2
Silence and Paradox*	charcoal	55 × 38	22
Two Lives*	charcoal	55 × 38	41
Visibility*	charcoal	84 × 57	56
Barriers*	charcoal	55 × 38	74
Men’s “Justice”: “Blind Justice”*	charcoal	55 × 38	90
Thoughts of “The Piano”: for Jane Champion*	charcoal	55 × 38	110
Mother: Mourning (courtesy Larry Rawling Fine Art Prints, Melbourne)	silkscreen	80 × 61	128
Time for Reconciliation	charcoal	55 × 38	148
The Hand that Rocks the Cradle	charcoal	55 × 38	160
Surviving Media*	charcoal	55 × 38	178
Streetlife*	charcoal	55 × 38	204
Justice I*	charcoal	55 × 38	220

Acknowledgments

We gratefully acknowledge the continuing support and encouragement of Claire Renzetti. It was through her concern and commitment to the issues of violence against women that this Australian project was undertaken.

We are deeply indebted to the enduring support and technical expertise of Sue Stoikas in the preparation of the manuscript for this book. We would also like thank Nicola Barr for her generosity and willingness in providing further technical assistance after the tragic and unexpected death of Sue Stoikas.

Special thanks to William Kelly for the donation of his art work and for his patience and encouragement in this project. His work has enriched this book. It provides a powerful medium for raising issues and providing insights about violence against women.

Acknowledgment of support also needs to be given to the School of Law and Legal Studies, La Trobe University, and to the School of Social Science, Australian Catholic University—Melbourne.

Special thanks to Jeffrey Edleson and Claire Renzetti for reading an earlier draft of the manuscript and for providing helpful advice. We owe much to the publication team at Sage, especially Terry Hendrix, Dale Grenfell, Linda Gray, Sanford Robinson, and the graphics department. Their professionalism, support to us as editors, and commitment to the project have been quite remarkable.

Finally, this book, of course, would not be possible without the courage and commitment of all those women whose stories and experiences this text rests on. To those women we are indebted. This work also stands on the shoulders of those who over many years have devoted enormous energy, time, and resources to creating a public awareness of the various forms of violence perpetrated against women and who have fought for change.

Contents

List of Images	ix
----------------	----

Acknowledgments	xi
-----------------	----

- | | |
|--|---|
| 1. Australian History, Policy, and Denial: Violence
Against Women
<i>Sandy Cook and Judith Bessant</i> | 1 |
|--|---|

PART I: SEXUAL VIOLENCE

- | | |
|--|----|
| 2. Violence and Women With Disabilities: Silence
and Paradox
<i>Lesley Chenoweth</i> | 21 |
| 3. Mother/Daughter Rape: A Challenge for Feminism
<i>Lee FitzRoy</i> | 40 |
| 4. (Hetero)sexed Hostility and Violence Toward Lesbians
<i>Gail Mason</i> | 55 |

PART II: LAW AND CRIMINAL JUSTICE

- | | |
|--|----|
| 5. Aboriginality and Lawyering: Problems of Justice for
Aboriginal Defendants in Partner Homicide Cases
<i>Linda Hancock</i> | 73 |
|--|----|

6. Judicial Bias: Confronting Prejudice in the Courtroom <i>Jocelynn A. Scutt</i>	89
7. Shame, Defiance, and Violence Against Women: A Critical Analysis of "Communitarian" Conferencing <i>Julie Stubbs</i>	109
8. Rethinking Theories of Victimology: Men's Violence Against Women <i>Thérèse McCarthy</i>	127
PART III: CULTURAL AND SOCIAL ISSUES	
9. Violence Against Indigenous Women: Public and Private Dimensions <i>Melissa Lucashenko</i>	147
10. Women, War, and the Violence of History: An Australian Perspective <i>Susanne Davies</i>	159
11. Men's Violence in the News: The War Against Women <i>Adrian Howe</i>	177
12. The Violence of Displacement: The Problematics of Survival for Homeless Young Women <i>Suzanne E. Hatty</i>	203
13. Governing Sexual Violence: Criminalization and Citizenship <i>Kerry Carrington</i>	219
References	232
Glossary	252
Index	255
About the Editors	264
About the Authors	265

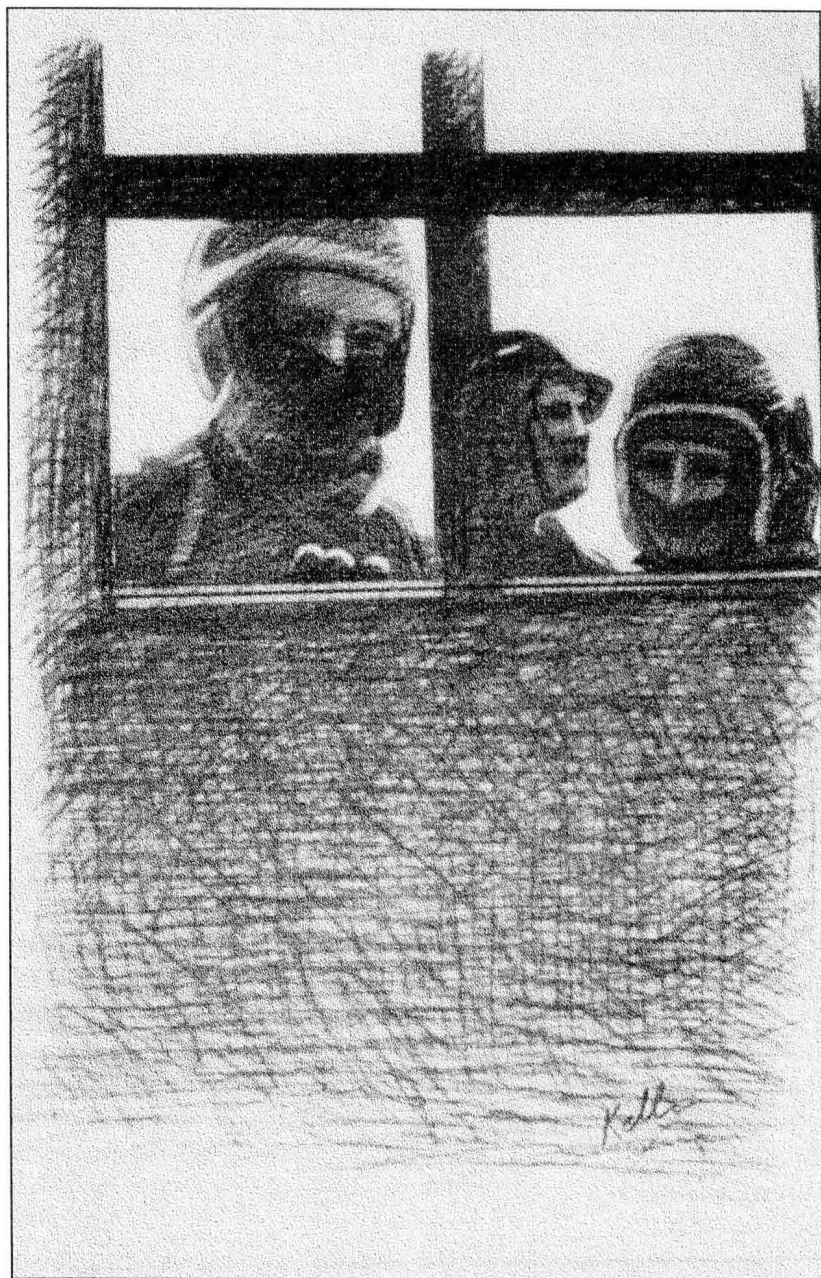
Australian History, Policy, and Denial

Violence Against Women

Sandy Cook
Judith Bessant

Violence against women in Australia, as in many other countries, has a long, often dark and ambivalent status in our history. How we realize that history and how we write that history depends very much on what we determine should count as violence. For the modern women's movement and for many women, mainstream discussions about violence have been problematic because popular and legal accounts have tended to exclude a large range of violent behaviors, producing unbalanced analyses and misunderstandings of both the issues and our past.

Our interventions into debates about violence against women are based on the continuing and optimistic belief that projects such as this book will play a part in raising and broadening an awareness of violence against women with the potential of shaping and informing policy and professional practices in the 1990s. As academics, we also



July/1995/Rainbow Warrior: In Memory of Fernando Pereira, by William Kelly.

expect that this book will provide a useful teaching resource and student text across a number of disciplines.

Although considerable work has been undertaken in the area of violence against women, much more remains to be done. This book aims to fill part of those gaps. It offers some new insights on a range of issues, including violence against women with disabilities and against Australian Aboriginal and Torres Strait Islanders. It explores the ways we come to know about violence against women through the media, and it turns to some of the discriminatory arrangements still firmly encoded in legal practices. This material will be of interest to those in Western countries working in areas dealing with violence against women.

The Relevance of Australian Experience to Other Countries

As a region of "recent settlement," Australia shares many features with like societies, such as South Africa, Canada, New Zealand, and most of the South American countries as well as the United States of America. As part of the Commonwealth and as a former colony of England, Australia also has much in common with England. This is not only a historical legacy, but in our contemporary world, many of the issues facing the United Kingdom relating to gender, crime, and violence are much the same as those we face in Australia.

The themes and issues in the book have been carefully selected with a wider international readership in mind. We expect the topics covered by each of the authors will make a valuable contribution to debates in Europe, the United States of America, and the United Kingdom. The issues dealt with are topical, and we expect that they will be relevant for some years to come, despite the ever-changing nature of feminist scholarship.

Most chapters, in varying degrees, deal with policy issues that extend across national boundaries. Others offer theoretical and empirical comparisons between Australia and a number of national/cultural experiences. Some make theoretical points that are exportable. Kerry Carrington's chapter on sexual violence, for example, will strike familiar chords with the many women, scholars, policymakers

and practitioners who work and live in contexts in which claims continue to be made that male sexuality is like an irrepressible natural phenomenon that cannot be governed.

Jocelynne Scutt's chapter on discrimination in Australian courts addresses issues common to those societies that share a foundation in the English court system or to those with a foundation in the Roman law tradition. Judicial gender bias is an international problem. Homelessness in the United States, the United Kingdom, Europe, and Australia cannot be ignored. Suzanne Hatty provides insights into the experience of homelessness in Australia that we expect will have parallels in other modern industrial countries. Similarly, the resolution of domestic violence and "family disputes" remain issues of continual concern for both the general public and those working in the field. Current Australian inquiries into violence against indigenous women by Aboriginal men are not concerns exclusive to Australian Aboriginal and Torres Strait Islander women.

The impact of war on women has been highlighted more recently by civil wars and communal violence in the former Yugoslavia, the Middle East, Africa, and Northern Ireland. In many feminist revisionist histories, attention is focused away from the traditional masculinist, soldier-based accounts of war and refocused on the experiences of women in war. Sue Davies queries what we know about war and how we remember war. This approach to understanding Australian war experiences may provoke similar questions elsewhere.

We continue now by introducing contributors in more detail as they appear in the book and by sketching out the place of violence in Australia's history. We ask whether there is a history of violence against women to be recognized and represented and if so, how this can be done. A cursory overview of more recent Australian policies related to violence against women is then presented.

Introducing the Contributors in the Book

This book is enriched by a series of powerful visual images accompanying each chapter. Those images are both statements about and interpretations of violence against women created by the artist William Kelly. Kelly has a long-standing personal, professional, and political commitment to crime prevention and an impressive record

of engagement in various peace projects. For his generous donation we are most grateful.

Lesley Chenoweth's chapter examines violence against women with disabilities. It is argued that the marginalization of many women with disabilities often makes them vulnerable to further violence. Lesley Chenoweth maintains that although there have been some preliminary government-sanctioned moves to both identify and diminish the violence, many women with disabilities are subject to continued abuse. She maintains, however, that the first task of identifying such violence is made difficult by the silence around such acts. Chenoweth continues by detailing some of the contradictory assumptions held about women with disabilities and how those suppositions increase the likelihood of mistreatment.

Lee FitzRoy's chapter on maternal violence raises a number of disturbing issues for women. FitzRoy seeks to place women's experiences of sexual violence perpetrated by their mothers within the public arena by exploring the stories of victim/survivors. FitzRoy's work also considers the different experiences for survivors who were the children of the perpetrator. In arguing a case for agency, FitzRoy challenges certain feminist constructions that locate violence within an essentialized construction of masculinity.

Gail Mason provides a theoretically informed account of "heterosexed" violence. She explores the primacy of hetero/homo woman/lesbian binary opposites and writes of the pervasive social silencing of lesbian subjectivity. Mason's work is based on narratives of lesbian experiences of such hostility, and she considers how such silencing has kept the concept of lesbianism out of certain areas of the public sphere. The chapter offers insights into the diversity of the hostility and violence directed toward lesbian women on the basis of their sexuality.

Linda Hancock offers a thorough interrogation of some of the issues involved in the battered spouse syndrome (BSS) frequently used in Australian jurisdictions as a defense for murder. The chapter offers a reading of the Kina case. In this case, an Australian Aboriginal woman, after years of living in a violent and abusive relationship with her *de facto* partner, killed him and was subsequently sentenced to life imprisonment. The chapter argues that the law is gender biased in significant ways, especially in regard to provocation and self-defense. In setting out a sequence of arguments and supporting evidence, Hancock demonstrates the ways in which the law has denied the

experiential reality of women who find themselves subject to domestic violence.

As a practicing lawyer, Jocelyne Scutt examines judicial bias within the legal system. That bias, she argues, both reflects and reinforces male dominance, which she maintains actively negates women's rights and standing. Scutt describes the pervasiveness of bias within the courtroom, identifying it in unspoken procedural discriminatory conduct, statements relevant to argument, and in the content of judgments.

Julie Stubbs notes that in recent years "communitarian conferencing" has been advanced as an appropriate form of intervention for dealing with domestic violence. Stubbs offers a critical analysis of selected models used outside Australia with a focus on the use of such approaches within the juvenile justice system. She continues the chapter by detailing her reservations about the suitability of communitarian conferencing as an appropriate response to domestic violence.

Thérèse McCarthy considers the influence of feminist critiques of victimology and criminology, arguing that feminist activities directly challenge victimologists. She queries assumptions that discourses of victimology represent "truth" about the experiences of those who are "victims" of crime. McCarthy maintains that, historically, feminist theorists have neglected the area of victimology and that reasons for concern remain about the masculinist methodologies and theorizing that have constructed knowledge about the area and that have in turn helped shape public policy.

Melissa Lucashenko writes a powerful and bold chapter arguing that Aboriginal women have a long history of oppression at the hands of Aboriginal men. The gender-free nature of public Aboriginal debate has meant that violence against women within Aboriginal communities has not often been observed by outsiders and thus has not become an issue of concern within public deliberations. Lucashenko indicates that despite apparent public concerns about the social conditions of Aboriginal people and violence against women, violence remains a primary feature of many Aboriginal women's lives. That violence, she argues, has been concealed by open acts of coercion against Aboriginal women by Aboriginal men and by the use of arguments about the need for racial solidarity, which has the effect of denying the occurrence of violence within Aboriginal communities while also ensuring those