

## Blood on Whose Hands?

### The Killing of Women and Children in Domestic Homicides

*by the Women's Coalition Against Family Violence; The Coalition, Melbourne, 1994, 155 pp; distributed by Federation Press; \$10.00.*

For more than one reason, *Blood on Whose Hands?* is a ground breaking piece of work. First, there is the process which led to its publication; a collaborative effort between surviving family and friends of the women and children who have been murdered and the members of a community-based network.

Many of us will remember the Domestic Murders Commemoration held in 1989 at Melbourne Town Hall as a powerful and moving experience which highlighted the extent of domestic homicide, where brave survivors told the stories of those who had been silenced by murder. The book is an extension of this process, giving voice to survivors, often in spite of real fear of retribution and, in every case, exposing painful memories.

Admittedly, it is not an easy read and on numerous occasions I found myself struggling against tears reading the poignant and painful accounts of the survivors.

Christine lived only twenty-eight short years — the last three a mixture of terror and abuse. Physical and emotional abuse commenced soon after she began living with him. Dinners would be thrown in her face, her artwork broken, her ideas abused, her daughters beaten, her friends made unwelcome, the childcare arrangements messed and her family scorned . . .

Before her death my sister had the courage to leave. In leaving she told people her living horror story. That she had the courage to tell it and that he no longer had any power in that relationship became her death sentence. [Carmel, sister pp.17 and 18]

Kevin Crowe was sentenced to six years with a minimum of four and a half, of which, with remissions, he served only two and a half years. He was convicted of manslaughter because the jury somehow found that Christine had been partially responsible for her own death because she had left him.

For the first time in Australia, the book also presents domestic homicide in its full context, highlighting the complexity of our social, economic and legal systems and of the media. It analyses the way women are blamed for violence per-

petrated against them, shows that the experiences and lives of women and children are consistently absent in all associated processes, and that there is an undeniable attempt by all institutions involved to justify the behaviour of the killers. In all cases in the book, there had been a history of violence; many women had left or tried to leave and all had, one way or another, suffered at the hands of police, courts and professions.

The book indisputably shows how violence by men against their partners, ex-partners and children is regarded differently in our society from any other form of violence. It is explained away as a private matter and usually perversely portrayed as somehow being the fault of the victim.

This attitude prevails years after the beginning of feminist intervention in domestic violence and at a time when much of the rhetoric is generated by highly visible State and Federal Government campaigns. Provisions regarding restraining orders were introduced in Victoria in 1987, in New South Wales in 1983, in South Australia, Western Australia and Queensland in 1982 and in Tasmania in 1985, yet as the book so clearly and depressingly shows, these orders offer no protection when the police and courts fail to enforce them. It will come as no surprise to most readers that legislative change does not change the attitudes of police: they continue to fail to initiate intervention orders and to make arrests when men breach those orders.

Women and children pay the price for this pervasive attitude; each year in Victoria alone 40 women and children are killed in domestic homicides and thousands more live in fear of brutality, economic deprivation, emotional and psychic torture.

I said to the police, 'Does she have to be killed before you do anything?' Basically he said yes. I went back to the sergeant after she was killed and asked him, 'So a bit late now?' He didn't say anything. [Anne p.70]

The fundamental premise of *Blood on Whose Hands?* is that we, as a community, all collude in the denial and that it is societal attitudes as a whole which must change.

As a surviving family member, I invite society to share my, and my family's pain. I also invite society to share the blame and guilt for my sister's death. Because it is we, as a society, that allowed her killer to believe that he had 'ownership rights' over his wife. Even to the point of murdering her — because he lost control of his 'possession'. My pain and anger are

as strong today, as when Jill was murdered, ten years ago. My sister did not deserve to die. [Judy p.145]

Interweaving the stories of the murders of nine women and three children, the book is organised into chapters which focus on the way social and economic systems, the criminal justice system, the police professionals and the media are complicit in failing to acknowledge the nature and extent of domestic homicide. It is rigorous analysis which is, nevertheless, refreshingly different from more academic and legalistic accounts, again because of the position from which it speaks.

As one example of the many areas covered, the book shows how men abuse and murder children in an attempt to control women, and that women and children are often witnesses to violence perpetrated against each other, including murder. Several of the women and children documented were killed on access visits — visits either ordered by the Family Court, despite its knowledge of a history of violence, or agreed to by women because of the threats of their ex-partners and their fear of losing custody. There is clearly a dangerous disjunction between the Family Court's 'no fault' approach and its requirement to maintain the best interests of the child. Even more horrifying, men who murder their ex-partners continue to have rights to apply for access and custody of children, despite the devastating trauma that this must cause the children.

*Blood on Whose Hands?* is an important book which has been a long time in the making. Despite its disturbing and confronting subject matter, it is easy to read, skilfully edited, strikingly beautiful and due all the acclaim it has received.

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## Handbook For Legal Interpreters

*by Ludmilla Robinson; The Law Book Company Ltd 1994; 170 pp.softcover; \$35.00.*

Lucy Robinson's opening quote in her preface to this book will no doubt raise a smile among interpreters and strike a chord with others involved in the use of interpreters in the legal system. A judge addresses a Turkish interpreter who has

been having a long discussion with a witness:

*Judge:* Mr interpreter, would you tell us what the witness was saying?

*Interpreter:* I am trying to get the right answer.

It is, as she observes, an example of how not to behave in court, and we must hope it belongs firmly in past history. In recent years the Federal and NSW Attorney-General's Departments have investigated and produced reports on interpreters in the legal system, and in most jurisdictions interpreters are now required to be appropriately qualified and accredited. Needless to say there is still some way to go before we can be sure every case requiring an interpreter will have one, and the right one.

The author points out in her introduction that legal interpreters and translators are vital to our justice system, and are not only interpreters of language, but of culture and of legal concepts as well. This handbook 'attempts to provide legal interpreters with a knowledge of legal procedures, terminology and ethical principles necessary for the proficient practice of their profession'. In these terms it succeeds, although the success is marred by (English) language deficiencies.

As the title indicates this is above all a practical work, describing in general terms the justice system administered by the courts in which interpreters work. However, at the end of most chapters the author recommends two or three titles for further reading to supplement the basic explanations of the structure and functions of Australian law and its institutions.

Part I, titled 'The Australian Legal System', occupies half of the book's 170 pages. A list of the sub-headings in the first chapter gives an indication of the kind of background material covered: History, Australian Government, The Relationship Between State and Federal Governments, The Doctrine of the Separation of Powers, The Structure of Courts in Australia. This is useful information indeed for people working in the justice system who were born and educated overseas (and lived under a different legal system), and the majority of legal interpreters are in this category. Subsequent chapters cover the functions of individuals in the system; sources of the law and basic legal concepts; conduct of a court case; and the different areas of the law (criminal, family, property, commercial and so on). Again, essential basic knowledge for legal interpreters.

Part II, 'Conduct and Ethics', is a short section touching on the training

and accreditation of interpreters, their legal liability, their role in court, and the right of the client to an interpreter. Training in my view is not adequately dealt with, being dismissed in a couple of paragraphs. Also some of the potted information on accreditation could be misleading. For example Robinson states that 'accreditation may be one way, either from the other language into English, or from English into the other language, or both ways'. One-way interpreting accreditation is not in fact available at the level held by most legal interpreters, the so-called professional level (Level 3).

The author's view that the advanced professional level (formerly Level 4, now designated 'Conference' in relation to interpreting) should be the minimum required for court interpreting (which this reviewer agrees with in principle) is also reflected in her paraphrasing of NAATI's description of its accreditation levels. The information given is correct, but the impression of language proficiency requirements at the two levels is slightly skewed as a result of what has been omitted. At Level 4, we are told, 'errors in language use, if they occur, should not interfere with the meaning of the discourse'. Nor should they at Level 3.

Part III is devoted to legal terminology and includes perhaps the most useful feature of all, a 45-page glossary of legal terms. Glossaries are an essential tool for any interpreter, and this one would be an excellent starting point for a student or a beginner in the field, and could also provide useful additions to practitioner's existing glossaries.

The definitions are generally clear and accessible. I suggest it might have been helpful for users whose native language is not English to indicate where a word belongs to more than one grammatical category, for example, *lease* and *slander* are only defined as nouns. These definitions are perfectly clear as far as they go, but some of the target users of the handbook will not be aware that many specialist terms listed here can also be used as verbs, and/or have additional meanings.

Of greater concern, from the point of view of the book's educative value, is the standard of the writing. There are numerous grammatical and spelling errors, which should have been picked up by a competent editor. The writer has fallen foul of the current dilemma regarding personal pronouns, and some readers will find the inconsistent uses of *she/he/they*, *his/her/their* etc. confusing. In some instances it takes two or three

readings to clarify the intention of a phrase or sentence, even for the native English-language reader.

The other (minor) gripes I have are related to the profession. While Robinson rightly laments the lack of professionalism and the low profile of interpreting and translating in Australia, she twice wrongly asserts that there is no formal professional association. The Australian Institute of Interpreters and Translators (AUSIT), which she commends for its work in raising the status of the profession, is the formally constituted national professional association in the field. Many practitioners agree that adherence to AUSIT's code of ethics should be mandatory, and AUSIT has been working for years towards a regulatory system but is hampered by government's reluctance to enforce standards through legislation.

The support organisations like The Law Society of NSW, which recently invited AUSIT representation on its Special Committee on Legal Interpreting (of which Robinson is also a member), is vital. The Committee aims to develop an advisory Code of Practice for lawyers working with interpreters. Meanwhile AUSIT conducts professional development seminars and workshops all over Australia (on ethics, among other things).

According to Robinson the growing importance of interpreters in the operation of the legal system has led to 'a corresponding recognition of interpreting as a profession'. This is rather a narrow view. While legal interpreting represents a major area of work for the profession, it is by no means the only one and most of the credit for such recognition as there is belongs to the professional association and its ceaseless lobbying of government and other employers, and to the accreditation body, NAATI, which works with AUSIT and is as active as its restricted funding permits in public education and setting high standards in the profession.

All things considered, if a rapid revision of this book were possible to correct the numerous linguistic errors I would recommend it without reserve as an excellent addition to the reference tools of the court interpreter and a useful background document for anyone working in the field of legal translation. Failing this, perhaps we can hope for an improved second edition.

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