

Blood on Whose Hands? The Killing of Women and Children in Domestic Homicides (Women's Coalition Against Family Violence, Melbourne, 1994) pages i-xiii, 1-146, notes 147-155. Price \$10.00 (soft cover). ISBN 0 646 17924 1.

Blood on Whose Hands? develops a feminist analysis of domestic murders based largely on the stories of friends and relatives of nine women and three children killed by violent husbands and fathers. In addition, the analysis draws extensively on a range of primary and secondary materials to build an insightful and compelling picture of the injustices experienced by women living in violent relationships, and their children, at the hands of legal professionals, courts, police, the news media and the community generally.

The book is the product of a community-based research project funded by the Victorian Women's Trust. The researchers calculate that there are between thirty and forty women and children killed each year in Victoria by violent men with whom they have, or have had, close relationships.

The most important single finding of the research is the systematic silencing or trivialisation of the long histories of physical, emotional and sexual abuse experienced by the subjects of the study. The complicity of the legal system in maintaining this silence is a central theme of the book, and the focus of this review. I will canvas the results of the research by looking, first, at the women's encounters with the legal system in relation to domestic violence prior to the killings and, second, at the experience of family and friends of the criminal justice system after the killings.

Before the killings, the police stand at the frontline of possible legal interventions. The study found a disturbing consistency in police refusal to respond in a way that was supportive of the victim, despite many recent policy changes designed to combat this reticence. Police rarely used their powers to charge violent men under the criminal law, reinforcing the wider public perception that crimes committed in the private sphere of the family are less serious than other crimes. Police also seldom initiated applications for intervention orders on behalf of the women and children who were being abused, indicating instead that the violence was the woman's fault, or not very serious, or that she should be the one to leave.

These findings confirm the tenacity of the hold of masculinist police culture in shaping police responses to gendered crimes. The failure of police to make use of the less severe civil remedies made available by the Crimes (Family Violence) Act 1987 (Vic) simply underlines the discrepancy between what police are able to do, and what they do in fact do, in response to domestic violence. The behaviour of the police makes them complicit in condoning male domination of women by brute force and in obscuring the systemic nature of the unequal power relationships between women and men.

After the killings, the experience of the relatives and friends of the victims revealed a litany of denial and marginalisation of the earlier history of violence. Family and friends consistently found that there was no place in the legal assessment of the perpetrator's guilt or punishment for evidence of the previous violence. Police investigations excluded this information, bail applications were granted without taking account of the dangers to others (including children) who were close to the victim, and evidence of long-term violence was dismissed at committals and trials on the basis of being prejudicial to the accused or hearsay.

Of particular concern was the way in which the partial defence of provocation is utilised by defence lawyers to rewrite the history of the relationship and thereby construct the victim as the cause of the violence. Without the important contextual evidence of the abusive relationship, the murder is more easily explained as a spontaneous and extraordinary outburst provoked by the victim. In the cases of four of the women described in the book the defence of provocation was successfully argued. The actions of the women which constituted 'provocation' included: leaving him and becoming involved in another relationship; slapping him on the face and saying 'I'll do whatever I like'; being an alcoholic and giving him 'nine years of hell' which 'drove him to it'; and refusal to give up work as a prostitute.¹ In each case important details of the history of assaults, threats and even previous attempts to kill were not admissible. As a result, the focus of the court-room argument and deliberation is deflected from the actions of the accused to the behaviour and character of the victim. This manoeuvre of shifting attention, and thereby censure, from the man to the woman is similar to that which occurs in rape trials. The result is the strong suggestion that it is still legally acceptable for men to treat women and children as chattels which they have a right to control, humiliate, abuse and dominate.

Other defences employed by men responsible for domestic murders in order to excuse their behaviour were self-defence, insanity and the use of racial and cultural differences as a defence. In each case, the researchers found that the arguments used were similar to those raised in arguing provocation. That is, the victim was implicated as somehow responsible for her own death. It is little wonder that the friends and relatives of the victims are appalled by their experiences of the legal system.

The construction of women as at fault by legal discourse is reinforced by the approach of the popular media. The researchers identify seven ways in which the media colludes with the legal system's portrayal of men as not responsible for the murders. The exculpatory media coverage depicts the accused as having 'done it for love' or as 'not meaning it' against a backdrop of the woman's provocative and ungrateful behaviour.

The outcome, for those men directly involved, is that most domestic murders result in a manslaughter conviction as a consequence of either successfully raising the defence of provocation or plea bargaining prior to the trial which

¹ Women's Coalition Against Family Violence, *Blood on Whose Hands? The Killing of Women and Children in Domestic Homicides* (1994) 115-7.

leads to a charge of murder being reduced to manslaughter in exchange for a guilty plea. This outcome further reinforces the masculinist culture which explicates the domestic abuse of women and children by men and maintains the balance of power heavily in favour of men.

One of the arguments of this book is that the terror and the tragic consequences experienced by its subjects are not isolated incidences of extraordinary male behaviour. Rather, the perilous life experiences of the women and children represented in the book are the result of a social and economic context which institutionalises male dominance. The controlling mechanism of violence against women is one of the means whereby women are forced into a subordinate position compared with men. The threat that this poses to the lives of many women and children is very real, and it is undeniable that the legal system has an urgent and central role to play in turning this situation around.

Blood on Whose Hands? makes a valuable contribution to exposing the continuing gendered effects of the criminal law, despite many years of feminist critique and reform efforts. The foundations of the book's research, in the lived realities of women and children who have died as a result of domestic inequalities, make it a powerful reminder of the ease with which legal narratives are able to exclude the experience of women and disguise the structural dimensions of their experience by its focus on individual cases. If anyone harbours any lingering doubts that the formal equality constructed by the rules and processes of the liberal legal system is not deeply gendered, this book is for them.

DIANNE OTTO*

* BA (Adelaide), LLB (Hons) (Melbourne); Lecturer in Law, University of Melbourne.