

BOOK REVIEW  
PROCEEDINGS, NATIONAL CONFERENCE  
ON DOMESTIC VIOLENCE  
Edited by Suzanne E. Hatty (two volumes) and  
PROCEEDINGS, NATIONAL CONFERENCE  
ON CHILD ABUSE  
Edited by Ron Snashall.  
*(Seminar Proceedings No's 12 and 14, Australian Institute  
of Criminology, 1986 and 1987.)*

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Richard Harding, then Director of the Australian Institute of Criminology, writes in his foreword to the Proceedings of a National Conference on Domestic Violence that the Conference (held in Canberra from 11 to 15 November 1985) was "the largest and most demanding seminar ever conducted by the Institute". Indeed it was. The Conference was attended by about 280 people, many women, many of whom were also the victims and survivors of domestic violence, incest or abuse at the hands of their parents or spouses.

Perhaps its atmosphere can be guessed at by the sheer breadth of the 23 pages of recommendations reproduced at the end of the second volume: passionate, contradictory, some utopian and others technical; covering topics ranging from policy, funding, research and education to police training, law reform, media and advertising. They are clearly the product of an intense process involving a large number of people with very different perceptions of the source of and solution for the problem of domestic violence. Many

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are redolent of anger, disillusionment, and a desire for a dramatic change. They are followed by a brief statement from a group of men at the conference acknowledging "the hurt and pain inflicted on women by men".

Domestic violence — wife battering, the abuse of children — is a major fact of family life in Australia today. Just how major it is not possible to say though one refuge worker (Dawn Rowan) claims up to one third of all Australian homes harbour violence perpetrated on women. There is no national statistical data base (as the editors point out) on which this estimate is made but the anecdotal evidence of women victims, legal practitioners, the medical profession, the judiciary and the police shows that violence in the home is increasingly reported.

How long this aspect of family life has been a feature of the Australian social scene is documented in one of the papers, Judith Allen's "Desperately Seeking Solutions: Changing Battered Women's Options Since 1880". The problems in defining the boundaries for State intervention in the home and the appropriate response to victims of the complex interpersonal relationship web in it are the subject of this collection of papers delivered to the Conference. Some were certainly departed from during delivery. For example David Finkelhor was caused to pause in his delivery of the written text of his paper on "Marital Rape: The Misunderstood Crime" when confronted by the real distress expressed by a group of the participants in the Conference at its contents.

The sections include "Violence as Experience — Commentaries on Individual and Structural Issues" (containing the experience of women in refuges (both workers and victims), migrant and aboriginal women and the academic point of view); "Theoretical Accounts: The Construction of a Phenomenon" (containing a most interesting collection of essays on the causes of domestic violence, theorizing from sexuality, power imbalance and the manifestation of attitudes towards women by pornography); an interesting paper from Jocelyne Scutt, "Research and Methodology: Enquiry and Its Techniques", "Intervention: Responses to Structural and Individual Issues" and "The Pursuit of Justice — the Law, the Police and the Courts".

There are, among these papers, some outstanding ones. It is documented that women often do not wish to see their violent partners punished by the criminal law. They do, however, want some

intervention, because they want the violence to stop without necessarily terminating the relationship which is in other ways so important to them. This is said to justify police reluctance to intervene in domestic disputes. One should, therefore, read the paper by Lawrence Sherman and others, "The Impact of Research on Police Practices: A Case Study of the Minneapolis Domestic Violence Experiment". The paper discusses the experimental use of automatic arrest of those of whom complaints of domestic violence are made and the effect it appears to have had on recidivism of those persons in comparison with those who are dealt with by the application of ordinary police methods of discretionary intervention or conciliation in domestic disputes. His findings, that the "short sharp shock" did at least in that study have a remarkable effect on the perpetrators over the period of that study, deserves the closest attention by legislators and researchers today.

Duncan Chappell writes a concluding overview in which he adverts to the tensions and problems experienced during the Conference and the variations in policy and practice in response to domestic violence among the States and interests represented at it. There can be little doubt that domestic violence is a major national problem which needs a national response. The tenor of the papers is clearly to the effect that criminalization of wife battering, treating it like any other crime, is a real, perceived need. At the same time attitudes towards women and children and the power issues in families in the 1980s should be addressed, however utopian that now seems, because utopias:

...have a very important political place. They come before people know what political action should be, what the analysis of the social situation is, but they are there as experimental areas of thought, whereby we can think or fantasise a future which will not, of course, be the future of the utopia...<sup>1</sup>

The variety of papers published from the Conference are well worth detailed attention, including the academic and the experiential ones. The reader should not be disheartened by the unfinished state of the recommendations concluding the second volume. It should be obvious that the recommendations grew over the days and that

1. Juliet Mitchell, in Reid and Gunew, ed's, *Not the Whole Story* (1984), p.109; quoted in preamble to the Conference's Recommendations.

they were not collapsed into a coherent scheme. The hands of many authors appear.

One such recommendation relates to the National Conference on Child Abuse (Seminar Proceedings No. 14) which was held between 3 and 7 February 1986. This reviewer also attended this Conference, the second part of the Conference on Violence in the Family of which the National Conference on Domestic Violence was the first part.

The Child Abuse Conference was altogether a more disciplined and far smaller conference. The papers cover the full range of abuse from physical and sexual to emotional abuse, a history of child abuse in Australia, strategies including a series of recommendations on the Family Court, police, media, feminist perspectives, education, the formation of a national body on child abuse, national data collection. Even the lost resolutions are preserved.

A number of these papers deserve special mention: in particular the strategies for intervention in cases of child maltreatment vary widely between States, and the papers from Dr Terry Donald (Tasmania) and Carmody and Taylor (of New South Wales) are of particular interest. Julie Stewart's paper on "Incest and Access: The Family Court's Response" identified the fact that up until February 1986 there was not *one* reported case in which access had been suspended or discharged totally as a result of a proven allegation of child sexual abuse. There has been one reported case since,<sup>2</sup> but even then access was not denied on the grounds of proven sexual abuse. It does appear particularly difficult to establish that sexual abuse had occurred in the Family Court, if reported cases are anything to go by (it could be argued that such incidents are dealt with through the criminal system and do not feature, for that reason, in adversarial proceedings between parents, or even that known abusers of children do not seek their custody or access to them. There is no national statistical data base on which to determine that issue. In *D and B* children claimed their father had sexually abused them. They lived with their mother. The husband had admitted that he behaved in an indecent manner to one child (of the wife's prior relationship) but the court was not satisfied on the evidence that the husband had sexually interfered with the

2. *D and B (Access)*, [1986] F.L.C. 91-758.

children. Access was denied "because the wife was convinced of the truth of the allegations and was determined to ensure the husband should have nothing more to do with them [the children]", and though the basic principle was that it was desirable that children maintain a meaningful relationship with both parents, where there was no possibility of such a relationship beneficial to the children it would not lead to an order for access. In this case the children had been in their mother's care since their parents separated and were completely and emotionally dependent on her and her ability to provide a secure home for them. The court found that any access by the husband to the children would have destroyed her capacity to provide a safe and secure home. Serious questions must be raised about the capacity of the Family Court to respond to allegations of the abuse of the children, especially child sexual abuse. In an adversarial system a court may not be informed of those allegations as failure to prove them tends to show a parent who seeks guardianship or access is a less responsible and appropriate parent than would otherwise be the case. Another paper, that of Rayner and Beasley on "Children in the Family Court: Whose Best Interests?", complements Stewart's paper and raises particular issues of the manner of proof of such abuse and the adequacy of the part-adversarial part-conciliatory Family Court system to deal with it.

Jan Carter, in her introduction, points out that most strategies to deal with the problem of child abuse are limited by their ideological slant. The legal, medical and social welfare models all view this problem in terms of either the criminal law, disease or malfunction of the individual, family, or the structure of society. She identifies a new feminist perspective on this problem arising from this 1986 Child Abuse Conference in Canberra.

Though the Conference on Violence in the Family falls into two distinct parts the papers should clearly be read together. Violence in the home is just one manifestation of unresolved power conflicts between men and women, adults and children. The search for authority, structure and reassurance in a time of dramatic social change has caused governments in most States to look for an appropriate response which will not destroy our favoured concepts of loving family life. The papers published in these two sets of proceedings should be seen as a whole, as representative of the Australian dialectic.