

'Policing the Families of Delinquent Girls', Chapter 5, is concerned not with the police, but with the way in which welfare authorities have controlled 'problem' families through child removal. Acknowledging subsequent change, Carrington comments on the more recent growth of concepts of 'child protection' and some of the dangers of (inadequately resourced) mandatory reporting laws. The points being made are summarised at the end of the chapter: 'child abuse, juvenile delinquency, truancy and parental incompetence provide socially acceptable routes for state intervention . . . [T]he autonomy of the family comes to depend not on legal rights, but on competence'.

Throughout *Offending Girls*, sociological theory centred on gender, class and race, is tested against a review of the history of a small number of the girls studied in depth. Generalised theory based on statist, patriarchal and capitalist control of the working class young is replaced by a much more sophisticated, multi-centred view. '[T]he debate is . . . about . . . the desirability of different technologies of government of others and their particular consequences for specific categories of youth . . .'

Much of the material in the earlier chapters is pulled together in the longest chapter, 'Sex Youth and Justice: In Her Best Interests'. One of the important insights provided is of the way in which, in these various areas, the often supposed centrality of the courts is replaced by a decentring in which much of effective decision making and discourse is in the hands of others, who are usually bureaucratic and non-accountable. As a judge, I found the most depressing reading to be the statistics on the result of appeals. Given the case histories of the girls concerned, and the way in which difference and social marginality had resulted in minor transgressions being translated into incarceration, the statistics show the reliance of courts on the value judgments of various professionals in other fields.

Of course there have been numerous reports and attempts to reform child welfare and juvenile justice systems in Australia and elsewhere since the time at which the events studied in this book occurred. In the process of decarcerating abused or neglected children mistakes have been made. The need to separate care matters from delinquency matters has, however, been recognised despite the fact that at times a simplistic division between welfare and justice has been adopted in which justice has often been taken as equivalent to punishment. In the

juvenile offending area the needs for due process and to recognise that the child is all too often a victim are frequently still over-looked. Of course, the direction and pace of change vary and I make no comment on the State in which the study originates. In general though, it remains true in Australia that there is a reluctance for governments, police, courts and 'the welfare' to truly look to families, rather than to bureaucracy, as the most appropriate source of strength in the development of children whilst, at the same time recognising that where family abuse or resources do not allow for such support, alternative community-based support systems are critical.

This valuable study would, if read by those who most need to do so, be a useful antidote to some preconceptions still widely held. Unfortunately the attempt to reach a wider audience will not be assisted by what is, at times an obscure 'post-structuralist' use of language. But for those who wish to pursue these issues that should not deter them.

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Femicide: The Politics of Women Killing

edited by Jill Radford and Diana E.H. Russell; Open University Press, 1993; 379 pp; \$32.95 softcover.

As the title suggests, this collection of essays is a feminist exploration of femicide. 'Femicide' is defined inclusively by the editors as encompassing racist killings of black women by white men, the killing of women by their husbands or male intimates, the killing of lesbians by heterosexual men, serial sex killings of women, and even the deliberate transmission of HIV by rapists.

Diana Russell, in her preface to the collection, defines femicide as the killing of women by men 'because they are women'. While this definition is a usefully brief one, its generality leads the editors into this ill-considered introductory statement:

Our argument is that while men are murdered more frequently than women, men are rarely murdered simply because they are men. Even in the rare cases of women killing men it is unlikely that they kill because the victim is male.

In the context of spousal killings this is surely untrue. Women kill their male partners 'because they are men' just as surely as men kill their female partners 'because they are women'. The chief concern of this book, a concern to which Russell's definition clearly points, is the structure of male-female relationships, both on an individual and collective basis, and the way in which that structure contributes to the killing of women by men.

Incidentally, one of the essays in the book, by Jacquelyn C. Campbell, titled 'If I Can't Have You No-one Can' suggests that cases of women killing men may not be 'rare'. Campbell, drawing cases from all the homicides in Dayton, Ohio between 1975 and 1979 finds that of those homicides committed by intimate partners, 28 were committed by men and 29 by women. Campbell goes on to show that in the great majority of cases where men were killed by women, self defence was to varying degrees a factor. Thus Campbell found in the overwhelming majority of cases of spousal killings, the woman was a victim, whether she was the one killed or not.

One of the weaknesses of this book is the tendency of the editors to begin statements with words such as 'statistics show . . .' or 'experts agree . . .' without going on to quote the statistics or the experts directly, although contributions by other authors in the collection go some way towards redressing this.

The essay by Karen Stout, titled 'Intimate Femicide' is a careful study of the correlation between the provision of social services and rates of femicide. The units of analysis in Stout's work are the 50 States of the USA. Not surprisingly, Stout finds a positive correlation between provision of social services to victims and perpetrators of wife battering, and lower rates of femicide.

The editors, Jill Radford and Diana Russell, are based in the UK and USA respectively and, as a collaboration between these two, this volume has limited application to the Australian context, as one would expect. Nevertheless, there is much information, as well as commentary, which is not only of interest to the Australian reader, but universal in its application. The recurring themes in this fairly diverse collection – femicide as a tool of patriarchy, the interaction of racism and sexism, victim blaming, pornography and femicide, and media coverage of femicide – are issues all over the world.

Much of the material in the collection was written in the 1980s and at times, appears slightly dated. Media coverage of some recent killings of women (and the subsequent passage of 'stalking' legislation in New South Wales and its consideration by other jurisdictions) suggests that some of the worst excesses of slanted coverage and victim blaming found in the British media belong either to the past or were never present here. The short essay by Sandra McNeill 'Woman Killer as Tragic Hero', though based on the British experience, is an incisive criticism of media coverage of femicide, and Australian readers are likely to find it enlightening and thought-provoking.

Jill Radford's criticism of the British legal system's treatment of femicide certainly strikes a chord in Australian jurisdictions. Her well-founded anger and frustration at the insults so frequently meted out to female victims of violence by the legal system's failure to adequately censure their attackers leads her, however, into murky waters.

For example, she says in her article 'Womanslaughter: A Licence to Kill?':

That men charged with murder of their wives be allowed out on bail is, I suggest, quite wrong and is a further indication of the trivialising of violence against women within the legal system.

By making a statement so outrageous from a legal point of view, Radford sets herself up to be dismissed by the legal establishment as an extremist or a lightweight.

The political power of the criminal bar is considerable and has most recently been demonstrated in New South Wales by its spirited campaign for the retention of unsworn statements by accuseds at trial. If change is to be achieved, that power must be either co-opted or circumvented, and it behoves those of us who are legally trained to present the case for change in a way which speaks to the legal establishment.

On the subject of pushing for change, Part 6 of this book is particularly worthwhile reading. Titled 'Women Fighting Back Against Femicide', it presents some individual stories of action which, while they may not be directly translatable to our own situations, are nevertheless inspirational.

It is a pity that this book will probably be read only by feminists because even for those who are resistant to feminist rhetoric, there is much of interest and value in it.

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Domestic Violence in Australia

by Nicholas Seddon; second edition, Federation Press 1993; 162 pp; \$25.00.

Domestic Violence in Australia is an excellent practical guide to the legislation (current at the date of publication) which is relevant to domestic violence. It also summarises the resources which are available for survivors of violence including directories of relevant services. Most importantly it is written by a lawyer, Nick Seddon, in language that is actually comprehensible to a lay person such as myself; translation of legalese into simple language is truly an admirable feat.

For those who have read the first edition of the book, the structure and content are the same. The only differences I could find are that the second edition updates legislation and research, provides a directory of services, and the colour of the roof and door of the fractured house on the cover have changed! Aside from reviewing the laws, the author explores the social context of domestic violence in the first chapter, including a rather simplistic examination of incidence, causes and patterns. Although the discussion on the latter was necessarily brief, one did feel that certain omissions were obvious. For example, how can one discuss why victims do not leave, and omit any mention of the low self-esteem and other emotional by-products of living in violence? These are mentioned in the next chapter's discussion of battered woman syndrome but would be better introduced in this first chapter.

The relevant criminal law is examined in Chapter 2 and includes: marital rape laws and domestic violence as a defence to a criminal charge, police powers of entry, special powers of detention or arrest, bail, compellability and sentencing. Wherever change has taken place, Seddon reviews the legislation, jurisdiction by jurisdiction. He briefly mentions police and/or prosecution decisions not to prosecute and the leniency of magistrates noting that the criminal law does not provide adequate protection of victims. The remaining three chapters explore the other potential legal remedies.

Chapter 3 looks at the Family Court. First, Seddon discusses the differing

views on whether that forum should consider a history of spouse abuse and concludes that the weight of such assault as a mitigator is extremely variable within the Court in proceedings of guardianship, custody, access, property and maintenance. Next, non-molestation and non-violence injunctions which can be obtained through the Family Court are fully described, with the author inferring that the procedures are too onerous, slow, expensive and ineffective. Further, the Court's ethos of counselling and conciliation may be inappropriate within a context of on-going marital violence.

Entitled 'Other Non-Specific Remedies,' Chapter 4 summarises what sort of remedies were available in each State prior to the introduction of domestic violence legislation and how they continue to be used when someone is unable to gain a protection order. Seddon also provides a description of tort injunctions and damages and criminal injuries compensation and sets out the requirements which tend to discriminate against their successful use by domestic violence victims.

The longest portion of the book is the final chapter which provides an in-depth survey of protection orders. Workers and other interested people can turn to the section on their State or Territory and find a comprehensible synopsis of who can apply, the type of orders available, criteria for obtaining an order, duration, how to vary an order, breaches, procedures, and other details. The interstate legislative diversity of domestic violence legislation is laid out in fine detail and yet the author must be inured to this since he makes little comment or comparison except for a useful summary of research on the jurisdictional differences in the frequency with which police initiate orders.

Perhaps because he is a lawyer and not a social scientist, and due to the purported role of the book as a handbook for workers, Seddon also does not evaluate the available literature in a comprehensive manner nor state his opinion about whether the laws are working. Some comments and evaluation-type studies are included although there is a noticeable absence of a few of the latter.¹ In future editions, I would suggest that these bits and pieces on efficacy that are interspersed throughout the book should be expanded and constituted as a closing chapter to highlight empirical and anecdotal evaluation of all the legislative components. Such information would assist the 'helpers' for whom the book is