‘Violent women’?: An explorative study of women’s use of violence

A thesis submitted in fulfilment of the requirements of the degree of Doctor of Philosophy

Lee FitzRoy
BSW Royal Melbourne Institute of Technology (former Phillip Institute of Technology), MA LaTrobe

School of Global Studies, Social Science and Planning
Royal Melbourne Institute of Technology
Victoria
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DECLARATION

I certify that except where due acknowledgement has been made, the work is that of the author alone; the work has not been submitted previously, in whole or in part, to qualify for any other academic award; the content of the thesis is the result of work which has been carried out since the official commencement date of the approved research program; and, any editorial work, paid or unpaid, carried out by a third party is acknowledged.

Signature: _____________________________________________

Name: Lee FitzRoy

Date: November 2, 2005
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# Table of Contents

Acknowledgements .............................................................................................................. ii  
Table of Contents .............................................................................................................. iv  
List of Tables ....................................................................................................................... viii  
Summary ................................................................................................................................. ix  
Introduction .......................................................................................................................... 1  
  Dilemmas and assumptions ................................................................................................. 2  
  Research summary ............................................................................................................... 6  
  Assaults against known victims ......................................................................................... 8  
  Naming women’s violence ................................................................................................. 12  
  Content ................................................................................................................................. 14  
Chapter One ........................................................................................................................ 16  
  Feminist analyses ................................................................................................................ 17  
  Locating women in their social context ............................................................................ 32  
  The construction of the ‘feminine’ subject ........................................................................ 33  
  Women as both victims and offenders .............................................................................. 38  
  Family violence .................................................................................................................. 42  
  Domestic violence .............................................................................................................. 43  
  Child physical assault ........................................................................................................ 44  
  Women’s experience as victims of domestic violence and their own assaults on their children .......................................................................................................................... 48  
  Child sexual assault and incest ......................................................................................... 50  
  Ambivalent mothering ....................................................................................................... 54  
  Self harm ............................................................................................................................. 57  
  Violence as ‘resistance’ ..................................................................................................... 58  
  Summary ............................................................................................................................... 60  
Chapter Two ........................................................................................................................ 62  
  The research methodology ............................................................................................... 62  
  Ethical considerations ...................................................................................................... 65  
  Theoretical framework .................................................................................................... 66  
  Social justice ..................................................................................................................... 66  
  Locating the research in an analysis of gendered power relations .................................. 68  
  The research narrative as ‘truth’ ...................................................................................... 68  
  Representation ................................................................................................................... 71  
  Research participants ....................................................................................................... 72  
  Women who had perpetrated violence ............................................................................ 72  
  Practitioners ....................................................................................................................... 72  
  Women in the community ................................................................................................. 73  
  Long-term prisoners ......................................................................................................... 73  
  Research methods ............................................................................................................ 73  
    Talking with seven women offenders ............................................................................ 74  
    Talking with practitioners: individual interviews with twelve practitioners .......... 78  
    Focus group discussions with 109 practitioners; twelve long—term prisoners and six women living in the community ................................................................. 79  
    The criminal justice system: Sentencing comments ................................................... 80  
    Observation .................................................................................................................... 81  
    Narrative analysis ......................................................................................................... 82  
    Quantitative data analysis ............................................................................................ 84  
    Locating the self: Reflecting on the role of the researcher ........................................... 85
# List of Tables

<table>
<thead>
<tr>
<th>Table</th>
<th>Title</th>
<th>Page number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Table 1</td>
<td>Prisoners in Australia, 30 June 2004</td>
<td>106</td>
</tr>
<tr>
<td>Table 2</td>
<td>Sentenced Australian prisoners by selected most serious offences, 2002</td>
<td>108</td>
</tr>
<tr>
<td>Table 3</td>
<td>Sentenced Australian women in prison by selected most serious offences</td>
<td>109</td>
</tr>
<tr>
<td>Table 4</td>
<td>Assault, Australian female offenders by age, rate per 100 000 persons, 1995–96 and 1999–2000</td>
<td>111</td>
</tr>
<tr>
<td>Table 5</td>
<td>Homicide, Australian female offenders by age, rate per 100 000 persons, 1995–96 and 1999–2000</td>
<td>112</td>
</tr>
<tr>
<td>Table 6</td>
<td>Numbers of women and men prisoners in Victoria 1994–2004, rate per 100 000 adult persons (aged seventeen years and over)</td>
<td>113</td>
</tr>
<tr>
<td>Table 7</td>
<td>Numbers of women and men prisoners in Victoria 1994–2004</td>
<td>114</td>
</tr>
<tr>
<td>Table 8</td>
<td>Characteristics of Victorian female offenders, 2004</td>
<td>14-115</td>
</tr>
</tbody>
</table>
Summary

The study examines women’s use of violence, focusing on the experiences of seven women who disclosed that they had perpetrated serious indictable crimes. The crimes included murder, accessory to murder after the fact, manslaughter, child sexual and physical assaults, grievous bodily harm, stalking and threats to kill. The narratives of the seven women form the central focus of the study and these stories contribute to our understanding of the lives of individual women who perpetrate violence. I also include the narratives of one hundred and twenty workers, analyse relevant sentencing comments, and draw on key insights from other research.

I began the study believing that I would discover a single truth as to why women hurt other people. My original hypothesis was that women perpetrate violence because of their previous experiences of violence perpetrated by men and/or disadvantage due to structural oppression. In part this assumption has been borne out, with all of the women who participated in the study disclosing that they have been victims of serious violence as both children and adults. However, during the course of the study, I discovered that women’s lives and their choices to perpetrate or participate in violent crimes are more complex and contradictory than my simple original hypothesis suggested. I found that the women whom I interviewed and the women whom the workers worked with, were active agents in their own lives, they made choices and engaged in activities that met some of their own needs. Sometimes these choices meant another person suffered extreme pain, injury or death.

I came to the conclusion that all of us have the potential to seriously assault others. Drawing on a feminist analysis of male violence, I believe that women’s, like men’s, violence is also ‘individually willed’ and ‘socially constructed’ (Dankworth and Rausch, 2000: 937). I locate women’s behaviour in an analytical framework that views violence as a deeply embedded part of our shared ideology, beliefs and social activities. This social fabric contributes to, and fundamentally influences, the choices of individual women who perpetrate violence. The familial, social, cultural and individual factors that contribute to women choosing to perpetrate violence against
others are complex and challenging. The study critically examines these factors and describes how different factors intersect with each other.

From this perspective, I am no longer surprised that some women can and do seriously hurt others in their lives. The challenge for us is not to pathologise and blame individual women, but to hear and see their violence, respond appropriately to protect vulnerable children, and deconstruct longheld myths, beliefs and ideologies that underpin oppressive social, cultural and familial power relations.
Introduction

I urge feminists .. to seize this issue and make it our own (Renzetti 1999: 52).

Women’s use of violence is a difficult topic for most of us. When I tell someone the topic of my thesis there is usually a pause as the other person digests my answer. They then usually repeat my answer and add a query, “so not women who have been victims of violence, but women hurting other people?” The common view is that women are victims, not perpetrators, of violence, a view borne out by statistics: the vast majority of perpetrators of violent crime are men. However, some women do hurt other people and it is these women who are the focus of this study.

The thesis is an explorative study of the violences1 perpetrated by a small group of women offenders living in Victoria. It focuses on their use of physical, sexual and psychological violence2 against others. The aim of my research is to contribute to current work on violence per se, as well as to explore women’s experiences of power and oppression. I believe that a critical analysis of the social context and the constructed power relationships between women and others assists us in understanding why women perpetrate violence. The study may also illuminate the role of violence in women’s often complex lives. I believe analysing women’s use of violence can contribute to a more detailed understanding of the lived reality of women’s experiences and how our social world informs women’s use of violence. In addition, hearing women’s stories about hurting others challenges particular manufactured notions of true ‘femininity’. I also hope the study will provide practitioners with additional conceptual frameworks and tools to assist in their work with women who perpetrate violence.

As a social worker, the majority of my professional experience has been in the sexual violence field and I have struggled to understand why women would hurt others. It

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1 I borrowed the term ‘violences’ from Heam’s (1998) account of his research on the plurality of violence perpetrated by men.
2 While recognising the different forms of violence perpetrated by the women, for ease of expression I will use the word ‘violence’ throughout the thesis.
was this search for understanding that led me to embark on this study. Listening to women’s stories of their participation in the planning, implementation and concealment of violent assaults against others was difficult. I felt a range of conflicting emotions including repugnance and horror at their behaviour and actions, pity for their victims, sympathy for the women’s own experiences of violence, and a desire to rescue them from their current situation.

I began the study expecting to find that women’s own use of violence was as a direct response to their earlier experiences of violence perpetrated by men. I struggled to accept the reality that while such victim experiences were part of women’s lives, their choice to perpetrate violence emerged from a combination of factors, primarily their socialisation into a cultural milieu which also informs men’s use of violence. My own conflicting and ambivalent responses to women’s violence are interwoven through the fabric of my research and, in some ways, mirror the confusion many people feel when faced with the reality that women can and do, perpetrate serious criminal violence.

When I began the study in 1998, I formulated the following six questions.

- What constitutes women’s violence?
- How is women’s behaviour constructed as violence?
- How are women constructed as either innocent victims or violent offenders?
- How are these categories reflected in women’s own stories?
- What role do essentialist accounts of women play in the analysis of women who perpetrate violence?
- Are there alternative ways of viewing and understanding women who perpetrate violence?

**Dilemmas and assumptions**

Over the course of the study, a number of theoretical, methodological and political dilemmas emerged which meant that over the course of the study, the original questions changed and a number of dearly held personal assumptions and ‘truths’ were challenged and eventually discarded. I briefly highlight these assumptions and comment on how they influenced the research methodology and analysis.
First, I became aware that my initial focus on women’s violence reflected my false assumptions that women and men who perpetrate violence are essentially different, that the nature of their violence and, indeed the causes of their violence are also different. As I held these original assumptions to be truths, I did not seek to explore the differences or similarities between women and men’s use of violence; therefore I did not specifically engage with critical analyses of masculinity and violence (see Hearn 1998; Hearn and Morgan 1990). However throughout the research study I found some insights extremely helpful for this study. To illustrate this point, Dankwort and Rausch’s (2000) analysis that men’s violence is both “individually willed” and “socially constructed” (937) led me to consider the influence of both individual choice and a particular dominant social context on women’s use of violence.

Second, I also began the study with what could be described as a subconscious view that somehow women’s violence was abnormal or pathological. I identified that this assumption was a legacy of earlier feminist analyses of power relationships, which describes violence as ‘masculine’. In other words, a constructed masculinity had previously been co-located with the use of violence and consequently the two had been ‘naturally aligned’. This co-location created a social context where the use of violence by men has been constructed as ‘normal’ and consequently women’s violence has been constructed as ‘abnormal’. When analysing the influence of this assumption on theorisations of women’s use of violence, I found Lynne Segal’s (1990) critical analysis of masculinity extremely useful. Segal drew on Morgan’s (unpublished) work which suggested that the notion that masculinity caused violence was incorrect. Segal extended Morgan’s work and commented that:

…it is possible in this context to reverse the assumed causal links between ‘masculinity’ and ‘violence’. It could be that it is men’s socially determined, systematic involvement in various forms of violence which constructs our notions of ‘masculinity’ as indissolubly linked with ‘violence’. The idea that what is at stake here is state violence in the hands of men (rather than, as many feminists believe, male violence in the hands of the state) is supported by reports of women’s use of force and violence when they are placed in jobs analogous to men’s (1990: 268).

Drawing on this work, I was able to identify how traditional structures and processes which create hierarchical power relationships between particular groups of people inform the choices women and men make to perpetrate violence. These dominant structures normalise the perpetration of violence against particular groups of people. As hooks commented “in a culture of domination, everyone is socialised to see
violence as an acceptable means of social control” (2000: 64). These long held
discursive and cultural power relationships and social structures are constructed and
maintained by people in power, usually men but sometimes also women (Chesler
2001; Perilla et al. 2003). Such people benefit from the continuation of these social
structures. As Segal commented:

… what we are confronting here is the barbarism of private life reflecting back the
increased barbarism of public life, as contemporary capitalism continues to chisel out
its hierarchies along the familiar grooves of class, race and gender (1990: 271).

I suggest that women’s violence, like the violence of men, is informed by this social
context and therefore, while it is statistically unusual for women to use violence, it is
not abnormal or pathological. In addition, it is clear that most women perpetrators,
like men, also choose to hurt victims who are defined or positioned as subordinate or
inferior to them.3

Third, I was challenged by questions of individual agency, which meant that I
wavered between an essentialist and postmodern view of the ‘self’. In other words
sometimes I found myself believing that women were active agents who should be
held responsible for their choices to perpetrate violence. Other times I believed a
post modern analysis of the construction of the ‘self’ and how an individual’s choice
to perpetrate violence is informed by our social, ideological and discursive context.
My lack of certainty about the role of the ‘self’ in women’s acts of violence was a
constant challenge throughout the study. I concluded that women’s own individual
capacity to act is informed, but not wholly defined, by our social world.

An extension of my confusion about the issue of individual subjectivity was my
search for causation and attribution. I began the study with an assumption that I
would discover an essential ‘truth’ or what could be described as “innocent
knowledge” (Flax 1990a, 1992) about women’s use of violence. At the beginning I
was hoping for an explanation that would exonerate women of responsibility for their
actions and choices to perpetrate violence. Throughout the study I found myself
fluctuating between attributing women’s violence to (a) their individual choices; (b)
the social and discursive framework in which we live which implicitly or explicitly
supports particular acts of violence against particular groups of peoples; or (c) the
familial, psychological and cultural context of each individual woman offender. I

3 Wise used the term “hierarchy of vulnerability” in her discussion of the power relationships between
women and other members of their families (1995: 111) but cited the original source as Goodin (1985).
initially sought to find definitive answers but came to understand that my role was to explore such issues acknowledging the impossibility of finding a singular truth.

Fifth, I also began the study prioritising a feminist analysis of gendered identity and gendered power relationships. While this analysis has been a key resource to understanding women’s lives, I have also been led to consider the construction of power relations between different categories of people. As mentioned earlier, a feminist and post modern analysis highlights the range of structural, discursive and cultural factors which influences our identities and the power relationships between us. It also reminds us that a woman’s identity is not fixed or unified; it is fluid and can change depending on her circumstances and context. A woman may have more ‘power’ than the ‘other’ person depending on the situation and their respective circumstances. To illustrate this point, an Australian middle-class woman living in Melbourne may have more power and knowledge than an Afghani man living in Melbourne on a temporary protection visa. However the Australian woman may experience powerlessness when traveling in Afghanistan while the same Afghani man may have increased power due to his cultural and linguistic knowledge. As these power differentials are based on, for example, class, culture, sex, age and religious differences, clearly as Segal commented “we shall have to include, but also progress beyond, an analysis simply in terms of gender” (1990: 269). The challenge to move beyond a gender analysis of both women’s lives and their violence was an important issue for me to engage with throughout the study.

Sixth, I also assumed that the women who participated in the study were victims of systemic abuse perpetrated by the criminal justice system. This assumption was based on my interpretation of feminist research on women’s experiences in the criminal justice system. Such research suggests that the legal system responds punitively to women offenders and disadvantages women both before and after they enter the prison system. Therefore, I began the study with a feminist ‘truth’ that most women offenders did not deliberately perpetrate violence but were reacting to external circumstances and were victimized by men, their own family, social context and, the criminal justice and human service systems. However the stories women shared during the research challenged these assumptions and forced me to acknowledge both the influence of women’s context and their capacity to enact violence.
Reflecting on these major assumptions and dilemmas enabled me to see more clearly how they influenced the research methodology and my analysis of key issues. Consequently they are common themes throughout the thesis.

**Research summary**

The research design emerged out of my practical and theoretical interest in women who had perpetrated violence. Consequently I chose to talk directly with women offenders themselves and locate their narratives in our shared social and cultural context. I also spoke briefly to women who had not perpetrated violence to develop an understanding of ‘other’ women’s views. In addition I was also interested in workers responses to women who have assaulted others, therefore I chose to interview specific practitioners and run focus groups with workers who work directly with women offenders. The overall research design reflects my interest in the lived experience of women themselves, the experiences of practitioners who work with women offenders and the influence of our social world, specifically the criminal justice system, on women’s lives.

The following discussion provides some more detail on the research participants. The study focuses on the lives and stories of seven women who have been convicted of, or self-identify as perpetrators of, violent crimes. I interviewed Rita, Rhiannon, Joan, Jody, Kimberley, Sam and Andi. The names are aliases chosen by the women, or in Sam’s case, assigned by me. The women told me that they had perpetrated violent crimes against their children, siblings, partners, friends and neighbours. Andi had made threats against both known victims including members of her family, friends and neighbours as well as members of the public, who were strangers.

Of the seven women who participated, six had been charged and found guilty of indictable crimes in the criminal justice system. Sam had pleaded guilty to sexual assaults against children as an adolescent and had been placed on a community based order. Jody had been convicted of numerous counts of robbery and grievous bodily harm and had served a number of prison terms in three Australian states. Rita had been found guilty of murder and was serving a fifteen-year prison sentence.

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4 We often use the word ‘story’ when talking about women’s experiences of sexual and physical assault. However, I note that the common use of the term usually denotes something fictional as opposed to a first person narrative account of a real experience. This study draws on women’s narrative accounts.
When we met, Kimberley had pleaded guilty to manslaughter and was on remand. Later Kimberley was sentenced to ten years’ imprisonment. Rhiannon had pleaded guilty to accessory to murder after the fact and was serving a six-year prison sentence. Andi had pleaded guilty to stalking, making bomb threats and other threats to kill and was serving a community-based order. Joan, the seventh participant, disclosed that she had perpetrated physical and emotional assaults against her children, but had not been investigated by the police or charged with a criminal offence.

They ranged in age and came from different class, educational and employment backgrounds. Six of the seven women were of Anglo-Saxon cultural heritage and spoke English as their first language while the seventh had Italian cultural heritage and spoke English as a second language. One woman worked in the professional sector, one was on a community-based order and pursuing further education, two women were living in the community on government benefits and three were incarcerated in prison.

The criminal justice system had a major influence on the lives of six of the women who participated in the study. I was interested in their experiences, the response of the legal system to women offenders, and the possible influence of gender bias on the sentencing outcomes for women. I examined the comments of judges prior to sentencing four of the seven women and analysed the sentencing comments from judges in relation to six other women found guilty of similar crimes in the same Victorian courts. I also examined women’s’ experiences of imprisonment and rehabilitation along with workers’ observations.

The thesis also includes an analysis of discussions with other women. I conducted a focus group discussion with twelve women serving long sentences for violent crimes in the Melbourne Metropolitan Women’s Correctional Centre (MMWCC), re-named the Dame Phyllis Frost Centre (DPFC) in 2000. I also facilitated a group discussion with six women who were participating in a ‘women and anger’ group at a Community Health Centre in Melbourne.

I conducted focus groups with 109 practitioners employed in a range of human service organisations and conducted individual interviews with twelve practitioners, one of whom also participated in a focus group discussion. Six participants were
men and 114 were women. In total, I spoke with 120 workers who were concerned about their own, and the human services systems’, response to women who have perpetrated violence. Many more workers than women offenders participated in the study and this imbalance is discussed later in Chapter Two. In brief I suggest that it was due to the difficulties in recruiting women offenders to the research study and the high level of interest, and consequently, participation amongst workers.

I have drawn on an extensive body of research which analyses women’s offending behaviour and examines their experiences of the criminal justice system. I review a selection of relevant texts, draw on key insights, and briefly describe some of the current theoretical and practice debates on women’s use of violence. The study also created an opportunity for me to reflect on my own understandings of female subjectivity, feminist theorisations of violence and power relations between women and others. As a consequence, a critical examination of my own research journey is included in the thesis.

Assaults against known victims

As detailed extensively in the broad body of feminist and postmodern literature, women live in diverse social contexts influenced by intersecting structural, social and political factors. In her own social context each woman’s identity is made up of multiple elements including her culture, class, language, religion, sexuality and age. As a consequence of structural factors, material relations and women’s own subjective identity, some women have greater power than other women, men and children. In this thesis I focus on women’s use of physical, sexual and psychological violence against others who, in the majority of cases, are known to them and are less powerful than themselves. These people may be described as intimate ‘others’ and include their children, partners, parents and close friends.

There were a number of reasons why I chose to focus the study on violence perpetrated against intimate others. It appears that the majority of violence perpetrated by women is enacted in the context of intimate relationships, often in the home (Barnard et al. 1982; Ben-David 1993; Goetting 1988; Motz 2001). Intimate relationships are complicated and, as such, acts of violence against a known and ‘loved’ other are theoretically and professionally important.
In 1994 White and Kowlaski noted an absence of critical analyses of women’s violence towards those people with whom they share intimate relationships. Although there had been some feminist research on women’s offending behaviour, the issue of women’s violence against their children, partners or friends had not really been addressed when I began the study in 1998. Clearly, this can be attributed to the fact that men commit most violent acts. In addition ‘real violence’, in the main, has been socially constructed as masculine behaviour enacted by men against other men, women or children, usually in the public arena. In contrast violence perpetrated by a woman has often been rendered invisible because it is enacted in the privacy of the home. Such violence challenges our assumptions about the safety of the ‘family’ and the ‘family home’. These apparent contradictions are widely discussed in feminist literature on family violence perpetrated by men, but rarely discussed in relation to women’s use of violence. Further, some acts may not be recognised as violence precisely because women are the perpetrators and the victim and/or perpetrator themselves may not define such acts as ‘violence’.

There is broad agreement that violence is defined as intentional “physical, verbal, or written actions that inflict, threaten, or cause bodily, psychological, social, or material injury” (Jackman 1999: 277). However, while this definition informs my analysis of women’s actions, I also support the view expressed by many commentators that violence itself is more complex and diverse than the definition above would suggest (Hearn 1998; Jackman 1999; Watts in press). Violent actions can be located on a continuum from verbal abuse through to ritualised murder.

While it is commonly accepted that the majority of perpetrators of violent crime are men, the statistical evidence of women’s violence is contested territory (Finkelhor 1986; Goodwin and DiVasto 1979; Heidensohn 1994; Kelly 1991; Renvoize 1982, 1993; Steffensmeier, 1995; Steffensmeier and Streifel 1991). In this study, I critically examine the social, historical, cultural, research and ideological factors that intersect to create difficulties in defining and analysing women’s use of violence. In Australia, Britain and the United States, it is generally accepted that women make up around six percent of the offender population (Australian Bureau of Statistics (ABS)

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5 See Appendix Six for the legal definitions of murder, manslaughter and assault.

6 The use of a continuum to describe the range of behaviours that are violent is similar to the continuum originally developed by Kelly (1988) to describe the range of behaviours that constitute sexual assault.

7 I support the view that when reading statistics “it is important in the interests of accuracy and clarity that we understand what is included and what is excluded from the statistics upon which interpretative statements are based” (MacDonald 1998: 9-10).
and that women perpetrate between five to twenty percent of all violent crime (ABS 2001b; AIC 2002; Barnard et al. 1982; Ben-David 1993; Finkelhor 1986; Gelles and Loseke 1993; Martin 1999; Stark and Flitcraft 1996; Straus and Gelles 1992; Verona and Carborell 2000; VCCAV 1991).

When I began the study in 1998, of the 152 Victorian women in prison, seventeen had been imprisoned for indictable crimes including murder, other homicide, assault and sexual offences (ABS 1998). In June 2005, of the 251 women imprisoned in the DPFC, 42 had been incarcerated for violent crimes against the person and 14.3 percent had a maximum-security classification (Shiel and Hughes 2005: 1).

Amongst international researchers, there is general acceptance as to the following figures for different forms of criminal assault. Women (primary caregivers) commit between 31 and 50 percent of the recorded acts of physical assault on children (ABS 2001b; AIC 2002; Motz 2001; Wise 1991). Mothers commit almost half of the recorded infanticide (Morris and Wilczynski 1993). Women form two to three percent of the sex offender population (ABS 1996, 2001b, 2002b; Finkelhor 1986). Women commit fourteen percent of indictable crime (ABS 2001b; AIC 2002) and twelve percent of homicides (ABS 2001b; Graycar 2001).

During the research, workers and community members anecdotally reported that there appeared to be an increase in the numbers of women perpetrating violence and victims reporting assaults perpetrated by women. Reports include examples of road rage, physical assaults against family members, children and strangers, and physical, sexual and verbal assaults perpetrated by gangs of women. It is difficult to ascertain whether the increase noted by workers is due to an actual increase in incidences of assaults perpetrated by women, an increase in victims reporting of assaults perpetrated by women, or an increase in workers' awareness of such assaults.

Explanations as to why women perpetrate violence are contested. During the course of the study I considered a range of explanations, many of which have previously been used to make sense of men's use of violence. These explanations include the idea that women commit acts of violence because they are 'bad' or 'wicked', they suffer psychiatric disabilities or hormonal imbalances, they experience poverty or

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8 Myra Hindley, convicted of the co-murder of five children in England in 1966, was described by the trial judge as "wicked beyond belief" (cited in Stanford 2002: 24).
social isolation, are responding to past or current violence perpetrated by another person, or are seeking liberation from feminine stereotypes.

The ‘cycle of violence’ explanation that women hurt others because they are victims of earlier violence perpetrated by men was a common explanation from some workers who participated in the research and appeared in some of the literature. Indeed, as mentioned previously, I originally supported the cycle of violence theory and believed that there was a simple causal relationship between a woman’s experience of male violence and her choice to perpetrate violence. As will be discussed later in the study, all the women who participated in the study are victims of male violence. However, instead of a clear cause and effect relationship, I found that focusing primarily on the woman’s experience, meant that I neglected to pay attention to the discursive and social context which informed her choices. Therefore I needed to continually remind myself to explore the influence of dominant belief systems and the constructed power relationships between women and their victims on women’s choices to perpetrate violence.

While acknowledging the influence of broader social and cultural factors, I deliberately talk about women ‘choosing’ to perpetrate violence throughout the study. This decision reflects my view that individual choice and agency intersect with the other social, discursive or structural factors that influence women’s decisions to enact violence. As detailed in the following chapters, the women in this study made an active decision to assault others or assist in the disposal of the bodies of victims. Smart (1995) reminded me that:

- Choices can be made, even if they are not under conditions of our own making (and they never are). Unless we are to deny women any agency we need to acknowledge that they (we) make decisions (1995: 117).

Throughout the research I have continually placed women offenders and their ‘choices’ at the centre of the study. This decision emerged out of my concern that much contemporary literature which speaks about women and children’s experiences of violence perpetrated by men uses language that describes and positions both ‘violence’ per se and male perpetrators as separate entities, which effectively detaches the perpetrator from the violent act. This discursive manoeuvre effectively removes the agency and choice of the individual perpetrator from our examination of
their acts of violence. The following example from the introduction to the Victorian
government’s ‘Women’s Safety Strategy 2002–2006’ demonstrates this point:

Women experience family violence, sexual assault, sexual harassment and stalking
in far greater numbers than men. Women experience more fear of violence in public
places. Women experience violence and harassment at work (Office of Women’s

I find language which constructs ‘violence’ as a separate entity, apart from the person
who enacts the violence, problematic. The process of disembodifying the violence
from the perpetrator fails to position the person and his/her individual choice and
agency at the centre of the discussion. My decision to focus on women’s lives and
their choices does not imply that women’s choices are simple or unproblematic, or
that such choices are not influenced by women’s social context. My key point is that
women’s capacity to enact violence is an essential part of the story of their use of
violence.

**Naming women’s violence**

Talking about women’s use of violence appears to evoke two responses: that it is
less important than men’s violence and that it challenges our assumptions about the
‘true’ nature of women. The first response reflects the social reality that men
perpetrate the majority of violence, while women form the majority of victims. Often,
a woman offender has been identified as a victim of men’s violence or social
circumstance. In such circumstances people may respond sympathetically to a
woman who is viewed as a victim and she may therefore be constructed as
powerless and/or harmless.

The second response appears to reflect our difficulty in reconciling a dominant view
of women as carers and nurturers of others with the reality that some women
seriously injure and kill other people including their children. This difficulty is related
to deeply held cultural assumptions about ‘women’, specifically, mothers,¹⁰ about
femininity, and about ‘good’ and ‘bad’ women. I wanted to explore how different
people, including women offenders themselves, workers in the human service sector,
feminist theorists and me as the researcher, dealt with these contradictions.

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⁹ An earlier version of this section was published in 2001 (FitzRoy 2001).
¹⁰ Fedler wrote about the complexities of her own and society’s response to women who kill their
children and commented “Surely only baby rape would possibly compete for top prize in the category of
Most Ghastly Crimes Humanly Imaginable” (Fedler 2003: 39, capitals in original).
Many practitioners who participated in this study feared that focusing on a small group of offending women might perpetuate the historical pathologisation of some women as innately violent. They were concerned that the research could herald a return to an essentialist view that some women are ‘bad’ and that this view could stop other researchers and workers from critically examining the patriarchal discursive and social context which actively supports and often rewards the use of violence by men against women. Some practitioners were concerned that there might be negative political and social consequences for services which provide counselling to, and advocate for, victims of male violence. Some also suggested that my research could endanger the hard-won broad community acceptance that men’s use of violence against ‘other’ men, women and children is linked to a patriarchal belief system which positions women as inferior to men. Concerns were also raised that my research might have negative effects on educational projects which seek to address and change the gendered power relationships between men and women.

In addition, some research on women’s use of violence has been used – predominantly by North American conservative men’s rights groups – as a strategy to de-gender debates on violence. The men’s rights movement has argued that feminists cover up women’s use of violence while positioning women as powerless (Cook 1997).

The concerns expressed by workers are significant and legitimate. However, I felt that the need to critically analyse women’s use of violence outweighed them. I have been encouraged by the words of Featherstone and Fawcett (1994/95) who, when concluding their discussion of feminism and women perpetrating child abuse, commented that:

… we remain convinced that ignoring difficult questions does not mean they go away. We have raised some uncomfortable questions in this article, questions, about men’s power and women’s behaviour for example. We do so, for a number of reasons. Firstly, we find these questions ‘speak’ more readily to our own experiences as social workers, than those which are overly coherent and seamless. Secondly, we would


Extracts from an interview I gave to The Age newspaper were posted on the Australian Men’s Rights website http://www.mensrights.com.au
argue that, even a cursory glance at contemporary and past debates about social policy, indicates that there are strong political reasons for seizing the initiative on uncomfortable questions. Finally as we have illustrated the debate is happening anyway. There are indeed political dangers attendant upon our enterprise but then we believe every route has political dangers. There is no possibility of innocent knowledge (1994/95: 77–8).

Many feminist workers, activists and researchers have continued to be extremely supportive of the study. This support has been a major source of encouragement for me during the course of the research.

Content

The thesis is divided into three key parts. The first part presents the theoretical and methodological frameworks, which inform the thesis. Chapter One reviews current literature and critically examines the contributions of a number of key researchers. The chapter is divided into eight sub-sections discussing feminist theory, women’s social context, the feminine subject, women as both victims and offenders, family violence, ambivalent mothering and self harm and concludes with a short discussion on violence as a form of resistance. Chapter Two describes the research methodology used throughout the study. First, I introduce the people who chose to participate in the research. This is followed by a discussion of the research theoretical framework and methodologies. I briefly explain the process I used to analyse the data and conclude with a brief description of a key limitation of the study. Chapter Three describes current definitions of the different forms of violence perpetrated by the women who participated in the study and presents current Australian and Victorian statistics on women’s involvement in such crimes.

The second part examines the lives and experiences of the seven women research participants in greater detail. Chapter Four presents personal accounts including the words of each woman presented in a case study format. I divide each study into key themes. Chapter Five examines the various ‘truth claims’ made by both women perpetrators and practitioners who work with women offenders as to why women perpetrate violence. I begin with an exploration of the liberal humanist notion of the rational self, follow with a discussion of behavioural and psychological explanations and conclude with a discussion of the role of women’s social and cultural context and circumstances.
The third part presents women’s experience of various governmental systems including sentencing after conviction, prison and rehabilitation. Chapter Six analyses how the Victorian criminal justice system responds to women who perpetrate violence. The chapter presents the principles that underpin both the system itself and sentencing. I examine whether women convicted of violent offences experience gendered or other forms of bias. This is followed by an analysis of the sentencing comments from judges in relation to six other Victorian women convicted of crimes similar to those committed by the seven women who participated in the research. Chapter Seven extends the previous discussion with an examination of the sentencing comments made by judges in relation to four of the seven women who participated in the study. In addition, I present women’s experiences of prison along with workers’ comments about the prison system and rehabilitation programs. Chapter Eight examines current Victorian government policy frameworks and programs for women who perpetrate violence. The discussion includes comments from both women themselves and practitioners who work in the human service and criminal justice systems. I conclude the thesis with a brief discussion of key findings and present some recommendations.
Chapter One

Literature review

Violence is not a phenomenon: it is the behaviour of people, human action which may be analysed. What is missing is an analysis of violence ‘as’ action—not just acts of violence, or the cause of its effects, but as the actions of people in relation to other people (Kappelar 1995: 2, emphasis in original).

This chapter presents key themes from relevant feminist, criminological, psychological and psychoanalytic literature which explores the lives and motives of women who perpetrate violence. I focus on a number of key British and American authors who provided helpful insights for my research. They include Brid Featherstone, an Irish feminist researcher, Anna Motz, an American feminist psychoanalyst, Rozita Parker, a British psychologist, Jane Flax, an American feminist researcher and Jeff Hearn, an English pro-feminist researcher. Featherstone, Parker, Motz and Flax deconstruct dominant cultural ‘truths’ about women and demonstrate that women can hold a variety of conflicting identities in a range of social contexts. Each author offers slightly different accounts of women’s use of violence which I have found helpful. A common thread relevant to my work appears to be their view that women can and do resist singular categories and enact agency to construct their own subjective identities. Hearn writes thoughtfully on men’s violence and I found his insights useful when considering women’s violence. I also drew on other Australian, American and British theorists where relevant. I have sought to identify key contributions, debates, contradictions and omissions in current Western theorisations on women’s use of violence. I did not seek to reconcile any of the contradictions that emerged during the literature review. Instead, I have sought to map how this diverse range of theoretical positions influences our understandings of, and practice with, women who perpetrate violence.

Theorists and practitioners have struggled to find theoretical frameworks that assist in understanding women's use of violence and which make useful contributions to
policies and procedures. I hope this study will provide a useful addition to current theoretical debates and assist practitioners when developing appropriate practice responses. I focus attention on the contributions from Featherstone, Flax, Parker, Motz and Hearn in relation to key issues raised during my interviews with women offenders and practitioners. I organised these issues into the following themes: a feminist analysis of women's use of violence, the need to contextualise women's lives, the construction of the feminine 'subject', women as both victims and offenders, family violence, ambivalent mothering, self harm and, finally, violence as resistance.

**Feminist analyses**

Feminism is not a coherent body of theory. In specific reference to women's violence, feminist theory and practice is contested and fragmented and feminists are engaged in ongoing debates. Exploring women's violence has meant that many feminist theorists and practitioners have drawn on and/or rejected key elements of a second wave feminist analysis of male violence. I found it useful to draw on aspects of this analysis and briefly describe key elements below. This is followed by a discussion of the major themes and contradictions in current feminist analyses of women's violence.

Influential second wave feminist theorists such as Brownmiller (1978), Butler (1985), Dworkin (1981, 1988), Griffen (1979), Kelly (1988) and Stark and Filtcraft (1988) originally argued that 'patriarchy' is the single explanation for, and cause of, male violence perpetrated against women and children. This earlier feminist analysis suggested that men were rational, autonomous subjects who used violence instrumentally to achieve a particular, specific purpose, that is, to control women. From this perspective men were viewed as individual agents who made an active and individual choice to follow a specific societal script about what it was to be a man, specifically a husband and father. In addition, this earlier feminist analysis implied that men knew exactly what they were doing to their wives and children and why they assaulted them. Feminist theorists who supported this influential viewpoint believed that men had to take responsibility for their individual choices and make commitments to change their belief systems and behaviour. Much of my earlier understanding of male violence emerged from this analysis of patriarchy and the construction of masculinity. Many key elements of this powerful analysis are reflected in the development and delivery of programs and services for women and
children who are victims of male violence along with anger management and behavioural change programs for men who have perpetrated violence.\textsuperscript{12}

However, a number of feminist and pro-feminist theorists have suggested that the view that ‘violence’ is an “undifferentiated phenomena originating from a single cause” is inherently problematic (Featherstone and Trinder 1997: 157; Hearn 1998; Pease in press). Pro-feminist authors Hearn (1998) and Pease (in press) suggest that some explanations for male violence fail to incorporate feminist and postmodern analyses of embedded hierarchies of domination and subordination. These embedded hierarchies influence power relations between peoples and include, for example, the intersection of gender, class, sexuality, culture, religion, age and geopolitical location. Such analyses remind us that the categories of ‘masculinity’ and ‘femininity’ are not fixed, homogenous or unified.

Drawing on these critical accounts, I was led to see that earlier feminist accounts of men’s violence perpetuate old notions of liberal individualism where men are positioned as autonomous agents who act from a position of total power. The view that an individual man’s choice to use violence is both rational and instrumental fails to locate this man in his historical, familial and social context. An explanation of men’s violence which takes no account of their child or adult experiences of violence, or the power relationships between men and women that result from cultural, sexual or age differences, is necessarily limited. Critical feminist and pro-feminist researchers argue that we need to return to the familiar feminist refrain of the ‘personal is political’ when making sense of men’s violence, in addition to understanding women’s experience as victims (Collier 1998; Pease in press).

Pro-feminist researchers agree with the feminist position which argued that men have to be made accountable for their individual acts of violence against women and children (Hearn 1990, 1993; Pease 1996). They also identify the need to actively address structural factors along with the patriarchal beliefs that are internalised by men and women. Feminist and pro-feminist researchers suggest that structural factors and unconscious processes maintain hierarchies of domination and subordination that influence power relations across, for example, cultural, gender, sexual and class boundaries. However, in contrast to an earlier feminist view of masculinity as a known and confirmed script of particular behaviours and beliefs, pro-

\textsuperscript{12} See Pease (in press) for a critique of behavioural change programs for men who perpetrate violence.
feminist researchers suggest that the category of ‘man’ and the construction of contemporary masculinity is contested territory and that notions of a unified masculinity are illusionary. They suggest instead that masculinity is itself fractured and that there may be multiple ways men can experience their own masculinity and/or manifest this masculinity in their private and public lives.

In addition, and in contrast to an earlier dominant image of men as rational and autonomous individual actors, many pro-feminist researchers suggest that some men may enact violence from a place of confusion, doubt, uncertainty and powerlessness. Critical feminist and pro-feminist researchers suggest that these feelings may emerge from men’s sense of unease as a result of earlier experiences of violence and emotional uncertainty in relation to their identity, their view of their own masculine ‘self’ and perceived place and role in the public realm (Collier 1998; Pease in press).

Feminist researchers including Cain (1990b), Carlen (1990a), Naffine (1997) and Saradjian (1996) provide us with detailed and thoughtful examinations of the experiences of women prisoners. This critical feminist research informs us about women prisoners’ experiences of child or adulthood violence and their socio-economic circumstances, and often describes specific motives for their use of violence (Carlen et al. 1985; Chesney-Lind 1986). While extremely valuable, these accounts appear to focus on the individual woman offender and thus fail to analyse the influence of embedded hierarchical power relationships on her choice to perpetrate violence against others. I suggest that, if we draw on a power analysis of the hierarchical nature of relationships between women and others, we are able to see how the choice of individual women to hurt ‘other’ men, women and children is also informed by their different constructed identities; their relative positions of power and their social, historical and familial context.

There are many different relationships of power between women and their victims. These may include familiar hierarchical examples of mother/child, employed/unemployed, Christian/Muslim and Western/Indigenous. A key example, which is relevant for this study, is the historical and social construction of ‘children’ as less important than adults. There is a broad body of literature detailing the social construction of ‘children’ per se and childhood itself, which assists us in understanding how children are not only constructed as inferior, but also as the possessions of their fathers, and by default, their mothers (Fawcett, Featherstone
and Goddard 2004; James and Prout 1997; Mason and Fattore 2005; Moss and Petrie 2002; Oakley 1994; Valentine 2004). Mothers who assault their children do so in a cultural context that has defined adults as more important than children. While we have a good understanding of the social construction of ‘children’ as the possessions of adults, feminist researchers have recently began to explore the power relationships between women and their children. As Oakley (1994) acknowledged:

It is not entirely true to say that women’s studies neglected children. What happened was that the deconstruction of notion of ‘the family’, and the uncovering of biases in theoretical assumptions made about women, resulted in an emphasis on women’s experiences of children rather than on children’s experiences of women (or of anything else (1994: 22, emphasis in original).

The power relationships between women and children are of interest for this study and will be discussed in greater detail in the later section on child abuse.

As introduced briefly in the previous chapter, power relationships are not linear, straightforward, fixed or absolute (Foucault 1980; Sawicki 1991a, 1991b, 1994). Postmodern theorists also argue that people have multiple identities and that the experience of power is both relational and contextual. Both men and women move in and out of intimate spaces in which the power relationships between themselves and ‘others’ shift and blur. Kappelar (1995), herself a feminist researcher, argued:

… we are sometimes on the side of the oppressed, sometimes of the oppressors, in a complex network of relative power relations which have to be specifically analysed in each situation and cannot be determined simply in terms of social ‘identities’ (1995: 18).

Making a link between some women’s unconscious and conscious participation in hierarchies of power, privilege and domination and their active choice to perpetrate violence against those defined as ‘inferior’ is an important part of a critical analysis of women’s use of violence. Hollway (1989) suggested that there may be a range of unconscious processes which influence the positions people take in their relationships with others in familial, work and social contexts. This analysis suggests that women may unconsciously seek positions where they are able to gain and hold power and which enable them to protect themselves. I support this view and will return to this issue in later chapters.
Feminist theory is useful in understanding women’s experience of power, violence and powerlessness and I cannot do justice to the diverse and wide ranging body of research which explores women’s use of violence. However on my reading, I suggest that some feminist psychological and criminological research on women’s use of violence appears to reproduce earlier determinist views that focuses on the individual woman offender as the problem. Such analyses omit to take account of the social context that constructs specific power relationships between women and more vulnerable ‘others’. I analysed five such accounts and in the following discussion seek to demonstrate how they pathologise women and often contradict each other. I explore the theoretical and practical implications of the contradictions in this and later chapters.

The first account draws on the ‘cycle of violence’ theory. This theoretical model suggests that children who witness or experience violence will perpetrate violence as adults (Briggs 1995). The extensive body of statistical evidence on the experiences of women and children who are victims of violence demonstrates that the majority of victims do not perpetrate violence. However, researchers have found that almost all women perpetrators of serious and/or major violent crime have experienced chaotic and troubled family lives and have survived some form of severe child and/or adult violence (Robinson 1998; Saradjian 1994, 1996; Stewart and Tattersall 2000; Swan and Snow, 2003). Often evidence of such violence is presented as a major contributing factor to a woman’s choice to perpetrate violence (Polk 1993).

A recent example illustrates this point. Kathleen Folbigg was found guilty of the murder of her four children over a nine-year period, in New South Wales in 2003 and sentenced to forty years imprisonment (R v Folbigg [2003] NSWSC 895). Judge Barr concluded that, while Mrs Folbigg was not psychotic, her background, which included probable sexual assault perpetrated by her father prior to the age of eighteen months and the murder of her mother by her father, may have contributed to Mrs Folbigg’s decision to murder her children (“Folbigg” per Barr, J. at note 52–72).

13 Mrs Folbigg successfully appealed the sentence which was reduced to thirty years’ imprisonment (Regina v Folbigg [2005] NSWCCA 23).
14 Judge Barr commented that “[i]t is well established that children who are neglected and suffer serious physical and sexual trauma may suffer a profound disturbance of personality development. The evidence for such a disturbance in the offender is strong as her diaries reveal” (“Folbigg” per Barr, J. at note 52).
However, a defence argument based on a cycle of violence explanation poses difficulties for feminists who actively challenge this form of defence when used by male offenders (Hearn 1990; Herman 1992; Kelly 1988). I suggest that feminists have correctly argued that the underlying premise of a cyclic theory is reductionalist and determinist. In other words, the creation of an unproblematic ‘natural’ link between childhood experiences of violence and adult offending behaviour ignores the issues of adult responsibility, choice and agency. Feminist researchers examined the role of a cycle of violence theory in cases of men charged with perpetrating violence and suggested that it is often used to meet the needs of the offender (Quigley 1998). As Young commented, “adopting the role of victim is a classic abuser’s stance” (1993: 113). Consequently, it is contradictory for feminists to reject a cycle of violence theory when analysing men’s violence and yet use the same theory to explain women’s use of violence. However I believe there are important questions to ask about the possible influence of earlier experiences of trauma on someone’s choices to perpetrate violence. These questions are discussed throughout the thesis.

The second individual account of women’s violence is that a woman’s specific biological and psychological composition causes women to perpetrate violence. These biological influences include hormonal disturbances, for example, postnatal depression or premenstrual tension, and psychological disorders such as learnt helplessness, battered women’s syndrome or psychiatric disorders and temporary insanity. I discuss the diagnosis that women suffer from temporary insanity below and will explore specific biological disorders later in the chapter.

The psychiatric community has been active in diagnosing and examining women’s offending. As a consequence the majority of research on women’s offending has emerged from the mental health field. Gilbert (2002) suggested that the mental health sector had taken a predominant role in diagnosing women offenders because the community as a whole has been extremely unsure about how to both understand and respond to women’s violence. Naffine (1997), an Australian feminist, commented that:

Women are not expected to use force when their femininity is impugned; in fact, the use of force to assert one’s status is seen as the very antithesis of conventional femininity (1997: 147).
Chapter One: Literature review

The mental health sector has clearly contributed to the construction and perpetuation of the belief that women’s violence can be caused by temporary insanity, a psychological disorder or hormonal disturbance (Allen 1987a, 1987b).

A number of feminist researchers argue that gendered, racialised and class assumptions about madness and ‘dangerousness’ underpin criminal law. There is a detailed body of feminist scholarship critiquing the historical legacy, purpose and strategies by which certain ‘women’ have been defined as ‘mad’ (Aitken and Noble 2001; Ussher 1991, 1997). Further research explores the relationship between women, mental illness and violent behaviour (Teplin, Abram and McClelland 1996). Studies suggest that women who come to the attention of the criminal justice system because of their violent behaviour are often diagnosed as suffering from a mental illness, for example, schizophrenia, manic depression or having a borderline personality disorder (Gerrand 1993; Jordan et al. 1996). Researchers have found that women in prison are diagnosed with a higher level of psychopathology than male prisoners and that many of these diagnoses are gendered, in other words, they reflect dominant constructions of ‘normal’ and ‘abnormal’ feminine behaviour (Mullen 2001; Parsons, Walker and Grubin 2001; Ussher 1991, 1997). Researchers argue that traditional gender stereotypes about women’s ‘normal’ behaviour may influence the outcome of the psychiatric diagnosis (Easteal 1992; Raeside 1995). Gerrand (1993) noted that women who behave in non-traditional feminine ways, for example, acting out violently, being sexually promiscuous and/or excessively using alcohol and drugs, are more likely to be viewed as ‘problematic’. The criminal justice systems' response to such women includes, for example, placing women in isolation and the withdrawal of privileges accompanied by medication (Aitken and Noble 2001).

Despite a body of feminist research which problematises the ‘natural’ links between women’s psychology or hormones and violence, various psychiatric defences for women’s use of violence are still used when women are charged with violent offences. The dilemma for feminist legal practitioners is that, while they may disagree with the use of a defence which suggests that the woman was suffering from a psychological disorder, such defences are often successful. A successful outcome may mean that women are found not guilty or, if found guilty, may receive suspended or community-based sentences. The following examples of recent Australian court cases illustrate how different courts and the Office of Public Prosecutions responded to women suspected and/or charged with violent offences.
In the NSW Court of Appeal in 2004 Daniela Dawes pleaded guilty to the manslaughter of her five-year-old son and received a five-year good behaviour bond. The murder charge was reduced to manslaughter because the Court accepted a defence of diminished responsibility due to an unnamed mental illness (*R *v *Daniella Dawes* [2004] NSWCCA 363). The court heard evidence that after Mrs Dawes killed her son she attempted suicide.

In the Victorian Supreme Court in November 2004, an unnamed woman was found not guilty of the attempted murder of her two children on the grounds of mental impairment. The Court was told that the mother had planned to murder her two children and then commit suicide the day before the anniversary of her separation from her ex-husband (unnamed author 2004b: 8).

In February 2005 Mrs Carol Matthey was charged in the Melbourne Magistrates Court with the murder of her four children from 1998 to 2003 (Butcher 2005: 1). The children were aged between nine weeks and three years old. Mrs Matthey has been remanded and placed in the protection unit at the Dame Phyliss Frost Centre (DPFC). It was reported that Mrs Matthey was on medication for depression (Butcher 2005: 1).15

In the two first cases the courts made a determination that the women’s violence was due to psychological disorders. Mrs Dawes was found not guilty of the more serious charge of murder and the unnamed woman was found not guilty of attempted murder. In the Matthey case, it is not clear whether a defence of depression, or specifically postnatal depression, will be used. The following two cases provide different examples of how a court responds to evidence that women may be suffering from the much debated Munchausen’s syndrome by proxy.16

In Melbourne in 2004, the Children’s Court ordered the removal of a four week old child from the care of his unnamed mother. The judge made the decision on evidence that the woman’s other three children had all died before the age of five and that the mother had taken the children for over 179 medical appointments with eighty

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15 At the time of writing Mrs Matthey’s trial had not commenced.
16 Munchausen’s syndrome is a psychiatric disorder where people hurt themselves or deliberately cause illness and then seek medical treatment. Munchausen’s syndrome by proxy is an extension of this disorder, when a primary caregiver (the majority of whom are mothers) deliberately injures her children or causes them to become ill which forces them to have unnecessary medical treatment (Bools, Neale and Meadow 1994). Connolly (2003) reported on the debate in England over the use of the syndrome in the prosecution of a number of women accused of killing their children.
different doctors. Evidence was also tendered that the woman had attended over 600 medical appointments for herself over a nineteen year period. The judge from the Children’s Court ordered the woman to undergo a psychiatric assessment, which she refused on the grounds that it might be incriminating (Moynihan 2004: 9).

Another unnamed woman was found guilty of Munchausen’s syndrome by proxy in the Queensland District Court in June 2003 (R v LM [2003] DC 692). In June 2004 the defendant won the right to appeal against her conviction and a “new trial ordered” (R v LM [2004] QCA 192, per McMurdo, J. at paragraph 95).17

Of the two cases described above, it appears that in the first case the judge suspected that the defendant may be suffering from a psychiatric disorder and wished to have this belief confirmed through an assessment. In the second case the defendant was found guilty of perpetrating child abuse as the result of a psychological disorder, however, the conviction has been appealed. The five cases demonstrate the reality that questions about women’s psychological well-being are common key elements in the investigation and trials of women charged with serious violent crimes, specifically when perpetrated against their children.

The diagnosis of postpartum, or the more common term, ‘post-natal depression’, has sometimes been suggested as a cause of child abuse, infanticide and murder perpetrated by mothers in Australia. The Victorian law of infanticide applies to women who are charged with killing children under the age of twelve months. Under this law women are assumed to have experienced a “disturbance of the mind” as a result of the birth of the child or lactation (“Crimes Act”, Sub-division 6(1–3), p. 6). Infanticide can be used as a statutory alternative for women charged with murder and has a maximum sentence of five years’ imprisonment. The following case illustrates how this law has been interpreted by a Supreme Court judge in Victoria.

In December 2004 Leanne Azzopardi pleaded guilty to the crime of infanticide, perpetrated against her five week old daughter and received an eighteen month community based order (Berry 2004: 3). Justice Murray Kellam, when sentencing Mrs Azzopardi, commented that:

17 At the time of writing the new trial had not commenced.
There is no suggestion in this case of any lapse of behaviour of any culpable kind that arose otherwise than by reason of the illness from which you suffered at the time (R v Azzopardi [2004] VSC 509, per Kellam, J. at paragraph 27).

As part of its review of the defences to homicide, the Victorian Law Reform Commission (VLRC) examined the separate offence of infanticide (VLRC 2004b). The Commission argued “the killing of an infant is a ‘distinctive kind of human tragedy’ (VLRC 1988a: 69) which required a distinctive response” (VLRC 2004b: 260). The VLRC recommended that infanticide be retained as an offence and also recommended that the definition of infanticide be extended to “the killing of an infant aged up to two years” (VLRC 2004b: recommendation 47–49). The Commission also recommended that the application of the offence be broadened to apply to a woman charged with killing older children as a result of a disorder arising out of the childbirth of a younger child (VLRC 2004b: recommendation 49).

The VLRC itself questioned whether the “connection between childbirth, lactation and disturbance of the mind be removed?” (VLRC 2004b: 258). However, the VLRC concluded that this connection should be retained. I find the VLRC’s recommendations problematic as I believe their findings reinforce earlier notions that some women’s violence is a direct consequence of their unique biological femaleness. This finding fails to consider a woman’s capacity for individual action and choice; her familial, cultural and economic context along with the influence of a social context which defines a child as the possession of her mother. The Commission acknowledged this focus and commented that:

The focus of the law itself has, however, always been upon the medical/psychiatric aspects of the woman’s condition rather than upon the social or economic aspects of her plight (VLRC 2004b: 256).

It has been reported that the Victorian Government will introduce changes to the infanticide defence which will extend the age of the child to two years of age. This proposed change supports the recommendation from the VLRC. However, the

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18 A debate about the VLRC’s recommendations on infanticide occurred between readers in The Age Letters to the Editor. Potter (2004) commented that the Azzopardi decision and the recommendations from the VLRC were flawed and argued that “surely we can’t live in a society that allows women (the nurturers, protectors and carers) to kill defenceless babies but says that men are allowed no weaknesses” (Potter, 2004: 12). Tindal (2004) and Kavanagh (2004) responded to Potter’s letter and argued that postnatal depression is a recognised mental disorder.

19 At the time of writing, it was unclear whether the proposed changes to the infanticide legislation would be passed in the Victorian Parliament.
Victorian Attorney General was reported to say that the Government would not extend the defence to include the killing of other children (Attorney-General Rob Hulls cited in Munro 2005b: 6).

Many women experience what is commonly described as ‘the baby blues’ and approximately ten percent experience a more severe form of postnatal depression (Campbell et al. 1992; Milet and Zelkowitz 1996). However the use of postnatal depression as a defence for child murder raises difficulties for some other feminists who argue that women are rational citizens deserving of equal rights. Kennedy (1992) analysed the use of the hormonal defence for women charged with violent crimes in Britain and concluded that:

> The workings of the female body and its potential for childbearing are sometimes justifiably used in special pleading for women, but it does have the double bind of being used to shackle women to very confining roles (1992: 104).

It is the double bind that emerges when we view women as ‘different but equal’ that is of interest for this study. Feminist researchers argue that instead of being a psychiatric condition, the ‘baby blues’ are a normal response for many women when faced with a combination of factors that coalesce when they enter the world of mothering. These factors include the influence of hormones, the stress of birth, lack of sleep, caring for a new baby, the isolation of many mothers and a male partner who may not be closely involved in the care of a new baby (Robinson and Stewart 1986).

A case in the Queensland Supreme Court illustrates this. An unnamed woman was found guilty of the murder of her six week old son, one of three triplets, and was sentenced to six years’ imprisonment. The two remaining sons also had evidence of fractures. The presiding judge noted that medical experts had suggested that she was not suffering postnatal depression but that she had been “sleep deprived”. Justice White commented that the woman had “succumbed to the pressures of parenthood” (unnamed author 2004a: 4).

Explorations of the use of postnatal depression and other physiological experiences as defences for women charged with violent offences led me to difficult and unresolved questions on the links between women’s violence and their bodily experiences. There is an extensive collection of feminist research which has
successfully dismantled the construction of a false hierarchical opposition between the mind and the body (Eisenstein 1984; Gunew 1990; Irigaray 1985, 1989). I do not want to reproduce this false binary opposition, as clearly women’s choices and behaviours are influenced by their bodily experiences. However, the level of influence and ‘legitimate’ use of such experiences in defence cases for women charged with violent offences continues to be debated amongst feminists and remains unresolved for me.

A further issue that has created considerable debate in the fields of criminology and feminist jurisprudence is that of the diagnosis of ‘learnt helplessness’\(^{20}\) and its possible links with ‘battered women’s syndrome’. Researchers studying the effects of violence on victims suggest that, after many years of violence, powerlessness and subjugation, some people may have learnt that they are unable to effect any change to their situation (Garber and Seligman 1980; Milkulincer 1994; Peterson, Maier and Seligman 1993; Seligman 1991; Walker 1984).

Linked to learnt helplessness is ‘battered women’s syndrome’; which has been used as a defence in relation to domestic homicide when women have killed or assisted in the murder and disposal of their male partners who had perpetrated long-term criminal violence against them (Bacon and Lansdowne 1982; Browne 1987; Downs 1996; Maschke 1997; Polk 1997; Walker 1984). The syndrome is based on the belief that after many years of violence some women may suffer from a psychological disorder, which leads them to believe that the only way they can survive is to murder their husband. Hunter (1996) argued that the syndrome poses difficulties for feminist anti-violence practitioners:

\begin{quote}
The fact that diagnosis of the ‘syndrome’ is based upon a very narrow range of behaviours, and that those behaviours conform so closely to social and cultural stereotypes of feminine passivity, should operate as a warning signal that battered woman syndrome has the potential to limit rather than expand possibilities for women who have survived domestic abuse (Hunter 1996: 161).
\end{quote}

\(^{20}\) Garber and Seligman (1980) coined the phase ‘learnt helplessness’ after experimenting in the early 1970s on two groups of dogs, one of which was imprisoned and subjected to electric shocks. After an extended period the imprisoned dogs learnt that they could not escape the shocks and did not escape even after the gate of the cage was opened. There are two other well-known biological examples of learnt helplessness. The first is the technique used to tether elephants. A calf elephant is tethered to a stout pole and is unable to escape. As the elephant grows older, it associates the chain around its leg with imprisonment. As a consequence, once the elephant has the familiar chain on its leg, even a powerful adult elephant will not attempt to escape. The second example is the ‘slow boil’ experiment. Frogs were placed in a pot of cold water, the pot was placed on the fire and the water slowly bought to the boil. The frogs became used to the warm water, did not seek to escape and consequently boiled to death.
Feminists have also argued that to define women’s behaviour as a ‘syndrome’ can be problematic as it pathologises women as suffering from an individual psychiatric disorder. In this way the legal defence disallows the reality that women can and do choose to perpetrate violence from a place of sanity. Some researchers have also argued that the defence may perpetuate traditional stereotypes of women as passive objects. This view of women limits our understanding of women as active subjects able to enact choice and agency. Downs (1996), an American researcher, analysed battered women's syndrome and argued:

Battered women embody a paradox: they are victimised, but they also often possess more capacity for judgement than a defence based on learnt helplessness acknowledges (Downs 1996: 8–9 emphasis in original).

To argue that women primarily perpetrate violence as a result of a psychological disorder creates logical inconsistencies for feminist activists and legal practitioners. The case of Heather Osland illustrates this difficulty. Mrs Osland was convicted and sentenced to fourteen years’ imprisonment for contributing to the planning and murder of her husband. Mrs Osland provided evidence that she was the victim/survivor of thirteen years of severe physical and sexual violence perpetrated by her husband. Mrs Osland's son committed the murder but was acquitted due to an argument of ‘self defence’ and evidence that he had been the victim of child sexual and physical assaults perpetrated by his father. A failed legal challenge to the High Court rested on the defence of provocation and self defence. The prosecution successfully argued that, as Mrs Osland had participated in the planning, murder, disposal and concealment of the body, they believed that she was not suffering from a psychological disorder, such as battered women’s syndrome or learnt helplessness. Kirkwood (2000) critically analysed the case and concluded that:

Her case demonstrates gender bias in the law and the law’s inability to conceive of a woman’s violence as rational self defence, or even an understandable response to provocation (Kirkwood 2000: 248).

As a result of public advocacy after Heather Osland’s conviction, the VLRC recommended the introduction of a new offence called ‘defensive homicide’. The new offence “will apply when a person believed it was necessary to kill to protect

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21 Mrs Osland was released from prison on 22 July 2005 after serving nine and half years.
themselves (or another) but that belief was ultimately unreasonable” (Office of the Attorney-General 2005: 1).22

The recent case of Mrs Claire MacDonald, who has pleaded guilty to the murder of her husband, will raise similar questions to those raised by Mrs Osland’s case (MacDonald v DPP [2004] VSC 431). At the Committal Hearing in July 2005 in the Melbourne Magistrates Court, the defence barrister provided evidence of a history of sexual and physical violence, argued that Mrs MacDonald was a ‘battered wife’ and informed the court that they will use the argument of self defence and provocation during the trial to be held at the Supreme Court of Victoria (Moynihan 2005b: 3).23

Although women defendants and feminists may draw on explanations including battered women’s syndrome (Griffiths 2000), I am cautious about the essentialist nature of such accounts and the lack of engagement with women’s capacity to enact agency and the influence of her social context.

The third account of how women are viewed as pathological individuals centres on a behaviouralist analysis which categorises women as emotive beings who have perpetrated violence as an uncontrolled and unplanned response to a range of social circumstances (Ogle, Maier-Katkin and Bernard 1995; Verona and Carbonell 2000). Specific research suggests that because of social restrictions on the ways women are allowed to express anger, some women internalise their anger which may build up until it emerges in a violent outburst (Ogle et al. 1995). It has been suggested that, as a result of the internalisation of these intense feelings, some women may be “uniquely prone to commit one extremely violent act, usually homicide” (Verona and Carbonell 2000: 180). The possible influence of internalised feelings on women’s use of violence will be explored later in this chapter.

This view supports the notion that homicides perpetrated by women are usually ‘crimes of passion’ (Ben-David 1993; Ogle et al. 1995; Verona and Carbonell 2000). It is worth noting that, prior to the general acceptance of a feminist analysis of gendered power relations, men who perpetrated domestic homicide were often viewed as having committed a ‘crime of passion’. The reality that provocation is still a defence for persons accused of murder reminds us that the commonly held social

22 The Victorian Government has introduced legislation to Parliament to create the new offence; however, at the time of writing, the legislation had not been passed (Shiel 2005: 3).
23 At the time of writing, the trial had not been held.
belief that some crimes are committed by people, mostly men, experiencing strong emotions or ‘passions’ is still part of criminal law. However, to construct some women as completely subject to their emotions, challenges the view that both women and men are rational citizens able to use reason, enact choice and take responsibility for their actions.

The final explanation for women’s violence centres on the pathologisation of women as ‘bad’ or ‘evil’ monsters. Demonisation can become its own form of punishment and can occur prior to women being tried by the criminal justice system. In addition, during criminal investigations and trials, some women have been judged on their apparent lack of remorse or the absence of other demonstrably ‘normal’ maternal or feminine responses to both the crime and the charge.

The four accounts described above can explain the behaviour of some women who have perpetrated violence. However, while acknowledging these possibilities I am concerned that when we put them together these accounts reflect a generalised view that women’s violence is an individual pathological aberration. It is contradictory to have a feminist analysis of male violence that strongly argues that men’s violence is informed by constructed hierarchical power relationships between different groups of people and yet continue to draw on analyses of women’s violence that pathologise individual women. While acknowledging that the behaviour of some women who perpetrate violence may be explained by these accounts, I am wary of constructions of women’s subjectivity that position them solely as prisoners of their emotions and hormones and removes them from their social context. In addition, such analyses can “idealise the oppressed” (Benjamin 1988: 9) while also fail to engage with an individual’s decision to enact violence.

24 The Victorian Supreme Court (2004) acquitted James Ramage of the murder of his wife, Julie Ramage (R v Ramage [2004] VSC 391). Mr Ramage was found guilty of manslaughter and sentenced to eleven years’ imprisonment after the defence successfully argued that Mr Ramage killed his wife when “he lost it” after she “provoked” him with disparaging comments about his sexual prowess (Silvester and Munro 2004: 4). The Victorian Law Reform Commission (2004b) reviewed the partial defence of provocation and recommended that it be abolished (VLRC 2004b, Executive Summary, Recommendation 1: xiv). In October 2005 the Victorian State government introduced legislation that will abolish the provocation defence (Shiel 2005: 3). At the time of writing, the changes had not been passed.

25 To illustrate this point, ‘Monster’, is the title of a Hollywood film made in 2003 about Aileen Wuornos, an American woman found guilty of the murder of seven men, who was executed in 2003. Stanford (2002) in her obituary of Myra Hindley, the “notorious” convicted child murderer, noted “as the woman of the pair, Hindley shouldered the greater public outrage” (2002: 24).

26 Media representations of Lindy Chamberlain as “unfeeling” and “unnatural” were due to her calm and composed demeanour during her trial and later successful appeal against her conviction for the murder of her daughter in Australia in the early 1980’s (Howe 1989).
However, a rational and legalistic view that women are active individual subjects who choose to enact violence and should take responsibility for these acts, also not an adequate explanation for women’s violence. Once again, this analysis individualises women and disallows any consideration of their experiences and fails to take account of the dominant belief systems which construct particular power relationships between women and their victims. I do not believe that defining women as the problem and focusing on the need for individual women to take responsibility for changing their behaviour will address the underlying structural and ideological factors which influence their use of violence against vulnerable ‘others’.

**Locating women in their social context**

The historical and current use of various types of violence as legitimate responses to particular peoples and situations is a common part of our social world. This violence is perpetrated for example by members of the armed forces against ‘terrorists’; border police against illegal refugees, police against people defined as ‘threats to national security’; guards against prisoners or detainees; husbands against their wives; and parents against their children. As noted in the introduction, this violence is not ‘masculine’ in nature but a reflection of state systems and apparatuses that reflect old hierarchical notions and beliefs which rationalise the use of violence as a legitimate strategy to maintain ‘social cohesion’. Women, like men, are socialised to see such violence as normal parts of the social order.

Underpinning this social context are hierarchical belief systems which contribute to the construction of specific identity categories along with material and cultural power relationships between different groups of people. Specific characteristics of capitalism, patriarchy and racism result in the positioning of some women as inferior to some men while superior to ‘others’ including i.e.: children, the elderly and people with disabilities. This social context and the production of specific power relationships between peoples, can led to some women believing (a) that violence is a legitimate strategy to achieving a particular outcome and (b) that it is ‘okay’ to hurt others, who are defined as less important than themselves.

This social context also leads to a number of negative consequences for many women. Structural disadvantages can result in many women living in poverty, having inadequate housing with few opportunities for employment or education, being isolated from their extended family or other community members and often receiving
minimal support from the fathers of their children or government (Martin and Mohanty 1988; Mohanty 1992). In addition, although men of diverse cultural, class and religious backgrounds do perpetrate violence against their partners, a number of researchers have identified the reality that, if women are poor, from working or underclass backgrounds and/or of non-English or Indigenous backgrounds, their vulnerability to violence is increased (Collier 1998; Dankwort and Rausch 2000; Marin and Russo 1999; Richie 2000). These factors can have a negative impact on women’s capacity to care for their children which may also led to women perpetrating child abuse and neglect (Barber, Foley and Jones, 1999; Barn 1993; Ferguson, Gilligan and Torode 1993; Harris and Brown 1996; Morris and Wilczynski 1993). This point reminds us to critically examine the possibility that violence may be viewed as a normal part of interactions between family members across generations.\textsuperscript{27}

I have been mindful of the difficult lives of many women when examining their choice to perpetrate violence. This process has helped me understand the social context in which they live, their personal experiences, view of the world, choices and opportunities. In addition, it has encouraged me to explore how the use of violence itself may be culturally located, experienced and understood.

**The construction of the ‘feminine’ subject**

There is a clear argument that as a citizen, an individual woman should be held responsible for her use of violence and the harms perpetrated against another. However, the liberal feminist view of women as autonomous ‘actors’ exerting free choice in their lives poses a paradox for feminist theorisations of women’s subjectivity and women’s use of violence. The paradox includes the conflict between two historical constructions of normal femininity. First, the view of a ‘unified’, rational and autonomous feminine ‘self’ entitled to citizen rights who has a ‘will to power’ (Foucault 1983) and who is capable of enacting violence. This self is contrasted with another feminine self defined as a passive object who is the victim of male violence. The tension between these two views of ‘true’ female subjectivity is further complicated by a critical feminist deconstruction of the ‘unified’ female subject per se. It is to this body of theory that I now turn my attention.

\textsuperscript{27} Intergenerational violence is commonly defined as violence perpetrated by family members across different generations (Herman 1992; Motz 2001; Tomison 1996).
A critical feminist perspective argues that earlier Enlightenment notions of a rational, disembodied, unified and coherent self are illusionary. In contrast, it is suggested that subjectivity is constructed, fluid and embodied. Therefore, there is a dynamic relationship between the structures and dominant discourses which construct subjectivity, and people who have the physical capacity to enact agency. As Abbott, Wallace and Tyler (1990) commented “women’s bodily experiences are an integral element of the ‘reflexive project of the self’” (46). In addition, this constructed self is relational, in other words, her identity is dependent on her relationships with others and her historical, cultural and social context. It is argued therefore that the relations of power between individuals are complex, multi-dimensional and multi-layered (Featherstone 1999, 2001, 2004; Flax 1987a, 1987b, 1990a, 1990b; Lloyd 2005).

A critique of subjectivity led to the somewhat controversial notion of the ‘death of the subject’. While agreeing with the critique of the ‘unified subject’, I do not accept that the ‘subject’ therefore disappears and that women are unable to enact agency. I agree with Flax’s (1993) suggestion that a liberal humanist view of an essential true and unified ‘self’ is inaccurate. However, many women are powerful actors and we need to understand their actions along with the consequences of such behaviour. Flax (1993) suggested instead that there is a ‘core self’ which is not fixed and which may change depending on its relationships with those around it. This suggestion links with Hollway’s (1989) proposition, described in the previous chapter, that people may subconsciously try to protect themselves from harm by choosing positions where they can exert power over others.

Although it is difficult to reconcile the language of a ‘core self’ with a critical examination of a ‘unified self’, I still find the notion of an active ‘self’, who may exist in multiple forms, useful for this study. This position acknowledges that a woman exists in relation to, and is interdependent on, others. This ‘self’ is able to enact agency, resist fixed categories and construct often multiple identities depending on the context and the power relationships between herself and others. As Lloyd commented:

These subjects may be differentially positioned, such that some are authorised to speak while others are deemed incompetent, and where the knowledge of some is deemed superior to the knowledge of others, thereby creating matrices of inequality and patterns of pathology and normality that encode populations (2005: 23).
The two conflicting discourses of the feminine ‘self’ described above pose a paradox for feminist theorists and practitioners when seeking to make sense of women’s use of violence. It is reasonable that a woman perpetrator be held responsible for her violent action and treated according to law. However, it is often difficult to reconcile the figure of an ‘autonomous’ disembodied powerful self with the women who have perpetrated criminal assaults. The women I met with spoke of fragmented and chaotic lives compounded by the unresolved physical and psychological effects of earlier experiences of violence. It was difficult to see women enacting ‘free agency’ as many women did not have the material, educational and personal resources to assist them to make informed choices. In addition, a woman’s decision to act may have been informed by a range of other factors along with bodily experiences, conscious or unconscious processes which may have influenced her ability to make ‘healthy’ choices. It may also be inappropriate to assume that a woman will be able to clearly narrate her reasons for the violence and take full responsibility for her actions. O’Connor (1995) noted that:

It is true (a) that someone can correctly be said to have made a choice without there having been any process of conscious deliberation, or silent “let it be so”; (b) it is perhaps true that there are choices which are in a sense not made for any reason (Note 7: 29).

O’Connor’s suggestion that people can enact particular forms of behaviour, without having made a deliberate or conscious choice, resonates with some of the issues which emerged when examining some women’s acts of violence. However when considering their use of violence and legal interpretations of female subjectivity and explanations of women’s actions, I was led back to earlier arguments that women’s behaviour is directly linked to their feminine bodies and emotions. In this process I could see that the view of a rational, logical and cerebral subject was disregarded in favour of an emotive, embodied, unreasonable and distinctly feminine object. Once again the dilemma for feminist theorists and practitioners is that while women may have an emotive and physical response to a chaotic life situation or act without thought, the use of this defence reverts back to age old constructions of female subjectivity where women are defined as passive ‘objects’ subject to the vagaries of their bodies and emotions.

However it appears that some women may choose to hurt another person, without a clear or obvious reason or rationale for their violence. If we accept the reality that women, like men, do not always act reasonable, it may not always be appropriate to
locate a woman offender in a criminal justice framework that draws on a liberal humanist view of the ‘reasonable man’. This framework assumes a priori that a woman offender is acting from a place of power and autonomy. In addition that she will be able to clearly articulate an explanation for her behaviour which will enable the development of an appropriate behavioural change program. It is problematic to focus primarily on changing the behaviour of an individual without addressing the structural, discursive, familial, psychological, physical and historical factors that may have contributed to a woman’s choice to perpetrate violence. I discuss women and worker’s views of issues of choice in more detail in Chapter Five, however a more detailed discussion of current feminist theorisations of choice, free will and agency is outside the scope of this study.28

While struggling with questions of individual choice and context, I found it useful to turn to the earlier work of Gallop (1982), Irigaray (1989) and Rose (1983, 1993, 1996, 1998) who suggested that psychoanalysis is helpful for feminist theorisations of subjectivity. Rose (1983) argued that psychoanalysis challenges the notion of a unified subjectivity through a detailed examination of the role and impact of the unconscious on the actions of the conscious self. Rose (1983) suggested that women themselves may find the notion of themselves as potentially powerful political actors difficult to reconcile with their experience, and that this conflict creates a key difficulty for women. In other words, a new feminist version of women as active and powerful citizens may not resonate with women’s actual lived experience. Rose (1983) argued that some feminist theorists and activists may also find psychoanalytic insights that suggest women may experience conflicts between their conscious and subconscious selves, difficult to accept because of their earlier political struggles for women to be awarded and experience equal citizenship.

Rose argued that psychoanalysis is beneficial for feminism precisely because it creates space for a discussion of the unconscious self, psychic identity and the problems of ‘subjectivity’ for women in the political arena (1996, 1998). Rose’s suggestion links to Featherstone and Trinder’s later point about the possible intersection between women’s violence, material power and the influence of emotion and desire (1997: 156). These issues will be discussed further in Chapters Four and Five.

Flax (1990a, 1990b) also drew on psychoanalysis and argued that both postmodern and feminist analyses have denied or repressed the influence of intimate social relations on aspects of the feminine ‘self’. Flax highlighted mother—child relationships and suggested that unconscious processes of repression and denial within feminist researchers themselves could be linked to the difficulties individual scholars and practitioners experience when faced with evidence of violence perpetrated by women against their children. Denov (2001) and Featherstone (2001) both explored the influence of ‘denial’ by workers when faced with evidence of women’s offending behaviour and/or maternal ambivalence:

Feminist theories of whatever hue can illuminate certain aspects of the world but will always be partial and have their gaps and ambivalences. This is particularly important in terms of helping us to understand why feminists in social work can find it difficult, for example, to acknowledge women’s violence, ambivalence in mothering or differences within the category ‘men’ (Featherstone 2001: 7).

In closing this section I briefly comment on the work of Michel Foucault (1983, 1988). Although Foucault did not directly address the issue of gender, his work provides a thoughtful critique of the role of authoritative knowledges in constructing, scrutinising, punishing and regulating individual subjectivity. Foucault identified three key discursive and ideological processes that operate to construct people as subjects (1983: 208). First, the use of authoritative knowledge to define some people as ‘criminal’ or ‘insane’; second, the positioning of different people into oppositional categories such as sane/insane and healthy/sick; and third, the process by which a person regulates their own behaviour because of the internalisation of the previously mentioned dominant truths. I am interested in exploring how such processes may influence the construction, internalisation and maintenance of a particular form of ‘self’ for a woman who has perpetrated criminal violence. This issue will be explored further in Chapter Four.

The themes discussed above have influenced my work and reminded me to resist simplistic readings of women’s subjectivity and narrow explanations for their choice to perpetrate violence. As a result, I believe we need to engage in a complex reading of the lives and actions of some women and use such understandings to develop new theoretical frameworks along with thoughtful practice and policy responses.
Women as both victims and offenders

The reality that the majority of women offenders are also victims of violence poses important questions for feminist theorisations of violence and current practice and policy responses to offenders. All the women offenders who participated in the research had previously experienced violence. As discussed previously, I am wary of a ‘cycle of violence’ theory which reduces women’s choice to perpetrate violence to a simple cause/effect relationship. However, I would suggest that women’s experience of violence is one factor which may contribute to some women’s choice to perpetrate violence. The extent of this influence is still debated and it is this debate that I now turn my attention to.

A number of feminist psychologists have identified the link between previous experiences of violence and the later perpetration of violence against the self or ‘others’ (Saradjian 1996; Motz 2001; Welldon 1988 1996). Motz (2001) analysed women’s use of violence and concluded that, while social and psychological factors play a part, violence perpetrated by women originated with their own child or adult experiences. Motz’s conclusion that women’s offending begins with their own experiences of violence, led me back to the earlier discussion of a ‘cycle of violence’ theory. As discussed previously, it is theoretically illogical to use this theory to make sense of women’s violence, while disallowing the use for male offenders. It may be useful to draw on these ways of thinking when exploring women’s and men’s violences.

Allen (2001), a British psychologist, suggested that past trauma may lead to feelings of fear and isolation which may result in a woman’s nervous system being overly sensitised. Allen suggested that if a woman is reminded of previous traumatic experiences these reminders may lead to “unbearable painful emotional states” (2001: 18, Figure 1.1). Allen posited three possible ways for a woman to manage these unbearable emotions. First, retreat, including isolation, dissociation and depression, secondly, self destructive actions including substance use, eating disorders, self harm and suicide, and thirdly, destructive actions including aggression and violence (2001: 18, Figure 1.1). It became clear from my discussions with women and practitioners that many women engage in all three activities described by

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29 It is interesting to note that workers believe that approximately forty per cent of the male participants in sex offender programs are victim/survivors of child sexual assault. This estimate is based on men self-disclosing their experiences of sexual assault (Tidmarsh 2005).
Allen. Motz (2001) also described women’s violence as an essential tool of communicating “distress and anger” (7). Logic would suggest that, although there are key differences between women and men’s violence, this body of work could also be useful when analysing men’s use of violence.

Herman (1992) developed a complex understanding of the impact of long term torture and trauma on the psychological well-being of the victim and noted that “the link between childhood abuse and adult antisocial behaviour is relatively weak” (113).

Herman did not discuss this issue in relation to women’s use of violence and antisocial behaviour. Herman concluded that survivors of horrific experiences may experience a number of altered states whereby the memories and feelings from such experiences are contained or repressed, and/or may emerge in acts of violence perpetrated against the self or others.

Other researchers have also argued that many women and men who are victim/survivors of horrific trauma can experience feelings and/or engage in behaviours that could be defined as psychological disorders including post-traumatic stress disorder (PTSD) (Brown and Anderson 1991; Figley and Kleber 1995; Miller 1990, 1991; Motz 2001; Parkinson 1993; Welldon 1988). These feelings and behaviours may include: physical and emotional disassociation, the repression of difficult memories or experiences, and flashbacks of physical or emotional memories. I briefly describe these behaviours below.

Disassociation has been diagnosed as a form of psychic splitting where the individual is able to split off parts of their sub-conscious. Disassociation has been described as a strategy which results in victims ‘not feeling’ the pain of current or past experiences of violence. Both victims and practitioners have noted similar strategies regardless of the nature or form of the violence (Freud 1926; Herman 1992; Motz 2001; Saradjian 1996).

Victim/survivors can also repress normal painful or distressing memories or feelings that would naturally occur as a result of abuse or neglect (Bass and Davis 1995; Freud 1926; Herman 1992; Motz 2001; Parkinson 1993). Instead, the feelings are contained and may be expressed through other more socially acceptable ‘feminine' forms of expression, for example, sadness, depression, immobilisation, anxiety and neuroses. Goff, a worker who participated in the study, referred to the process
whereby women “shut down” their feelings which may later emerge as “sideways leakages” (Goff: 7). Sometimes such leakages may influence women’s choices and behaviour in similar ways to those described in the previous discussion on disassociation. One form of leakage may be a ‘flashback’. The term refers to painful or horrific images or feelings that may have been repressed or disassociated from, which later return to the individual’s consciousness through visual pictures or sensory feelings. As the term implies, sometimes the image or feeling returns as a momentary flash, interrupting normal activities.

Therapists working with female offenders have suggested a possible link between a woman’s choice to perpetrate violence and ‘unbearable’ feelings of tension, anxiety, stress, unhappiness and powerless (Motz 2001; Saradjian 1996; Welldon 1988). It is suggested that the feelings are internally contained and managed but, as some women have few socially acceptable strategies to express or validate their feelings, the feelings build up until women cannot contain them any further. It has also been suggested that such tension can be released with an act of violence, either directed against the self or against another (Coid et al. 1992; Saradjian 1996). This notion was discussed previously in relation to Verona and Carbonell’s (2000) research on women offenders.

The view that emotions can be internalised in the body and build up as pressure that is released through self harming or violence appears to reflect the historical notion of the ‘hydraulic’ nature of the body. This notion influenced Freud and informed much of his work (1915). Freud identified four characteristics of drive theory, one of which was the view that the mind operates like a closed hydraulic system with constant internal pressure. If there is a disruption to the system of the mind, pressure may build up which is then released in another form. Some psychologists see the hydraulic view of the body as an outmoded legacy of earlier mechanistic understandings of the physical self when it was assumed that there was a clear cause and effect relationship between feeling states and actions (Shapiro 1994; Fonda 1991). A hydraulic view of the body is contested in the fields of psychology and neurology and further discussion of this debate is outside the scope of this study. However, it is interesting to note that, although this view is contested, the suggestion that women may internalise painful emotions which are released through either self harming and/or violent outbursts is prevalent in feminist and psychological accounts of women’s violence, including my own.
I suggest that we need to explore the myriad ways in which previous experiences of violence may manifest themselves or be enacted in women’s daily lives. Many victim/survivors of violence admit to violent fantasies where they enact revenge against the perpetrators of violence or those people who failed to protect them. However the majority of female victims do not act on these fantasies.

At this point it is useful to explore the possible link between women’s experiences of earlier violence, their own drug and/or alcohol use and use of violence against others. Researchers, drug and alcohol workers and women themselves describe how drugs and alcohol are often used to ‘dull’ the painful memories of previous experiences of violence (Bass and Davis 1995; Davis 1990). Some workers also commented anecdotally that many offenders feel invincible after taking drugs, which could contribute to their perpetrating more serious assaults against others. In my study Kimberley commented that she felt like “King Kong” after taking speed and before she assaulted the victim (Kimberley: 5).

Feminists have noted that men accused of violent offences have sought to abdicate responsibility for their choice to perpetrate violence through evidence that they were drunk or under the influence of drugs (Dobash and Dobash 1992; Hearn 1998). We can see some parallel responses when we begin to explore women’s use of violence. Some women may use a defence that, due to the influence of drugs, they were unable to form the intention to commit violence. As this suggestion mirrors the defence offered by men, I believe that the feminist analysis of choice and agency discussed previously is equally applicable to women.

These discussions led me back to the contradictory categories of women as both victims and offenders and the possibility that some women may actively separate their violent self from their good ‘victim’ self. The notion that women may split the violence *per se* from their ‘self’ is interesting and reminds me of Hearn’s (1998) research with male offenders. Hearn suggested that the separation of the self into two parts: non violent and violent, is a form of discursive protection that enables the perpetrator to position his violence in the past, or as something that is outside his control. It is possible that women, like the men described by Hearn, can separate out the ‘good’ self from the ‘violent’ self. Through this process women who perpetrate violence are able to maintain their ‘victim’ status.
Further it is useful to consider the potential inter-relationship between the two historically oppositional concepts of power and powerlessness. From this perspective we see that women can and do act in a range of contradictory and challenging ways exercising choice and agency while simultaneously experiencing oppression and/or subjugation. Drawing on earlier analyses, which have identified the fluid and fractured nature of the categories of ‘men’ and ‘women’, critical questions can then be raised as to hegemonic constructions of “powerful men” and “powerless women” (Featherstone 2001: 10).

When I was researching and writing this section of the thesis, I noticed how I focused once again on either the ‘woman’ as the problem or the cause of the violence. As discussed previously, I had to constantly check against my unconscious retreat to essentialist explanations for women’s violence. I needed to continually remind myself to critically engage with the broad social context which informs women’s use of violence, categorises some people as available for abuse and positions violence as a legitimate response to some situations. As an aside, I do not believe I would have found this a challenge, if I was researching and writing on men’s use of violence.

**Family violence**

‘Family violence’ is a broad term that covers a range of different forms of violence perpetrated by family members including domestic violence, which may be physical, sexual, verbal or emotional violence perpetrated by an intimate partner. Child abuse includes sexual, physical or verbal assaults and neglect perpetrated by a parent against a child. Sibling abuse includes sexual, physical or verbal assaults perpetrated by an adolescent or child against her brothers or sisters. Elder abuse includes assaults on elderly and infirmed family members. This section focuses on the types of family violence described by the women who participated in the research including domestic violence against their male partners and child physical and sexual abuse.

A number of feminists have argued that there are interactional factors in family violence (Featherstone 1996; Featherstone and Trinder 1997; Gordon 1986, 1989; Kelly 1994; Parker 1997; Walkerdine and Lucey 1989; Wise 1995). They suggest that such factors can be seen when we explore women’s violence towards family members. Gordon (1989), after analysing patterns of family violence from the 1880s
to 1960’s in Massachusetts USA, noted three patterns of women’s violence in families, with the less common being situations where women were the primary aggressors (275).

The choice of women to perpetrate acts of violence against family members raises questions as to our understandings of the experience and exercise of ‘power’ along with the earlier discussed assumption that women only perpetrate violence from a place of powerlessness or oppression. Featherstone and Trinder suggested:

... we do need to take seriously whether and how women and children exercise power. Power processes cannot be understood wholly in rational terms and cannot be assumed to inform violent behaviour in an unproblematic manner (1997: 156).

There were three forms of family violence perpetrated by the women offenders who participated in the study: child sexual and physical assault and, to a limited degree, physical assaults on their male partner. Joan, who perpetrated the physical assaults on her children, was also a victim of violence perpetrated by her husband. I also include a discussion on the possible relationship between experiences of domestic violence and child abuse perpetrated by women.

**Domestic violence**

Domestic violence perpetrated by women in heterosexual relationships is a contested area of research. Many commentators have positioned women’s violence against their male partners as a reactive response to their own victim experiences of severe and long term domestic violence perpetrated by their partner (Bagshaw and Chung 2000; Carlen 1983; Hamberger and Potente 1994; Kirkwood 2000; Morgan 2002; Stark and Flitcraft 1988). Gordon (1989) argued that in the past many poor women who were victims of violence perpetrated by their husbands, fought back:

Another response to beating was fighting. For differing reasons, both feminists and sexist have been reluctant to recognise or acknowledge women’s physical aggression. Yet fighting was common amongst poor women of the past, more so than among “respectable” women and contemporary women (274, footnote 79).

Gordon also noted that:

Over time there appeared to be a decline in mutual violence and women’s aggression. The apparent decline in women’s violence was offset by an increase in
women leaving marriages. A likely hypothesis is that there is a trade off between women’s physical violence and their ability to get separations or divorces (276).

In some contentious research, two groups of family violence researchers noted that in some relationships men and women reported that they assaulted each other equally (Gelles and Loeske 1993; Headey, Scott and de Vaus 1999; Straus and Gelles 1986, 1992). This form of domestic violence is known as “common couple violence” (Atmore 2001: 56; Buruk and Speed 1995).

In contrast to this suggestion, other researchers argue that violence perpetrated by men and women is fundamentally different (Hamberger and Potente 1994), suggesting that the level of harm and fear engendered by women’s violence is far less than the harms they experience at the fists of their partners. The proposition that the two forms of violence are different and not equal led me to examine Atmore’s query as to whether women’s violence towards their partner could ever be defined as “patriarchal terrorist” violence (2001: 43, 57).

I believe that women’s violence is not patriarchal terrorism, however, I agree with Atmore that women’s violence against their partners is “something else again’, that is, still ‘unnamed’” (2001: 57).

**Child physical assault**

There is an extensive body of Australian research on child abuse, child protection and family dynamics (Goddard and Carew 1993; James 1994, 2000; Tomison 1996). Indeed, in a rare exception to the rule, the potential of mothers to perpetrate abuse against their own children was noted by the Victorian Child Death Review Committee (1999: 42-43). However, pro-feminist and feminist researchers have noted that most of the research on child abuse in families employs the gender-neutral term of “parents” when describing perpetrators (Featherstone 2004; Hearn 1998; Scourfield 2003). While this body of research acknowledges the powerful position of parents relative to their children, the use of the term obscures the gendered identity of perpetrators and the different power relationships between members of families.

Unlike the issue of domestic violence against a male partner, women’s position in relation to their children can be more easily located in a feminist analysis of power relations in families and the social construction of ‘children’ in families. In our social

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30 Johnson (1995) coined the phase “patriarchal terrorism” to highlight the patriarchal context and long-term nature of much of the domestic violence perpetrated by men against their wives. Herman (1992) also identified the link between terrorism and domestic violence.
world, children are constructed as less important and therefore are more vulnerable
than adult women. However, some feminist anti-violence and family violence
researchers have not paid a lot of attention to women’s use of violence against their
children. As Ashe and Cahn (1994) noted “it is difficult, however, to find accurate
data on how much of the domestic abuse of children is perpetrated by mothers as
opposed to other family members” (174).

Gordon’s (1989) seminal work on the history of family violence is a notable exception
and she suggested that:

First wave feminism, expressing its relatively elite class base, helped construct a
femininity that was oppressive to battered women: by emphasizing the superiority of
women’s peacefulness, feminist influence made women loath and attempt to
suppress their own aggressiveness and anger (276).

As hooks (2000) noted:

Maternal sadism often leads women to emotionally abuse children, and feminist
theory has not yet offered both feminist critique and feminist intervention when the
issue of adult female violence against children is raised. … And no one really wants
to call attention to mothers who abuse (73-74).

On reviewing the child abuse literature, a ‘cycle of violence’ theory emerged as the
key explanation as to why women physically assault their children. Reflecting on
male offenders Herman (1992) acknowledged “a small minority of survivors embrace
the role of the perpetrator and literally re-enact their childhood experiences”. However, “the proportion of survivors that follow this path is not known” (Herman
1992: 113). Miller wrote extensively on the consequences of childhood experiences
of abuse (1984, 1986, 1990, 1991) and argued that when a child cannot talk about
their experiences of cruelty, “then he or she must demonstrate cruelty” (1984: 241).
It is difficult to extrapolate their conclusions to substantiate the view that women’s
violence is directly caused by earlier childhood experiences of violence, as both
Miller and Herman did not discuss the issue of women as perpetrators in their

To illustrate this point, the feminist international journal Violence Against Women focused three of its
2002/2003 editions on women’s use of violence. The majority of articles focused on women’s
experience of violence perpetrated by their intimate partner, either male or female, and their choice to
enact violence against the original perpetrator. Women, as perpetrators of violence against their
children, elderly or disabled family members, were rarely included in the discussions. See Violence
research. Questions about the use of a ‘cycle of violence’ as the primary explanation for women’s assaults against their children were discussed previously.

Researchers have noted that cognitive distortions may influence women’s choices to perpetrate violence and their choice of victim. Trauma literature suggests that often victims may have a distorted view of the physical, emotional and sexual boundaries between themselves and other people as a result of earlier experiences of violence or other trauma (Bass and Davis 1995; Herman 1992; Motz 2001; Welldon 1988). Such distortions can lead women to believe that their own physical body is not autonomous or separate from others, specifically the perpetrator of childhood abuse. Their own experiences of violence perpetrated by others and/or their acts of violence against the bodies of others may be ‘normalised’ because of the absence of a psychic or physical boundary or sense of ‘separateness’ between themselves and the victim (FitzRoy 1995, 1997). This is more likely to occur in situations of maternal physical and sexual assaults. A more detailed discussion is outside the scope of this current study.

A feminist psychoanalytic reading of child abuse suggests that there are potential links between women’s internalised self-hatred, self-harming behaviour and their physical assaults against their children. It has been suggested that a woman may assault her children as a strategy to deny or punish a hated aspect of her ‘self’, which she sees replicated in her children (Motz 2001). This analysis contributes to our understanding of maternal ambivalence, maternal aggression, child abuse and other forms of family violence (Featherstone 1999; Motz 2001; Parker 1995, 1997).

The desire to hurt someone else is a common and disputed theme in the literature on human aggression and violence (Benjamin 1988; Gelles and Cornell 1990; Hearn 1998; Motz 2001; Yllo and Bograd 1988). Freud argued that women, like men, also experience an innate form of aggression (Freud 1920; Storr 1968). He argued that aggression is an intrinsic element of our humanity. Goff, a worker who participated in the research, also raised the issue of our humanity.

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\text{I do think there is a point of rage, which can very easily turn into violence. And I think it is the willpower and control to stop it turning into violence not the other way around. But the two do naturally go together and it's our act of will in civilisation that separates them (Goff: 17).}
\]
Alford (1998) reflected on the role of hatred and chronic rage in acts of violence and argued that sometimes hatred may lead to someone seeking to destroy and obliterate its object (1998: 72–73). This desire may or may not be accompanied by a form of sadism, where the perpetrator enjoys inflicting pain on others. This suggestion creates great controversy when we begin to explore women’s use of violence because, in general, femininity is constructed as caring and nurturing, which, by definition, excludes the possibility of sadism.

Feminist and other critical theorists continue to debate the notion of innate aggression. On the one hand feminists have disputed the notion of innate instincts, warning against essentialist arguments that negate issues such as choice, premeditation and the role of socially constructed power relationships. On the other hand, some feminists argue that women have an innate ‘will to survive’ and suggest that this ‘will’ explains why women who have been victims of domestic violence sometimes kill their husbands. Flax explored the “subtle forms of aggression that intimate relationships with others can evoke and entail” and concluded that:

Perhaps women are not any less aggressive than men; we may just express our aggression in different, culturally sanctioned (and partially disguised or denied) ways (1987b: 641).

I agree with Flax that, given our shared socialisation in a world where violence is part of the social fabric and we share a capacity for violence and aggression, perhaps it is just that women and men have developed different socially acceptable ways of expressing this aggression.

Feminist researchers suggest that some women may choose to abuse their children as a strategy to meet un-met physical, financial, social, emotional or psychological needs (Best and Maynes 1997; Parker 1995, 1997; Welldon 1988; Wise 1991, 1995). These needs may be material, including access to support, respite care or housing or emotional, such as, the need for power and control.

I have also come to the view that some women may assault their children as an immediate and often disastrous response to a situation. In these cases women themselves will say, and honestly believe, that they did not mean to hurt their children and that they wished they had been able to stop themselves. I found it difficult to accept women’s explanation that they “lashed out” at their children.
However it is an accurate description of the women’s feelings at the time of the assaults. Feminists, including me, have strongly criticised this type of explanation when used by men to explain assaults on their partners and children. As a consequence, I am concerned by the use of an explanation that minimises women’s responsibility for their actions. However we, as human beings, are not always rational nor do we always logically chose our actions. While a part of me does not feel comfortable accepting this explanation for women’s use of violence, it appears that sometimes women do perpetrate violence from a place of irrationality. This explanation appears to accurately reflect the reality of some women’s lives and supports the explanations they offered for assaulting their children. The contradictions posed by this explanation are explored throughout the study.

**Women’s experience as victims of domestic violence and their own assaults on their children**

Feminist researchers have detailed women’s own experience as victims of domestic violence and examples where women have also assaulted their own children (Appel and Holden 1998; Coohey 2004; Eldeson 1999; Featherstone and Trinder 1997; Gordon 1989; Kelly 1994; Margolin and Gordin 2003; Strauss, Gelles and Steinmetz 1980). Many researchers focus on the family environment and the possibility that male perpetrators will hurt both their female partners and their children.

Researchers and therapists suggest that the power dynamics in families where there is both domestic and child abuse are complex, interwoven and not easily resolved. Motz (2001), exploring women’s use of violence in the United States of America, identified a number of different situations where women’s experience of domestic violence was a key factor in their abuse of their children. These included situations where a woman may perpetrate physical abuse against her children because of the demands of an abusive partner; when a mother is unable to protect her children from abuse because of her own fear; and when she is not able to acknowledge the serious physical and emotional consequences of the abuse on her children (91). These issues are discussed further in the following sections on sexual assault and maternal ambivalence.

In specific reference to the links between experiences of violence and choices to perpetrate violence, Strauss, Gelles and Steinmetz (1980) suggested, “battered women may be twice as likely to abuse their children as women who are not
Chapter One: Literature review

battered” (216–217). Extending this issue, Coohey (2004), concluding her study of 184 American women, suggested that women who were victims of child abuse perpetrated by their mothers, not women who were victims of domestic violence perpetrated by their partners, were more likely to assault their children. Coohey commented that:

…having been assaulted by one’s own mother as a child – not being battered by one’s partner – was the most potent predictor for whether a mother physically abused her child (Coohey 2004: 953).

Coohey’s conclusion raises a number of issues about maternal intergenerational abuse that would benefit from further research.

Feminists have noted that domestic violence research and practical interventions developed in the 1970s and 1980s appeared to focus specifically on the needs of women as victims of domestic violence, which failed to address the specific needs and experiences of their children (Baumhover and Beall 1996; Bowman 1991). Researchers suggest that workers may have broadly assumed that meeting women’s needs would result in children’s needs being met (Featherstone 2004; Featherstone and Trinder 1997; Ferguson, Gilligan and Torode 1993; Scourfield 2003).

In highlighting the needs of children, I am mindful of the dangers, however, of returning to an old conservative ideology where a woman’s identity and needs were completely indivisible from those of her children. The same analysis also applies when considering the needs of elderly parents or disabled relatives. As Wise, a British feminist, commented:

The point being made here is that, contrary to the feminist empowerment model, women are not always the target ‘client’ in a given situation, although they may be the carers of someone more vulnerable. Moreover, the needs of the more vulnerable person — be it a child, elderly relative and so on — may very often conflict with the needs of the woman (1995: 111).

The often competing needs of children and women, who may all be victims of violence, creates challenges for practitioners working in the sector. As Featherstone and Trinder concluded “the link between domestic violence and promoting children’s welfare is therefore far from straightforward” (1997: 157). These challenges and workers’ own experiences are discussed further in Chapters Seven and Eight.
Child sexual assault and incest

The historical and legal definition of sexual assault as penile penetration has created a legal and definitional vacuum in relation to women’s sexual offending behaviour. In general, women have not been considered biologically capable of committing sexual assault and, when they have committed sexual assaults, these have not been considered as ‘serious’ as sexual assaults perpetrated by men (Allen 1990a). The legal definition of rape was broadened to include anal and oral penetration with objects or fingers (Crimes (Rape) Act 1991 (Vic)). However, there is still a commonly held view that rape and serious sexual assault primarily consists of penile/vaginal penetration (Muehlenhard et al. 1992: 29). Consequently, it is assumed that as women do not have penises, women cannot perpetrate serious sexual assault.\footnote{As a Counsellor/Advocate working in the sexual assault field in 1995, I supported a victim/survivor of maternal incest during her application to the then Victorian Crimes Compensation Tribunal. The woman had made a police statement detailing the nature of the assaults, including digital rape, however, no charges had been laid against her mother. The magistrate dismissed the application and stated that he/she did not believe the woman was a victim of a serious crime, therefore, she was not eligible to apply for, or receive, crimes compensation.}

A 2004 Melbourne County Court case illustrates this point. Karen Ellis, a thirty-seven year old woman, pleaded guilty to the sexual assault of a fifteen-year-old former student and received a twenty-two month suspended sentence (Leung 2004b: 3).\footnote{In an earlier case heard in 2004 Gavin Hopper was found guilty of the sexual assault of a female former student who was also under the age of consent. Hopper was sentenced to three and a half years’ imprisonment (Leung 2004a: 3). In this case, the defence argued that the female student had consented to a sexual relationship with the offender. Hopper is appealing his sentence; however, at the time of writing, the appeal process had not been completed.} The Director of Public Prosecutions successfully appealed the sentence in 2005. Mrs Ellis was sentenced to two years and eight months’ imprisonment with six months suspended (Moynihan 2005a: 1).\footnote{Mrs Ellis is appealing the new sentence; however, at the time of writing, her appeal had not been heard.} It was reported that Justice Callaway commented that the earlier sentence was the result of “unconscious sympathy with a female offender or belief that no real harm has been done to the victim” (cited in Moynihan 2005a: 1).

Justice Callaway noted that the earlier suspended sentence had:

> Unintentionally violated the rule of equality before the law, including equality of concern for male and female victims and equality in the sentencing of male and female offenders (cited in Moynihan 2005a: 1).
Some earlier feminist examinations of cases of women who had perpetrated sexual assault assumed that women offenders had been forced to participate in the assault by a violent male offender (Bass and Davis 1995; Briggs 1995; Davin, Hislop and Dunbar 1999; Elliott 1993; Faller 1987). While acknowledging those situations, some women who are victim/survivors of women’s sexual violence described how they mostly acted alone or had been a member of a gang of women.

Mainstream feminist analyses of sexual assault locate sexual violence within a critical analysis of the historical gendered power relationships between men and women and children (Bass and Davis 1995; Hall and Lloyd 1988; Herman 1992; Kelly 1988; Renvoize 1982, 1993). Because of the ‘gendered’ nature of a feminist analysis, the issue of power relationships between women and their children seems less important when feminists analyse women’s sexual assaults on children. As discussed previously, a ‘cycle of violence’ psychological explanation appears to be the primary feminist explanation for women’s use of sexual violence against children (Welldon 1988).

As the vast majority of women perpetrators of sexual assault are also victim/survivors of sexual assault (Saradjian 1996), it is worth exploring the ‘cycle of violence’ explanation in specific reference to sexual assault. While there is no evidence of a simple cause/effect relationship between women’s own experiences of sexual violence and their offending behaviour, there is a range of unanswered questions about a possible relationship between the two issues. Saradjian (1996) concluded that women’s own childhood experiences of abuse, neglect or abandonment may have resulted in a lack of attunement, which is essential in developing empathy for others. Attunement refers to the process where a child learns appropriate emotional responses to a situation by mirroring the responses of their primary caregiver, usually the mother. Using this theoretical framework, Saradjian concluded that abused children may repress their rageful feelings but seek revenge or redress which might be directed at themselves or their own children whom they may perceive as a ‘substitute self-object’ (Welldon 1988).

35 Participants in my 1995 research disclosed that their fathers, stepfathers, brothers and other male family members, had also sexually assaulted them. However none of the women I spoke with suggested that their mothers were coerced or threatened by their fathers or other male offenders to perpetrate the abuse (FitzRoy 1995, 1997).

36 All the research participants in my earlier research saw their mothers as powerful sole perpetrators (FitzRoy 1995, 1997). Fehrenbach and Monastersky (1988) commented that, within a sample of adolescent female sex offenders, the majority tended to commit offences without any coercion from male co-offenders.
Saradjian also defined a physiological correlation between the feeling states of a woman sex offender with her offending behaviour. In other words, Saradjian argued that there is an increase in the physiological arousal or feelings of extreme emotional tension and stress that leads to the sexual abuse of a child, followed by feelings of relief. As Saradjian commented “this may explain the finding that so many of these women described a “positive physical feeling” – particularly a sense of calm – occurs after sexual activity” (1996: 199). This analysis reflects the hydraulic notion of the mind and body described previously.

Saradjian posited a speculative behaviourist model based on the assumption that women who sexually assault children do so because they have “learnt through experience that this behaviour can meet what they perceive to be their needs” (1996: 187). The needs include power and control and sexual and affiliation needs (1996: 194).

The suggestion that women’s sexual needs may be met through sexual violence is a difficult one for feminism because of the earlier feminist analysis that de-emphasises the ‘sexual’ nature of male sexual violence, summarised in the feminist slogan: ‘Rape is about power not sex’. Though a detailed discussion of this issue is outside the scope of this study, I believe that it is important for feminist researchers to re-engage with the original theoretical analysis of sexual violence that underpins this viewpoint. The stories and experiences of victims and women who have perpetrated rape raises questions about the assumption that the decision to perpetrate rape is not linked to sexual desire or the expectation that the perpetrator will receive sexual pleasure. I suggest that there could be a relationship between both the sexual nature of rape and the feelings of power and control. This relationship may exist in cases of both male and female rape.

So, why do women perpetrate sexual violence? There are different, and some researchers would argue, incompatible ways of theorising women’s use of sexual violence. One way of analysing the sexual nature of the violence is to draw on feminist analyses of rape (Goodwin and DiVasto 1979; Kelly 1991). Rape is the use of a penis, objects or fingers to penetrate and breach the bodily, psychological and sexual boundaries of the victim. A feminist psychoanalytic explanation suggests that a perpetrator’s own sense of power and/or adult identity may be contingent on a child or adult victim being objectified, dehumanised and annihilated (Elliott 1993; Matthews
Chapter One: Literature review

1993; Saradjian 1994: 30–31; Welldon 1988: 98–99). The purpose of the sexual abuse is to deny the other person’s own separate identity and maintain the perpetrator’s sense of power and identity.

Saradjian focused on the psychology of the individual perpetrator and suggested that a combination of factors may lead a woman to perpetrate sexual violence on another person. These factors include a lack of empathy, repressed rage and an inability to deal with intense feelings (Saradjian 1996: 186–202). Saradjian commented that women’s intense feelings may also include feelings of helplessness, vulnerability and isolation. The use of sexual violence may be perceived and/or experienced as a strategy which provides a perpetrator with a sense of power and control.

In relation to women’s sexual abuse of their male sons, Saradjian (1996) suggested that women may transfer their hatred for men, who may be actively abusing them or have abused them in the past, onto their sons. Saradjian suggested that, unlike adult male perpetrators, a son is vulnerable and available for abuse. In addition, it has been suggested that as a result of the maternal relationship, the son/victim’s intense feelings of betrayal, pain and trauma may mirror the intensity of the feelings a woman experienced as a result of her earlier experiences of violence (Motz 2001; Saradjian 1996).

In earlier research I interviewed women who had been sexually assaulted by their mothers (FitzRoy 1995, 1997). These women disclosed that they had not perpetrated sexual violence against others and that they were living healthy and positive lives; however, they talked about their fears of engaging in offending behaviour (1995: 55). This fear can be illustrated by one participant who commented on her sense of the “perpetrator within”. She described a space in her own consciousness that harbourled fantasies of violence and feelings of rage and anger (1995: 59).

Saradjian, Welldon and my own earlier research findings all offer individualised psychological explanations for women’s use of sexual violence. The focus on individual psychology contrasts with long-held feminist analyses of the ideological context that informs men’s choice to sexually assault women and children (Breckenridge and Carmody 1992; Dominelli 1989; Kelly 1988). Therefore I challenged my own assumptions about individual psychology and questioned why I
primarily focused my attention on an assumed link between a woman’s earlier experiences of violence and her choice to sexually assault children or other women. In focusing on women’s victim experiences, I once again neglected to analyse the power relations between women and children, the ownership of children and constructed social beliefs about the relative ‘worthlessness’ of children.

On reflection, I now suggest that women’s decision to enact sexual violence arises in a social reality where women, like men, also learn social beliefs that are both misogynist and hierarchical. I believe we can locate the acts of sexual violence committed by women against children in the same theoretical framework we use to analyse men’s use of sexual violence. I argue that, for some women, the ‘other’ is themselves or a bodily extension of themselves, for example, their own child or sister. This form of sexual violence could be viewed as a possible manifestation of the cultural misogyny learnt by an adult woman and then enacted in a very different form, for example, the sexual assault of a child or other family member. In this possible scenario the sexual violence could still be viewed as an extreme form of violence, which results in the objectification, and annihilation of the victim.

Two issues would benefit from further research and analysis. First, if we acknowledge that women may engage in sexual violence against children to release ‘unbearable tension’ (Saradjian 1996: 196), we could posit a potential link between the feelings of ‘relief’ reported after a perpetrator has sexually assaulted someone with feelings of ‘relief’ reported to result from acts of self mutilation. Second, many victim/survivors of sexual violence disclose personal fantasies of revenge and experience feelings of rage and anger (Herman 1992; Bass and Davis 1995). Difficult questions remain about the possible influence of the experience of sexual violence on the later choices and behaviour of women victim/survivors. In particular, questions about whether such experiences might influence a woman’s choice to sexually assault others. This point does not deny the possibility that some women, who are not victim/survivors of violence, may also have violent fantasies about hurting others nor the reality that many women who are victims of sexual assault, do not fantasise or perpetrate sexual violence against others.

**Ambivalent mothering**

I begin this section acknowledging that Australian and British researchers have noted that women’s ‘mothering’ is much more highly scrutinised and monitored by
researchers and institutional systems than men's fathering (Featherstone 1999; Featherstone and Trinder 1997; Hearn 1990; Parton, Thorpe and Wattan 1997; Scourfield 2003; Tice 1998). Feminists have contrasted women's actual experience of mothering with the social construction of motherhood and the myth of the idealised 'mother' (Best and Maynes 1997; Featherstone 1999). This body of work has led to critical scrutiny of the relationships between women and their children. Many feminists have documented the powerful influence of a woman's social, cultural, economic and familial context on whether she has a positive or negative experience of mothering (Bassin, Honey and Kaplan 1994; Eichler 1997; England 1996; Featherstone 2004; Hollway and Featherstone 1997; McLanahan and Kelly 1998; Thorne and Yalom 1993; Thorpe 1996).

Theorists have also incorporated psychoanalytical insights in their feminist framework and this body of work offers us a more complex reading and understanding of women's use of violence against their children (Best and Maynes 1997; Featherstone 1997a, 1997b, 1997c; Featherstone and Trinder 1997; Hollway and Featherstone 1997; Parker 1995). This body of research critically examines the influence of dominant social 'truths' on current direct service responses to women who perpetrate violence against their children. Parker (1995, 1997) posed the possibility that the social, cultural and familial pressure on women to be a 'perfect mother' may result in some women 'failing', being categorised as 'bad' mothers and possibly punishing their children for 'causing' their failure.

Of specific interest for this study is the suggestion from psychoanalytic theory that a child produces a fantasy omnipotent mother. This mother is more powerful in fantasy than in reality and is able to satisfy every need. However, the child also rejects and resists this all powerful mother as they endeavour to create their own sense of autonomous personhood. As the child grows up the need for, and resistance to, the omnipotent mother continues which, if unresolved, creates tension for the child. The ongoing tension may result in a child using a psychic defence strategy such as splitting the mother into two parts, the good and bad mother. This may result in a child both idealising and denigrating the 'mother' (Parker 1997).

Feminist researchers have suggested that children's need for, and resistance to, the all powerful mother is also evident in a general cultural, political and social commentary on 'mothering' and a generalised ambivalence within society as to the role and value of mothering. Parker (1995, 1997) and Featherstone (1997a) suggest
that the origin of the binary split where mothering is both idealised and denigrated, emerges from our common need for, and rejection of, the omnipotent mother. Featherstone presents evidence of this split in mainstream discourses, including feminist analyses of mothering, and argues that tension between the need for, and resistance to, the ‘mother’ results in a social and cultural ambivalence towards women who are mothers and ‘mothering’ per se. Featherstone suggests that by failing to engage with this ambivalence feminists have left a major gap in their analyses of mothering which has been filled by conservative social commentators (1997a).

Featherstone and Parker argue that individual women internalise this cultural ambivalence which is played out in their relationships with their children and their sense of self identity as a ‘mother’. I have found these analyses useful when seeking to make sense of women’s often ambivalent view of themselves as mothers and their choice to physically or sexually assault their children.

Parker (1995, 1997) described what she termed ‘manageable’ and ‘unmanageable’ maternal ambivalence. Parker linked the investment women have in being ‘good’ mothers, feelings of power, unmanageable ambivalence and maternal aggression. Parker’s analysis suggests that some women may see their child as ‘persecutory’ as a result of both the child’s vulnerability and dependence on their mother. Further, Parker argued that women may inappropriately punish a child if they engage in behaviour that puts them at risk of harm or that publicly challenges the woman’s identity as a ‘good’ mother.

I found this body of work very useful for my understanding of women who physically, emotionally and/or sexually assault their children. However, Parker (1995, 1997a) did not explore whether the experience of maternal ambivalence differed for women who were victim/survivors of violence. Nor did Parker explore the experience of maternal ambivalence for women from diverse cultural, class, religious, geo/political and linguistic backgrounds. In different communities there may be a range of understandings, norms and beliefs about maternal roles, the rights of children, the role of the extended family and how adults discipline their children. This issue is outside the realm of this study.

This discussion has highlighted the fact that women may assault their children for a range of interrelated reasons. Some of the reasons include structural factors, for
example, poverty, homelessness, social alienation and isolation. Psychological, physical and emotional factors such as earlier experiences of violence and contradictory feelings of extreme love, anger and powerlessness may also play a part. Although all mothers may at some time feel ambivalent towards their children, some women actively perpetrate violence against their children. It is well documented that familial and community support and material resources can act to reduce such feelings and can prevent them becoming unmanageable. As Kelly (2003) commented:

But as statistics on child abuse and neglect by women show, not all women are paragons of motherood that Elshtain envisions. Skillful parenting takes economic resources, positive role models, healthy and supportive familial relationships and community support (52).

I suggest that consideration of the intersection of structural, psychological and social factors should be included in the formulation of policy and practice responses for women who experience difficulties in their mothering. These issues are discussed further in Chapter Eight.

**Self harm**

Women may hurt themselves or find it difficult to protect themselves from harm perpetrated by others. It is well recognised that both men and women victim/survivors of violence engage in self harming behaviours (Bass and Davis 1995; Benjamin 1984, 1986; Davis 1990; Evert and Bijkerk 1987; Hall and Lloyd 1988). Researchers have drawn on women's experiences and suggest that self harming is a way for women to act out painful feelings resulting from earlier experiences of trauma (Bass and Davis 1995; Herman 1992; Solomon and Farrand 1996). Often the self harm itself is understood as a strategy which enables women, as well as men, to communicate their own “unspeakable” pain (Motz 2001). Motz (2001) suggested that women may engage in self harming behaviours from a place of physical numbness or disassociation.

Some explanations for self harming behaviour appear to draw on the previously discussed hydraulic notion of the body. From this perspective it has been argued that women’s use of self harming behaviour is both an outcome and expression of ‘unspeakable’ feelings. As discussed previously, these feelings build up inside a woman’s body and create internal pressure which is released through self harm.
This view has been supported by the first person narratives of women victim/survivors of child sexual assault who have engaged in self harm. Their narratives describe the sense of relief they feel when they cut or burn themselves (Bass and Davis 1995; Davis 1990; Trautmann and Connors 1994). Further it is suggested that the injury, scars or anorexic body itself renders the private trauma of victim/survivors visible to the public world:

The communicative function of self-harm is central: women harm themselves primarily to express their distress and anger, in the hope that others will respond to this communication (Motz 2001: 154–155).

A number of researchers, while presenting feminist and psychological readings of women’s self harming behaviour, have not suggested an answer to the question as to why women move from self harm to harming others (Herman 1992; Motz 2001; Welldon 1988). Motz noted that Dr Baily, a British adolescent forensic psychiatrist, suggested that in England a shift had taken place whereby it was more likely that young women would take an “active part in assaults” on another person than engage in self harming behaviour (2001: 258). I am not aware of similar research conducted in Australia. Stewart and Tattersall (2000) explored the lives of young women living in Melbourne who had been identified as engaging in ‘challenging’ behaviours including violence and self harm. Stewart and Tattersall did not note any perceived increase in the ‘willingness’ of young women to hurt others instead of engaging in self harming behaviours.

Violence as ‘resistance’

Foucault argued that where there is power there is also resistance to power (1983). Foucault’s analysis reminded me to see the ways in which some women use violence to actively challenge and resist the category of victim. When I consider the resistance of women I see a variety of behaviours and identities that proclaim women’s agency, subjectivity and active participation in their private and public worlds. This analysis suggests that a woman’s use of violence could be understood as a particular type of survival strategy. This is the view articulated by Jack (2001) who argued that women’s use of aggression is a legitimate strategy to achieve social change “when women stand up to inner and outer authorities, when they hurt someone purposely, when they positively fight for justice—these are critical points of change” (21).
However, Jack failed to explore the inherent contradiction within this position. That is, when a woman deliberately assaults another person for a ‘just cause’ as defined by the individual, this is a criminal act that causes harm to another.37

This issue raises an interesting paradox for this study and other feminist research on women’s violence. It is widely understood and accepted that a key component of the healing journey for some women victim/survivors of violence is to shift from self blame to locate responsibility for the harms they experienced directly with the perpetrator (Bass and Davis 1995; Herman 1992). Sometimes in the media or sentencing outcomes for women offenders, I could detect the view that some women had almost been given ‘permission’ to be angry and enact some form of violence against others in retribution for the harms done to them. Sam, a research participant describes an example of this in Chapter Four. However, it is difficult to find feminist research which has critically analysed cases where women have moved from the fantasy of revenge to actually enacting criminal violence against others who may or may not include the perpetrator of earlier violence. Feminist research on, for example, domestic homicide perpetrated by women, primarily describes such violence as a last-resort strategy to save their lives. There appears to be little discussion of the possible link between a desire for someone else to feel terror and fear and experience pain, and a woman’s choice to enact violence.

‘Challenging’38 young women are often in the glare of the public gaze and they offer us an example of women actively resisting the definition of themselves as victims (Carrington 1990, 1993; Crinall 1999). Crinall (1999) argued that young women can and do actively engage in various strategies that enable them to resist the power of dominant systems and enact power and control. These strategies include drug use, sex work, multiple sexual partners and criminal activity. Crinall suggests that such behaviour could be reinterpreted as women attempting to re-inscribe their own form of feminine identity (1999: 78). This particular identity is distinct and separate from that of their mothers and what is represented as ‘normal’ and desirable in dominant social representations of women. This analysis of a new reconstituted feminine self,

37 This debate mirrors unresolved debates as to the use of the terms: ‘just war’, ‘freedom fighter’ or ‘terrorist’ to describe combatants in a range of international conflicts including the ANC movement in South Africa, the Palestinian resistance to Israel occupation and Iraqi resistance to the invasion and occupation of Iraq by Coalition forces.

38 Defining the difference between young women’s “challenging” and “violent” behaviour is a major difficulty for workers and researchers. See Stewart and Tattersall (2000) for further discussion.
who may actively engage in violence and challenge older traditional constructions of ‘femininity’, is a useful contribution to our understandings of women’s use of violence. Of the seven women I spoke with, Sam and Jody both acted in ways that questioned traditional constructions of ‘young women’.

Challenging Crinall’s analysis, other researchers and human service workers suggest that such strategies reflect young women’s lack of power in negotiating with young men and institutional systems, including the child protection and juvenile justice systems. Some workers suggest that young women believe these acts demonstrate that they are in ‘control’ of their lives and their bodies. However, workers themselves saw such strategies as self destructive and harmful to young women’s health and well-being (Stewart and Tattersall 2000). I suggest that both analyses can assist our understanding of young women’s behaviour.

I have found it useful to reflect on the way mainstream systems respond to women who demonstrate non-traditional feminine behaviours, including being sexually active, perpetrating crime and engaging in drug use. Workers suggest, and I agree, that many women including sex workers, young women engaged in ‘challenging behaviours’, women who are homeless and/or addicted to substances, are often over-scrutinised, punished and controlled by workers from State institutions, including juvenile justice, child protection and/or human services (Simkins and Katz 2002). While I do not believe institutional systems are monolithic, nor that workers’ practice is based on an unified logic, I believe that such systems, their policies and procedures reflect particular social norms and cultural assumptions about ‘normal women’. These assumptions influence organisational policy and workers’ own responses to women who act outside the ‘norm’. Such issues are explored further in Chapter Eight.

**Summary**

Three key issues emerge from this discussion which inform the following chapters. Firstly, the understanding that ‘violence’ *per se* is part of our cultural fabric and that both women and men have the capacity to perpetrate violence. Secondly, that the vast majority of women who have perpetrated violence are also victim/survivors of violence. This reality poses a challenge for feminist researchers and practitioners who have previously resisted any theoretical link between men’s experience of childhood violence and their use of violence as adults. Thirdly, women’s use of
violence highlights the contradiction between two constructions of female subjectivity, i.e. women as active citizens versus women as passive victims.

I believe there is a range of often competing and contradictory explanations for an individual woman’s violence. The fragmented and conflicting theoretical explanations along with my own ambivalent personal and professional response to explanations of women’s violence emerged as consistent themes through the study and will be explored further in later chapters.

In concluding this chapter, I believe that an individual woman makes an active choice to perpetrate violence. However, I also believe that a woman may not experience herself as autonomous, rational or powerful. I believe that a woman’s use of violence results from an intersection of complex factors. These factors include a structural and ideological context, which constructs power relation between women and others, informs her view of violence and her identity, and her social context that combine with her individual familial and physical experiences and possible unconscious needs and desires. I have concluded that we need to broaden our notion of female subjectivity to view women as active citizens who are able to make choices to enact violence while acknowledging that these choices may be informed by relations of power between people, their lived experience and a particular social context. This analysis parallels a critical feminist analysis of the social context that informs men’s choice to perpetrate violence.
Chapter Two

The research methodology

Are all perpetrators the same? I doubt it. Is all violence perpetrated by women the same? Of course not. Is it caused by the same factors? That’s highly unlikely. But what kinds of answers are these to such important questions? … What is necessary is careful attention to those situations in which women use violence in intimate relationships as perpetrators, not in self defence or even in retaliation. It is feminists who must undertake this work (Renzetti 1999: 47 emphasis in original).

The aim of this study is to examine women’s use of violence. The study explores the topic through analyses of qualitative and quantitative evidence of women’s violence. The qualitative evidence includes semi-structured individual interviews with seven women who said they had perpetrated serious criminal assaults. Alongside these narratives are extracts from interviews completed with twelve practitioners who work with women offenders. In addition are the results of focus-group discussions with six women living in the community who had not perpetrated criminal assault; twelve women prisoners serving lengthy sentences in prison; and 109 other practitioners working in the criminal justice and human service sectors. I also completed a thematic analysis of the sentencing comments made by judges in relation to four of the seven women offenders who participated in the research. This analysis is complemented by extracts from comments made by judges when sentencing six other Victorian women found guilty of similar crimes. As will be discussed in the following chapter, a minor component of the study is the inclusion of quantitative evidence, specifically Australian and Victorian statistics on women’s use of violence and imprisonment rates.

39 See Appendices Five and Six for a glossary of key legal terms and the legal definitions of different forms of criminal assault.
My aim in exploring violence perpetrated by women is to contribute to current critical theories of violence and add to the development of appropriate policy and practice responses to women offenders. This aim reflects the broad goals of feminist research which includes a commitment to document women’s experience of disadvantage and use such accounts to challenge and change dominant discursive and political systems that disadvantage women.

Feminist research theory and practice continues to evolve. My research journey mirrors the fluid and changing nature of feminist research. When I began the study in 1998 I believed I had a clear understanding of feminist research principles and methods. I also felt confident that I could easily explore the research question and write up the findings. Over the course of the study I have come to a deeper understanding of the complexities that emerge when a feminist researcher, using feminist theory and research methods, begins to explore women’s use of violence. A feminist framework has been an important part of the study, however women’s violence is a challenging topic for feminist research. I explore the nature of this challenge later in the chapter.

The sensitive nature of the subject matter and the need to protect the identity of research participants affected the way I undertook the research. Lee and Renzetti (1990, 1993) described “sensitive research” as that which “potentially poses a substantial threat to those who are or have been involved in it” (1993: 4). They defined threat as the following: when the research explores issues that are private and that may cause anxiety; when the research is conducted on communities who may be stigmatised and which may add to their stigmatisation and, lastly, when the research impinges on the interests of powerful people or institutions (Lee and Renzetti 1993: 4). This study could be viewed as posing a threat to participants in the first two ways described. This chapter explores how the research methodology assisted me to achieve the aim of the study while also minimising the possible threats to participants.

The majority of the study draws on qualitative evidence, primarily the personal stories and comments from offending women. Long held debates as to the merits of qualitative and quantitative methods are well known and need not be reproduced in this chapter. Feminist researchers have successfully argued that qualitative methods which collect personal narratives are legitimate and powerful ways to produce knowledge. Such methods challenge the ‘truth’ claims of positivist research and
researchers suggest that qualitative research can add life and colour to the quantitative ‘facts’ (Gluck and Patai 1991; Hammersley 1993; Oakley 1998; Williams 1993). As Young argued, “narrative can serve to explain to outsiders what practices, places, or symbols mean to the people who hold them” (1997: 72). Of particular relevance for this exploration of women’s use of violence is Elliott’s (2005) comment that “it is to these first–order narratives that we must turn if we are to understand the dominant cultural assumptions that help shape individuals’ decisions and behaviour” (177).

More detailed discussion of narrative analysis and my use of this technique to interpret women’s stories is provided later in the chapter.

Acknowledging the power of narrative and story, feminist researchers suggest that to substantiate the nature of women’s experience, a combination of qualitative and quantitative methods is most beneficial (Reinharz 1992). Reinharz, concluding her wide-ranging analysis of multiple methods in feminist research, commented that “feminist research will use any method available and any cluster of methods needed to answer the questions it sets for itself” (1992: 213). However I acknowledge that the use of the two methods may not, in themselves, result in a complete representation of those women offenders who participated in the study.

The study prioritised qualitative methods while I also include some statistics to provide additional information. The qualitative data collected during the semi-structured interviews with women and workers provide a partial account of both women’s lives and the practice issues described by workers. The statistical data provides information on the numbers of Australian and Victorian women found guilty of committing the major forms of criminal violence disclosed by women participants.

While I was interviewing women prisoners in 1999, the prison was known as the Melbourne Metropolitan Women’s Correctional Centre (MMWCC) and managed by a private contractor. With the election of the state Labor government at the end of 1999, the management of the prison was reviewed and control returned to the Department of Justice in October 2000 under Community Corrections. The prison was re-named the Dame Phyllis Frost Centre (DPFC) in 2000, though workers and women prisoners often refer to it as ‘Deer Park’. The experiences and comments of women prisoners and workers recorded in 1999 reflect the operation of the MMWCC under the management of the private operator.
Chapter Two: The research methodology

It is worth noting that I found it difficult to obtain information about the operation of the MMWCC. These difficulties may have been related to the private operation of the MMWCC, issues of commercial confidentiality and the legitimate need to protect the privacy of women prisoners.

I have divided the chapter into a number of topics including ethical considerations, theoretical framework, research participants, research methods and reflection on my own role as the researcher. I conclude with a brief examination of the key limitation of the study.

**Ethical considerations**

I considered a number of issues when applying for ethics approval from both Royal Melbourne Institute of Technology (RMIT) University and the Victorian Department of Justice. The majority of the ethical issues focused specifically on the vulnerability of those participants in prison or on community-based orders. To a lesser degree, I also considered the issues for community members and workers involved in the study. I took into account the power relationship between prisoners and me, the vulnerable status of women offenders and issues of informed consent and limited confidentiality\(^{40}\) (Appendices Two and Three). In addition both RMIT University and the Department of Justice research committees required a list of the questions I would be asking research participants (Appendix Four). The Department of Justice Research Ethics Committee and RMIT University Higher Degree Research Committee granted ethics approval in 1998 (Appendix One).

The process of obtaining ethics approval, specifically from the Department of Justice, required a number of formal and informal discussions along with the re-submission of the original research application. The process took ten months. The lengthy time period may have been because of the vulnerability of women prisoners, concerns as to the use of semi-structured interviews, and the difficulties in accessing prisoners in the MMWCC when managed and operated by a private contractor.

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\(^{40}\) Limited confidentiality referred to the basis on which I was granted permission to conduct research with women prisoners. The MMWCC requested that if a woman prisoner disclosed specific information on a serious crime they had committed, I would notify the relevant authorities.
Theoretical framework

Feminist research is not a homogenous body of fixed theory and practice and some earlier foundational feminist research assumptions have been debated amongst feminist and sociological researchers (Hammersley 1993; Oakley 1998; Williams 1993). A detailed exploration of such debates is outside the scope of this study. Acknowledging the diversity of feminist research approaches, I began the study with a commitment to four generally accepted feminist research principles. They are, first, a commitment to achieve social justice for women; second, the inclusion of a gender analysis; third, the positioning of women's stories as a ‘truth’; and last, the use of research to present women’s lives in the public arena. The following section describes the key principles in more detail and explores how my research methodology and the identity of the research participants created a number of difficulties for me when putting the principles into practice. The discussion focuses specifically on the participation of the seven women offenders.

Social justice

Feminist research is committed to achieving social justice for women and creating social change. Within this commitment is the expectation that feminist research will contribute to social change that will benefit the women who participated in the research. However, a number of feminist theorists have suggested that the feminist claim of wide ranging social-change outcomes or personal benefits for research participants is illusory (Bowles and Klein 1983; Cesara 1992; Finch 1984; Oakley 1981; Stanley 1990). Fawcett et al. (2000) argued that the notion of ‘benefits’ denies the power relationship between the researcher and the researched, the disadvantage experienced by minority groups and the structural barriers to the achievement of empowerment for such groups. As Wasserfall commented:

What exactly can a feminist ethnographer do to help change her informants’ lives while conducting her research according to the canons of her own discipline? (1997: 153).

As I discovered throughout the research, I could not actively address the dominant legal and social systems that disadvantage women prisoners. This point emerged during a conference presentation when a participant asked whether I would use information shared during the interviews to raise issues about prison management and the rights of prisoners in the MMWCC. The person argued that I had a
responsibility as a feminist to engage in further political advocacy for women prisoners. I found this a difficult issue to respond to. I explained that the Department of Justice had approved my application to enter the prison for the stated purpose of conducting research interviews with prisoners about their use of violence. I did not have permission to gain additional information on the broader issue of women’s experience of imprisonment in the MMWCC. However, this public exchange heightened the tension for me as a researcher and as a worker who actively contributes to public advocacy campaigns on women’s issues. Questions as to how feminist researchers are able to assist women in their everyday lives and whether this is an achievable aim for researchers have emerged as recent topics for discussion (Featherstone 2000; Wasserfall 1997). I was unable to resolve this tension in my own study. However, I seek to contribute to such debates through my professional work.

Wasserfall (1997) also argued that, in situations where there are fundamental differences between researchers’ and participants’ own principles and/or political beliefs, difficulties may arise that cannot be easily resolved through a process of reflexivity. I was clearly aware of, and sympathetic to, the difficulties experienced by the women I interviewed. However, I also opposed the acts of violence women had perpetrated. Such fundamental differences between us could not be easily resolved by a philosophical commitment to social justice. Wasserfall (1997) commented on this point and asked:

When the researcher finds herself as a citizen in profound opposition to the beliefs and actions of her informants, what happens to the ‘exploitative’ situation? What are the commitments of a feminist researcher to her informants? ... for whose sake do we accumulate knowledge? What of the feminist commitment to empower women? Which women, the informants? The scholars? (164).

The 120 practitioners who participated in the study did so from a different position of power compared to that of the women incarcerated in prison or living in the community on community-based order. Although our conversations were limited I believe that, through talking about some of the challenges and issues, workers may have chosen to discuss these issues in their own organisations at a later date.
Locating the research in an analysis of gendered power relations

A second principle underpinning feminist research is the commitment to locate women’s experiences in an analytical frame that critically analyses their social, political, historical and cultural context (Holland and Ramazanoglu 1994; Mason 1997; Maynard and Purvis 1994; Reinharz 1992; Stanley and Wise 1983). This key principle raised a number of difficult issues for me while hearing and responding to women’s experiences of violence and their choices to perpetrate violence.

Much feminist research makes the erroneous assumption that, if the researcher is a woman, other women will trust her (Cotterill 1992; Mohanty 1992). I could not assume that women would automatically feel safe to talk with me solely because I was a woman. This was a particularly pertinent issue for Sam as she had been sexually abused by her mother and physically assaulted by a woman friend.

All the women offenders I spoke with disclosed they had experienced extremely severe physical, sexual and psychological violence during their child, and adulthoods. However, I could not precisely locate women in their social, familial and cultural context or provide specific detail due to the need to ensure their anonymity. A feminist analysis of women’s lives offered me a way of understanding their context and the possible negative influence this experience may have had on their ‘choices’ to perpetrate violence. However, in seeking to understand women’s own behaviour, I was concerned that I would absolve women of responsibility by focusing solely on their experiences as victims of violence.

The difficulty for feminist researchers is that we can and do perpetuate existing power relations between groups of powerful and disempowered peoples. Making a decision to talk with women in prison, include their words in the thesis and write up my analysis of their words and experiences for publication in the public arena is an exercise of power. However, I am committed to critically analysing their narratives and contributing the outcomes to the body of critical feminist theory and practice. I see this work as a positive use of my power as a researcher, which enables me to ask different questions and contribute different stories to current debates.

The research narrative as ‘truth’

Early feminist research held that the truth of women’s lives lies in their personal accounts and that such accounts should be heard unconditionally (Alcoff 1991;
Jackson 1998; Stanley and Wise 1983). This theoretical and philosophical commitment emerged out of a feminist critique of traditional positivist research which positioned the researcher as the objective authority figure who determined the truth of the experiences of the research subject (Anderson and Jack 1991; Fonow and Cook 1991; Mies 1991; Reinharz 1992).

Earlier feminist standpoint theory argued that women’s personal experiences provided a more ‘authentic’ picture of ‘reality’ than men’s experiences. This research bias emerged from an assumption that women’s stories are a more authentic account precisely because of women’s earlier experience of systemic oppression. This claim has three problems. Firstly, the false assumption that women exist as a homogeneous group. Secondly, the problematic claim that, as a result of patriarchal oppression, women will be more truthful about their own offending behaviour and their experiences of victimisation in the criminal justice system and institutions. Thirdly, the assertion that as a result of patriarchal oppression, women will have an understanding of the world that is ‘superior’ to those who do not share this experience, i.e. men. As Naffine (1997) commented:

… the notion of the woman’s standpoint, the suggestion that women as a category possess a particular and superior view of the world, is necessarily to select just one of the many viewing points from which women look on the world, and then to impose that one view on all (54, emphasis in original).

A key aim of this research has been to explore the diverse experiences of women who have perpetrated violence. I began the research with the assumption that women are experts of their own lives (Alcoff and Gray 1993; Maguire 1987). However, this position requires further discussion as numerous authors have asked critical questions as to the difficulties of a position of unconditional ‘belief’ on the part of the researcher, the notion of ‘true’ accounts, and the subjective nature of ‘self representation’ in autobiographical narratives. In a thoughtful discussion on how we analyse ‘experience’, Scott (1992) suggested that we focus attention on the discursive and political processes which construct the identity and experience of a person. Scott argued that:

Experience is at once always already an interpretation and is in need of interpretation. What counts as experience is neither self-evident nor straightforward; it is always contested, always therefore political (1992: 37).
Chapter Two: The research methodology

Kelly (1996) commented on the difficult issue as to whether feminist practitioners can always ‘believe’ the experiences of some of their service users. Kelly stated “it is possible to acknowledge that for a variety of reasons (fear, shame, distrust) women may not always tell the truth. So belief has become a more nuanced and complex matter” (1996: 45).

In addition, both ‘reality’ and ‘authentic memory’ are constructed and re-constructed by the researcher and participant in the process of talking, remembering and participating in research (Acker, Barry and Esseveld 1991). Fawcett et al. (2000) argued that “unconditional belief” is neither achievable nor appropriate.

I realised that I could not assume a priori that women offenders were any different to male offenders when commenting on their own offending behaviour. Some research suggests that individual women may use similar strategies of, for example, minimisation, denial and victim blaming, that male offenders use when confronted with evidence of their violence (Cavanagh and Lewis 1996; Motz 2001; Welldon 1988).

I felt a range of often conflicting feelings when listening to women’s stories. In their narratives some women minimised the seriousness of their actions and blamed the victim. I noticed that I sometimes questioned the ‘truthfulness’ of their account of the violence and the part they played in serious assaults perpetrated against others. This process reflected a shift in my role from ‘listener’ to ‘examiner’ of the ‘truth’ of the accounts women shared with me. It was a salutary lesson to realise that I had begun to make judgements as to whether or not women were telling me the ‘truth’ about their involvement in a violent crime. As the study went on, I become more aware of my unconscious belief that there was one ‘truthful’ account waiting to be discovered. This belief manifested itself in my assumption that I would engage in a privileged conversation with women that would enable me to elicit ‘authentic’ true narratives as to why women perpetrate violence. I found Featherstone’s (2000) reminder of the need to continually question herself extremely useful:

[It] was important in encouraging me to think against myself, interrogate my own positions and seek to ensure that I was not, as far as possible, bending the data to meet my own theoretical or political purposes (130).
Representation

Women participants chose how they represented their own life experiences through their narrative accounts. When thinking about an offender’s choice to talk about her own violence, I found it useful to refer to Hearn’s (1998) research with male perpetrators of violence. Hearn identified a number of possible reasons why men would talk openly about their violence. Firstly, that participation could be offered as an indicator of change, that the violence is situated in the past and that currently the speaker is not violent. Secondly, the possibility that the research narrative could be used to create a ‘different self’, someone who has perpetrated violence but because of ‘talking about it’ could be seen as someone other than a violent offender. Thirdly, the view that the talk itself is a gift, in the hope that it may contribute to a reduction of violence in the future. Lastly, the possibility that the speaker is indifferent to his or her own violence, therefore talking about it does not matter (Hearn 1998: 70).

I recognised that women enacted a complex form of agency in choosing to meet with me and share parts of their story with me. This process could be understood as a way of women exercising power, constructing aspects of their own subjectivity and locating this account of their ‘self’ in the public research narrative. This appears to reflect what Lloyd (2005) described as the process of “identity production” (86), whereby individuals are actively engaged in the construction of their own identity or ‘identities’. In addition, women are able to present a range of sometimes contradictory narratives about their multiple ‘selves’, depending on the audience, context and purpose of the ‘talk’.

The women described their participation in the violent offences openly. The seemingly straightforward nature of their accounts may be based on a number of factors. Most of the women had been charged, convicted and sentenced in relation to the offences, therefore they could offer me an account of their violence that was already in the public arena. They also appeared to be very familiar with the process of telling their story, whether it was the story of their own victim experiences or their participation in violent crime. This may have reflected their extensive contact with legal workers and human service practitioners. The women may have believed that it would be beneficial for them in future applications for parole to disclose their experiences as victims of violence and represent themselves as reformed offenders. Finally, the women who were subject to community corrections orders or prison sentences were aware of the limited nature of confidentiality during our interviews.
This may have stopped them from sharing other aspects of their life experience or other reasons why they perpetrated the criminal violence.

**Research participants**

**Women who had perpetrated violence**

I met with any woman who self-identified as having perpetrated violence and who was willing to participate in a semi-structured interview. Rita, Kimberley, Rhiannon, Sam, Joan, Jody and Andi were the seven women who chose to participate in the study. As noted previously, the names are aliases chosen by the women who participated in the study, or in Sam's case, chosen by me.

Six of the women were convicted of serious crimes including grievous bodily harm, child sexual assault, murder, accessory to murder after the fact, manslaughter, stalking, bomb threats and threats to kill. The seventh woman disclosed that she had perpetrated physical assaults on her children but had not been charged with these assaults and had had no contact with the criminal justice system.

**Practitioners**

I met with a total of 120 practitioners who worked in the human services sector and criminal justice system. I completed semi-structured interviews with twelve individual practitioners whom I have named Belle, Goff, Nat, Adele, Claudia, Indi, Jo, Terri, Val, Sally, Mel and Kaye. I facilitated focus group discussions with 109 practitioners. One practitioner participated in both a focus group and an individual interview.

Over seventy participants were of Anglo-Saxon heritage and spoke English as their first language. Approximately fifty workers were from diverse cultural backgrounds including Greek, Italian, Vietnamese, Spanish, Maltese, Dutch and German. The majority of workers were middle class, however, a number of workers identified themselves as having working class and/or farming backgrounds. Of the total, six participants were men and 114 were women.

I had originally hoped to conduct between ten to fifteen interviews with individual workers and focus groups with between 30-40 workers. However, as a result of the initial focus groups, other workers invited me to discuss the issue with their colleagues and consequently over a six-month period, I conducted focus group
discussions with 109 workers. This is a disproportionate number of worker research participants compared to the seven women offenders who participated in the study. However as I was also interested to explore workers experiences and reflections when working with women offenders, I decided to include this data in the study.

Participants worked in agencies that respond to a range of issues including criminal justice, family support, domestic and family violence, sexual assault, child abuse, legal aid, community health, community corrections, drug and alcohol, mental health, emergency housing, sexual offending, juvenile justice, post-prison-release support and women’s health. Agencies were funded through a variety of sources including Victorian and Commonwealth Departments of Justice, Human Services, and Health and various churches.41

Prior to beginning the research interviews in 1999, during another research projects, I conducted a series of focus group discussions on the issue of women’s use of violence with seventy practitioners at a number of rural and metropolitan human service agencies. These initial discussions helped me formulate the research questions and methodology.

**Women in the community**

I also met with six women living in the community who had not committed criminal assault. The women were participants in a ‘women and anger’ group facilitated by workers from a community health centre. After meeting with both workers and women, the women agreed to participate in a facilitated discussion on the issue of women perpetrating violence.

**Long-term prisoners**

I met with twelve women serving long-term sentences in the MMWCC and facilitated a focus-group discussion with the women.

**Research methods**

Feminist research draws on a range of theoretical analyses and methods. The following section explores my use of semi-structured interviews and focus group discussions. I include a brief explanation of the theory underpinning each method, a

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41 See Appendix Seven for a list of participating organisations.
description of what I did during the study, and an analysis of the benefits and disadvantages of the method in achieving the aim of the study.

**Talking with seven women offenders**

I used semi-structured interviews as a way of engaging with women and encouraging them to tell me aspects of their story. The interviews were guided by a set of open questions which I had given to women prior to our meeting (Reissman 1993) (Appendix Four). Feminist researchers argue that semi-structured interviews enable women to tell their own stories, choose which experiences will be shared in the public arena and use their own words (Reinharz 1992). Ferguson (1997) commented that publishing the stories of invisible and marginalised women challenges dominant narratives and images of women, thus such narratives can produce alternative discourses. Of specific relevance for this study on women offenders, Somers (1994) suggested that narrative approaches provide an opportunity for members of marginalised groups to share their experiences (621). As six of the women offenders had had contact with the criminal justice system and had been imprisoned, their experiences may have been excluded from mainstream accounts of women’s lives. In addition, as discussed previously, I had assumed that individual interviews would enable me to discover an essential truth as to women’s offending behaviour. I later realised that this was a naive assumption and that women would actively chose the nature of the stories they shared during our interviews. As Halford, Savage and Witz (1997) reminded me:

> Indepth interviews do not allow any priviledged or unmediated access to people’s thoughts and feelings but produce specific accounts designed to meet the particular situation (1997: 60).

Prior to beginning contact with individual women prisoners, I facilitated a group meeting with twelve women serving long sentences in the MMWCC. During the meeting women raised a number of pertinent questions which included queries about my motives, my personal and professional background, the purpose of the research, the timelines, confidentiality, support services for women after they had spoken with me, the outcomes of the research, and the benefits for women if they chose to participate. The meeting was useful as it enabled me to hear the concerns of some women prisoners and respond to such concerns at the time and in person. I also hoped that women would begin to trust me and understand my reasons for doing the research. Given the limited nature of our contact, I later realised that this was a
naive assumption. However, the discussion helped me understand some of the issues facing women serving long sentences and introduced me to women prisoners, workers and the MMWCC itself.

The seven individual women made contact with me either through another practitioner or directly at my workplace. I provided a copy of the plain-language statement, the draft research questions and an informed consent form. I met with Sam, Jody, Joan and Andi at locations of their choice. I met with Rhiannon, Kimberley and Rita at the MMWCC. Once we had met, discussed the research process and completed the informed consent form, we then proceeded with the research interview. If women consented, I audio taped the interview.

I transcribed the words of four participants, Rita, Sam, Rhiannon and Kimberly. Because of time and work constraints, an external person transcribed the words of three participants, Joan, Jody and Andi. Throughout the transcription process we both sought to retain the integrity of women’s voices. As many researchers have noted, this requires the transcriber to take note of the variances in language, the duplication of words, pauses or incomplete sentences. This process seeks to ensure that the verbal and non-verbal nuances of women’s stories were represented in the transcript (DeVault 1987, 1990, 1997; Shields and Dervin 1993). However I accept that no matter how carefully we sought to ensure the transcripts were accurate reflections of the interviews, a transcript cannot completely reflect all that was communicated during the interview. As Elliott commented “any transcription of speech must therefore be understood as a compromise” (2005: 51). These issues will be explored further in the later section on the narrative analysis.

I sought to provide all seven participants with a copy of the interview transcript for them to comment on and, if happy with the content, to verify. This process was accompanied by an offer to meet again to discuss further issues. I was unable to meet with Rita or Jody to verify or discuss their transcripts. I met with Sam, Rhiannon, Andi, Joan and Kimberley for a second time and they each read the transcripts. We discussed the content and made some changes. I offered the five participants copies of their final transcripts; some women chose not to keep copies

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42 See Appendices Two to Four.
43 The external worker and I discussed the confidentiality and ethical issues inherent in the process of transcribing the research interviews. The worker I employed in this task was conversant with such ethical issues and I felt comfortable with her sensitivity to such issues prior to contracting her to complete the task.
while others accepted. I completed second interviews with Sam and Andi and we repeated the verification process.

I tried to ensure that women participants would not be identified or disadvantaged as a result of their participation in the research. I was very conscious of this issue when meeting with women in the MMWCC, especially when meeting in the Protection Unit.\(^44\) To assist in the difficult task of communicating with women living in the prison, I asked participants to identify workers in the prison they believed were trustworthy. I asked these workers to transfer messages on my behalf. Given the closed environment of the prison community, I assumed that many other women knew who I was and what I was doing in the prison. This knowledge may have meant that other women knew who had chosen to meet with me and perhaps participate in the research. Acknowledging these concerns, I am not aware that any women experienced negative consequences as a result of their participation in the research.

I assumed that semi-structured interviews with women would be the most appropriate way to explore their own use of violence. Given the nature of the topic, the places women were living, the restrictions on their freedom to create alternative arrangements and the demands of the Department of Justice and RMIT ethics committees, time limited, semi-structured interviews with opportunities to verify the transcripts were a useful method for achieving my research aim.

In retrospect, however, these interviews may not have been the most appropriate method to use when talking with women about their own use of violence (Featherstone 2000). Firstly, the list of questions was an important beginning point for me; however, to a certain extent it framed the nature of the interview and the direction of the conversation. The process may have limited the opportunity for women to raise or talk about issues that were important to them but that I had not considered.

Secondly, it is possible that I did not fully consider the need for debriefing or ‘winding down’ after the interview was completed. Often the women appeared self-contained,

\(^44\) Women who had experienced violence or were at risk of violence perpetrated by other prisoners were housed in the Protection Unit, a separate secure unit at the MMWCC. Women who had committed violence against other women or workers were placed in the Management Unit. Both the Management and Protection Units are similar residential units located next to each other at the rear of the MMWCC. Each unit has additional internal fences and security systems.
dispassionate and ‘matter of fact’ about the issues we were discussing. It is possible that their matter-of-fact way of telling their story was the result of having been investigated and imprisoned. We continued to chat after the interview had been completed; however, I did not create a formal debriefing process.

Thirdly, there can often be a process of transference and counter-transference that occurs between women and the researcher. Where this occurs, the researcher is responding to and containing the fears, feelings and anxieties of the interviewee while also experiencing and containing her own personal feelings created through listening to the stories shared during the interview. There were a couple of times during the interviews when I found my capacity to listen and respond to women was negatively influenced by my emotional response to their words. Featherstone (2000) suggests that the majority of feminist researchers do not address the psychological processes that can occur between researchers and their participants (128).

Fourthly, it is possible that there was a difference between what I was seeking to learn and what women wanted me to know. I am unsure as to why the women offenders chose to participate in the research. Sam was the only participant who talked about why she decided to talk to me about her experiences.

Fifthly, I also asked participants why they had perpetrated violence against others. Most research is based on the assumption that there is a linear cause and effect relationship between events. Feminist researchers have viewed the ‘why’ question as an essential part of exploring women’s lives. Kelly (1996) argued that “for me ‘why’ has always been a fundamental feminist question; unless we understand why women’s oppression is so tenacious, we cannot hope to know how to end it” (40).

I am also aware that the question, “why did you hurt this person?” appears simple and straightforward but in actual fact is extremely complex. The question itself assumes that women offenders are able to critically examine their own behaviour and offer a linear and coherent explanation. In addition, the question assumes there is a rational answer waiting to be discovered. An added element is the persecutory component of the question. Featherstone (2000) commented that:

> The use of ‘why’ can be experienced as persecutory and is therefore particularly unsuitable for research such as mine where women do already feel in the words of one of my respondents ‘like monsters’ (128).
On reflection, and given both the subject matter and the group of research participants, I suggest that my assumptions were simplistic and inappropriate. The question reflected my need to know, understand and find concrete and tangible reasons for women’s choice to perpetrate violence.

Featherstone concluded that it would be more useful for women to be able to tell their own story. This is a familiar refrain for feminist researchers, however, as Featherstone suggested, a commitment to hearing the stories of women also requires that the researcher abandon her search for a factual ‘truth’. Listening to the stories that women offer us implicitly requires that we accept the different and sometimes contradictory elements of women’s narratives (Chambon 1994; Ezzy 1998; Franzosi 1998). As Featherstone recounted:

… after interviews I was made aware on a few occasions of other material which cast doubt on the ‘veracity’ of what I had been told or seemed to completely contradict what I had been told. Initially this caused me great discomfort because I now recognise I was caught in a framework which set up the woman as the privileged source of her truth and wanted to protect her from all those nasty people who disbelieved her (2000: 129).

Acknowledging that women offenders can and do actively construct their own narratives was a significant shift for me, as it challenged my earlier essentialist view that women who perpetrated violence were only ever acting from a position of total powerlessness and oppression.

I believe that I have a responsibility to do more than just present women’s experience in the public arena. I have sought to hear women’s stories, contextualise their lives, interpret and try to make sense of their choices. When writing and presenting the findings the challenge has been to present the contradictions and remaining questions in such a way as to acknowledge women’s experiences without either pathologising or excusing them.

Talking with practitioners: individual interviews with twelve practitioners

I made contact with specific individual practitioners who had knowledge and expertise on issues relating to women offenders. This selection process reflects
purposive sampling’ (Neuman 1991; Robson 1995). I met with twelve practitioners, provided background information, received informed consent and conducted semi-structured interviews with all participants. The majority of meetings were taped, transcribed and the transcripts verified by participants. To protect their confidentiality I have allocated a random name to each worker.

Focus group discussions with 109 practitioners; twelve long—term prisoners and six women living in the community.

Focus groups enabled me to explore participant’s experiences and observe the interaction between participants (Wilkinson 1998). I was able to learn about how particular understandings of women’s use of violence are developed, challenged or maintained amongst the group of workers. In addition, focus group conversations can reflect some of the principles which underpin collaborative research. Collaborative research seeks to reduce the role of the researcher and increase the responsibility of the group itself to explore and answer the research question (Pilcher 1996; Pile and Thrift 1995). Although the focus groups reflected some aspects of collaborative research, I still acted as, and was perceived to be, the primary researcher.

I advertised the project in a number of ways in order to attract the interest of relevant practitioners. I placed notices in the Domestic Violence and Incest Resource Centre (DVIRC) and the Victorian Offender Treatment Association (VOTA) Newsletters. I sent out 85 letters of introduction along with background information to workers who had attended the ‘Making Sense of Women’s Violence’ Forum held in Melbourne in 1998. The forum was organised by a small group of community workers of which I was a member. I also mentioned the research at the conclusion of any conference paper I presented. I placed flyers in relevant sites around the MMWCC and the Children’s Protection Society (CPS), inviting women and workers to participate.

As a result of these responses, I received a number of invitations to meet with interested workers and discuss the research. Prior to the meetings, I sent copies of the research proposal, draft interview questions, the plain language statement and informed consent forms.
The criminal justice system: Sentencing comments

I was interested in exploring how the criminal justice system viewed women who had perpetrated violence. As the justice system is not a unified or coherent entity, finding and analysing a generalised ‘response’ is difficult. I analysed the sentencing comments made by judges prior to pronouncing sentence on a total of ten women convicted of violent offences. The comments offered qualitative data which allowed me to examine the judges’ sentencing rationale and their interpretations of relevant law.

I was interested to see whether judges expressed particular messages about ‘women’ per se and their use of violence. Of the seven women I interviewed, only Rita, Kimberley, Andi and Rhiannon had sentencing transcripts available for analysis. Due to the need to maintain the anonymity of the women, I was unable to include specific quotes from the judges, provide a context for the comments or cite any specific details of the cases. Therefore, I was unable to substantiate my analysis or the findings. In an attempt to resolve this methodological dilemma, I meet with members of the RMIT research ethics committee to discuss some alternative methodological strategies. They agreed that I could analyse the sentencing comments made by judges who presided over six other similar cases heard in the Victorian Courts. The cases involved women found guilty of similar crimes to the women who participated in the research, including murder, accessory to manslaughter, grievous assault, maternal physical assault and maternal incest. As the court transcripts from these trials are in the public domain and the six other women have not contributed to the research in any direct way, I have been able to include specific quotes from the judges and cite the case details. Although some of the judges and the circumstances of each case are different, I believe there are sufficient similarities between these and Andi, Rhiannon, Kimberley and Rita’s cases to enable me to make some general comparisons.

I was not able to include any sentencing comments in relation to Sam, as her case was heard in the Children’s Court and there are legal restrictions on public access to such documents. Jody did not reveal her full name so I was unable to access any trial records. I was also unable to comment further on the criminal justice system’s possible response to Joan’s criminal assaults on her children as she had not been charged.
I read the trial transcripts after I met and interviewed the women. This was a deliberate decision as I wished to meet with women and hear their stories without the possible influence of any other external material. After reading the transcripts I chose not to analyse the strategies used by defence and/or prosecution lawyers when presenting their case. An exploration of the strategies used by lawyers when prosecuting or defending a woman charged with violent offences was outside the scope of this study.

**Observation**

Meeting women in a range of locations offered me additional information about their lives and experiences. However, I was aware of real or imaginary fears for my own safety while meeting with women who had committed violent crimes, and question how these fears may have influenced my ability to engage with women.

I met with Andi in a community residential unit, Jody in a housing support service, Joan in her place of work and Sam in my workplace. I met with Rita, Rhiannon and Kimberley in the MMWCC. These meetings provided me with an opportunity to observe the experiences of women living in prison, which added to my understanding of their experiences. I received a prison pass that identified me as a researcher with clearance from the Department of Justice. The pass enabled me to move around the prison relatively freely.

Working in the prison affected me in a number of ways. As I entered the prison I felt my own sense of control and independence diminish, and I experienced an increased sense of vulnerability. I felt sadness for women who were incarcerated but, at the same time, was very aware of my own feelings of fear and vulnerability as I walked around the prison unescorted. These feelings were exacerbated when I met with women in the Protection or Management Units. For example, while interviewing Rhiannon, there were a number of violent incidents which occurred in both the Management and Protection Units which heightened my sense of vulnerability. These incidents seemed to be viewed by Rhiannon, other women and prison workers, as a normal state of affairs. Such incidents increased my awareness of the difficulties for women living for long periods of time in an environment where there appeared to be a culture of verbal abuse and an atmosphere of real and potential physical violence. This experience helped me understand theoretical analyses and narrative accounts of the negative influence of incarceration on women (Carlen
1990a, 1990b, 1994, 1998; George 1993; Vandeleur 2001). I believe the difficulties I experienced when working in the prison reduced my capacity to engage openly with women participants and other women in the MMWCC. In addition, they may have coloured my interpretation of women’s experiences.

**Narrative analysis**

The majority of the data collected during the study was qualitative with some quantitative data on women’s imprisonment rates. This section describes the processes used to analyse the narratives of women offenders, individual practitioners and the comments shared during the focus group discussions. It also describes the process of analysing the qualitative data gleaned from the sentencing comments made by judges in both the Victorian Supreme and County Courts.

The narratives of the seven women offenders form the central component Chapters Four and Five and are presented as partial case studies and in relevant themes. I asked women the same questions in the same order; therefore I follow a similar format when presenting their replies. I use a narrative analysis to explore significant issues which appear in the women’s stories. There is wide debate as to a precise definition of ‘personal narrative’ and a broad body of literature which comprehensively explores the methods and benefits of narrative analysis that I cannot adequately represent in this discussion (Bruner 1990; Crabtree and Miller 1992; Denzin 1989; Denzin and Lincoln 2000; Elliott 2005; Franzosi 1998; Hollway 1989; Hollway and Jefferson 2000; Mauthner and Doucett 1998; McCormack 2004; Moustakis 1990; Neuman 1991; Plummer 2001; Riessman 1993; Tersch 1990). In summary, narrative analysis has been described as a qualitative method that allows the researcher to look critically at the words, silences, nuances and the meaning of the words used by the story teller (Chanfrault-Duchet 1991; DeVault 1997; Wasserfall 1997; Riessman 1989). Riessman commented that:

> A primary way individuals make sense of experience is by casting it in narrative form (Bruner, 1990; Gee, 1985; Mishler, 1986). … Precisely because they are essential meaning making structures, narratives must be preserved, not fractured, by investigators, who must respect respondents’ ways of constructing meaning and analyse how it is accomplished (1993: 4).

Riessman (1993: 25) reminded me that a narrative analysis provides the tools to explore how women’s “talk” is transformed into written text and the questions of
inclusion and exclusion that arise during this process. In other words, I needed to be sensitive to the choices I made as to which parts of each narrative were included in the analysis and the meanings I ascribed to women’s words. In addition is the need to be mindful as to the possibility that there could be alternative readings or meanings ascribed to women’s narratives. Riessman’s suggestion links to the next section which explores the role of reflexivity during the research process.

I have used a case study format and narrative approach in an attempt to maintain the ‘integrity’ of women’s narratives, their stories and experiences (Hollway 1989; Rosenthal 1990). However, as discussed previously, such accounts provide only a partial account of the conversation and indeed women’s lives (Young 1997). Through women’s stories, I learnt about how they viewed their lives; how they constructed their identity; and how they authored accounts of their own experiences in the public arena (DeVault 1987, 1990, 1997; Featherstone 2000; Lloyd 2005).

Elliott (2005) reminded me of the importance of articulating the “nitty gritty” of the process I used to analyse women’s stories (158). And while it is broadly acknowledged that there is no one correct method for analysing and interpreting qualitative data, there appeared to be a number of accepted steps which assisted me when completing and articulating my analysis of women’s narratives. I found the following four questions from Hollway and Jefferson (2000) useful.

What do we notice?
Why do we notice what we notice?
How can we interpret what we notice?
How can we know that our interpretation is the right one? (2000: 32)

In addition Elliott (2005) described four different readings of the data which can be summerised as: a) reading for plot and the researchers own response; b) reading for the active I who is telling the story; c) reading for the relationship between the interviewee and their family and friends; and d) reading for the interviewees broad social and cultural context (158). I drew on the questions articulated by Hollway and Jefferson and the different readings suggested by Elliott when analysing the women’s stories. I began by paying attention to my intuitive response to each woman participant and the story they shared during the interview and explored possible causes for my response. This was followed by a lengthy period of analysis and interpretation when I began to make links between why I thought some behaviours
and comments were significant and whether there were other ways of interpreting women’s words.

I took note of a range of significant phases, actions, patterns, themes, individual viewpoints expressed during the interview, tone of voice, repeated words and significant gaps or omissions. I then grouped the significant words, phases or omissions into groups or themes. This process enabled me to reflect on possible links between the themes emerging from women’s narratives; the themes that emerged from the individual interviews and focus group discussions with practitioners; and the broad body of relevant theory and research. I also drew on my own practice experience. Through this process I begin to make sense of, and attach specific meanings to, the experiences described by women.

As I read the narratives, I also paid attention to how women produced their own self identity and how their accounts of their own violence challenged specific societal scripts about, for example, female identity, violence, mothering and female passivity. In addition, a more close reading led me to explore how their experiences shaped their relationships with family members, friends, practitioners and institutional systems. The final reading suggested by Elliott (2005) was the need to be attentive to the broad social and cultural context of participants. This process highlighted the reality that women’s own identity is not fixed, but shifts over time and is dependent on their relationships with others and their context.

As I bought these different readings of women’s narratives together, I began to gradually elaborate a small collection of ideas and thoughts that appeared to resonate with the different themes and issues that emerged from my analysis of women’s narratives.

Quantitative data analysis

As will be discussed in the following chapter, a minor component of the study will be the presentation of statistics on women found guilty of committing violent crimes in Victoria and Australia. Elliott (2005) reminded me that, like the reflexive process used when analysing qualitative data, it is also necessary to be reflexive about the use of quantitative data. Therefore I needed to discuss which quantitative data I included, which demographic variables I highlighted and why (2005: 161). I focused specifically on the types of violent crimes described by the seven women who
participated in the research. I was curious about the percentage of women charged with and found guilty of such crimes in comparison to men, the numbers of women incarcerated in prison, the demographic backgrounds of women prisoners, the length of sentences received for different criminal offences, and whether there was any statistical link between women’s criminal offences and drug and/or alcohol use.

It is worth noting that the collection and reporting of quantitative data on women found guilty of violent offences cannot be viewed as providing a definitive account of the numbers of women using criminal violence in Victoria or Australia. This is due to the reality that official statistics only provide information on reported acts of violence.

**Locating the self: Reflecting on the role of the researcher**

Feminist researchers have been instrumental in challenging positivist assumptions that the researcher is a rational objective observer of ‘reality’ (Reinharz 1992, 1997). Feminists seek to engage in a reflexive research process that explores the difference between the researcher and participants along with the influence of our own individual subjectivity on the methods we use, our analysis of the data and conclusions (Featherstone 2000; Fook 1997; Hertz 1997). It is often assumed that through critical self-reflection the researcher/author will write a more ‘complete’ and representative account of the lives of research participants. Wasserfall suggested “the issues of difference and power — endemic to researcher/subject relationship — could be directly confronted and worked through via reflexivity” (1997: 153).

However, Patai (1991) suggested that researchers were including reflective statements by rote while failing to actively address the power differences between themselves and research participants. Patai commented that “these rhetorical manoeuvres ... are rapidly acquiring the status of incantations” (1991: 149). Echoing Patai, De Vault (1997) commented on the “legitimising function” and rote manner in which such reflexivity is presented where the original purpose may become distorted. “Here, the purpose of personal storytelling is to establish the researcher’s authority: The story is meant to say, “Believe me, because I did it right” (De Vault 1997: 219).

Wasserfall (1997) concluded that:

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45 An earlier version of ‘Locating the self’ is included in a chapter I wrote in 1999 (FitzRoy 1999b).
Chapter Two: The research methodology

... reflexivity cannot be easily called upon to ease some of the tensions existing in doing feminist fieldwork. Reflexivity is not in itself a process for overcoming distortion or exploitation (152).

Mardorossian (2002) reminded us that, unless the researcher acts to critically examine the influence of her identity on the research process and analysis, reflexive statements become a "mere disclaimer" (791). These authors argued that the original purpose and benefit of reflexivity has not been fully realised.

Extending this debate, Elliott (2005) suggested that there is a danger that “unfettered reflexivity” can result in the researcher focusing primarily on their own experience of the research, instead of focusing on the research itself. Elliott argued that:

The aim is therefore for researchers not simply to provide their readers with detailed confessional accounts of their experiences of conducting research, but rather to produce an analytical discussion of how their own theoretical and biographical perspective might impact on their relationships with research subjects, their interpretation of research evidence, and the form in which the research is presented (2005: 155).

Acknowledging the critical analyses of reflexivity described above, I have still chosen to include a critical examination of the influence of my own identity on the research methodology, process and findings. I cannot guarantee that I have addressed the major concerns raised previously about the use of reflexivity, but have sought to critically reflect on the influence of my ‘self’ on the research project and achieve the primary aim described by Elliott (2005).

I bring a number of different selves to the research process including woman, researcher, social worker, feminist, infertile adult and daughter.46 I am of Anglo-Saxon cultural background, and I am English-speaking, able-bodied, middle-class, heterosexual and educated. My educational and employment history includes learning about feminist theory in the mid 1980s and early 1990s and working in feminist services with women and children who were victims of, primarily, male violence.

46 Reinharz commented on “approximately 20 selves” that could be identified in the research process (1997: 5).
It was my work in the anti-violence sector that led me to undertake this study. In 1991 I started to work in the sexual assault field as a Counsellor/Advocate. During that time two women service users disclosed that their biological and adoptive mothers had sexually assaulted them as children. The experiences of those women raised a number of difficult theoretical, personal and professional questions for me. These questions emerged from my identification as a feminist and my commitment to a feminist theoretical analysis of men’s violence against women and children. I discussed the issue with colleagues working in the sexual assault field and consulted relevant texts, but found very few references to maternal incest. The occasional reference presented it as a ‘lesser evil’ or a soft and less harmful form of sexual violence compared to paternal incest. This view contradicted the experiences the two women shared with me during counselling. As a response to these apparent contradictions, I researched women’s experience of maternal incest for a Masters of Arts degree in Women’s Studies (FitzRoy 1995, 1997).

After completing the MA, I was left with a number of disturbing questions about the women who had perpetrated sexual assault against their daughters. The participants in my research described their mothers as ‘nice’ normal women who were well-respected in their communities. I was struck by the contradiction between the severity of the violence the women had enacted against their daughters and the dominant constructions of mothers as ‘safe nurturers’ of their children. I began to ask why women would perpetrate such abuse and whether their violence, like mens use of sexual violence, was informed by a dominant patriarchical belief system. I also began to consider whether dominant constructions of women, specifically the construction of mothers as ‘safe’, were essentialist and false representations of the power relationships between women and their children. As a result I began to question how feminist theory and feminist practitioners made sense of, and indeed engaged with, violence perpetrated by women. These questions led me to enrol part-time in the PhD program in 1998.

In critically examining the influence of my own life experience on my research study, it is important to briefly discuss my emotional response to the stories women shared during the research. As Featherstone reminded me “what happens, how we feel, how we hear and read each other in the research encounter are vital issues which need ongoing discussion and debate” (2000: 134).
Hearn (1993) also suggested that studying violence involves an examination of one’s relationship to violence:

Studying violence and being against violence does not mean distancing oneself or oneselfs from violence. On the contrary, it comprises a series of different and changing relationships with the material (of violence). In particular, this will almost certainly involve the recognition of some of the ways in which we have been formed by and through violence, our own and others, as well as our potential violence. It will probably involve the examination of ambivalence towards working on violence (1993: 27).

I am aware that my extensive work with women victims of male violence may have affected how I listened to women’s stories of their own offending behaviour. In interpreting women’s stories, I could have over-emphasised their childhood experiences of violence which may have led me to excuse their choices or consider them as less blameworthy (Best and Maynes 1997; Featherstone and Trinder 1997).

The study forced me to critically examine my own investment in the image of a ‘perfect mother’ (Chodorow with Contratto 1982). I had a great childhood, received loving mothering and still enjoy a lovely and healthy relationship with both my parents, specifically my mother. Therfore although I have not had personal experience of difficult or ambivalent mothering, I had a clear intellectual analysis of the difficulties women experience when mothering, the limited nature of familial, social and community supports for mothers and the normal ambivalent feelings women may sometimes have towards their children. While knowing women’s contradictory experiences as mothers and hearing the experiences of others who were abused by their mothers, I discovered that I also believed in, and wanted women to be, the ideal mother. Hearing the stories of women perpetrators forced me to confront my contradictory feelings about women, specifically Joan, who hurt her own children. This issue will be discussed later in this chapter.

I also discovered that I had defined myself as a ‘non-offender’ and therefore by definition a ‘good’ woman, in opposition to others who had been defined as ‘bad’ women. Throughout the research the challenge has been to acknowledge my own capacity for and/or use of power and how I benefit from hierarchies of power and privilege.
Over the period of time when I was interviewing women and practitioners I learnt more about women’s lives and their experiences. Such knowledge changed how I felt about the women, how I engaged with participants and how I conducted the research. As a result I broadened the scope of my original research questions. This process illustrates an outcome noted by Kumar who argued that such change could be anticipated (1996: 109).

**Talking about violence**

The thoughts and experiences that the women shared are an essential part of this study and will be explored further in Chapters Four, Five and Seven. However, I would like to link the ways women talked about their violence to the work undertaken by Hearn (1998) who identified four main ways that men describe their own violence. These include firstly, the understanding of a subject/object relationship between the perpetrator and the victim, where the victim is objectified, in other words dehumanised and constructed as an object. In this relationship, the perpetrator as subject has agency and power and enacts violence against the object. Secondly, the violence is described as reciprocal, where both perpetrator and victim are positioned as enacting violence against each other. Thirdly, the violence is constructed as an external object, an ‘it’ which has its own life, disconnected from the choices and actions of the perpetrator. Fourthly, the perpetrator describes the violence as the destruction of the object (Hearn 1998: 86–7). Hearn noted that the four descriptive devices could be connected to each other and used interchangeably by the perpetrator depending on the audience or the purpose of the “talk”.

It is interesting to note that, during the interviews with the women, they shifted between the first three descriptive techniques identified by Hearn. Andi described the violence as an external object that existed outside her control. Joan also used this logic when describing her own violence. However, when describing her ex-husband’s violence, she used the notion of subject/object whereby her husband objectified his victims, herself and her children. Jody moved between describing reciprocal violence between her partners and herself, the violence as an external force with its own life and describing victims as objects. Kimberley objectified her violence as ‘it’, however, she also dehumanised the victim. Rhiannon noted some reciprocal violence between her partner and herself while describing the murder as resulting from an external ‘it’ form of violence perpetrated by her partner. Rita described the violence in ‘it’ terms, perpetrated by friends. However, the victim was
also positioned as an object. Sam reflected a similar logic in how she described her victims as ‘objects’. However, Sam acknowledged that, as a result of her work with a counsellor, she had shifted from viewing her own violence as external to her, to a position where she took responsibility for her choice to perpetrate violence.

**Listening to violence**

My role as the researcher required that I listen to women’s stories with respect and non-judgement. In reality I found this was impossible and that I had a myriad of contradictory responses to the women’s stories including sympathy, nervousness, pity, horror and dislike. As discussed throughout this chapter, using a narrative approach required me to be attentive to my responses to women and how these may have influenced my engagement, analysis and interpretation of their experiences. I discuss my responses to each woman in greater detail towards the end of Chapter Four.

**Key limitation**

There is one key limitation in my research methodology that has influenced the nature of the study. This is the small sample size. The study draws on the narratives of a small group of seven women offenders who tell us about their lives, their choices to perpetrate violence and their experience of various systems and institutions. However I cannot present the women’s narratives as representing a collective authentic experience of women who have perpetrated criminal violence.

In addition, the research sample does not reflect a wide diversity of women. The sample did not include, for example, elderly women, Indigenous women or women of colour, women with disabilities or women of high or middle-class socio/economic status. It has been suggested that a small sample may represent the researcher’s own racial, cultural and class biases (Cannon, Higginbotham and Leung 1991; Wilkinson and Kitzinger 1996). This point may be valid in relation to my original biases about the ‘types’ of women who perpetrate violence and the methods I used to recruit research participants.

Finding women who wished to discuss their own use of violence was a difficult task. It is significant to note that six of the seven women who participated had been found guilty of violent offences and were either incarcerated in prison or living in the
community on community-based orders. This context may have made it easier for the six women to talk about their use of violence.

Joan, as the only research participant who had no contact with the criminal justice system, may have had to overcome a number of barriers to participate in the study. It would be reasonable to assume that these barriers may have stopped other women living in the community choosing to talk about their own violence.\(^{47}\) It is not difficult to imagine that, for any woman, participation in this study could be both personally confronting and fraught with risk. In agreeing to participate in the research, the participant had to acknowledge herself as someone who has engaged in what many people would regard as ‘unnatural’ criminal violence. There may also have been concerns about possible breaches of confidentiality.

Another difficulty for women participating in the research may be related to the complex psychoanalytic processes whereby individuals are able to protect their consciousness from painful knowledge. These processes include denial, dissociative states and repressed memories.\(^{48}\) Consequently individuals may not remember occasions when they have perpetrated violence against their children, partners or strangers.

Another possibility involves the subtle interplay of subconscious and conscious processes, whereby someone may acknowledge that something ‘bad’ happened to the victim, but they believe that they themselves are blameless. These processes have been well documented in research on male offenders and include processes such as victim blaming, denial, minimalisation, blaming external factors, alcohol or drugs, the effects of hormones and/or inexplicable mood changes (Cavanagh and Cree 1996; Cavanagh and Lewis 1996; Hearn 1998). Finally there is the possibility that some women may not see their own behaviour as real ‘violence’. This could be a reflection of the social construction of particular acts as violence while other behaviours may be constructed and viewed as, for example, normal child discipline.

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\(^{47}\) The notion of “missing voices” and awareness of the absent narrative of “others”, emerged from critical analyses of mainstream research methodologies (Hollway 1989; Poland and Pederson 1998).

\(^{48}\) Poland and Pederson concluded that “we also recognize that there are aspects of experience that simply cannot be brought into consciousness and reported” (1998: 11).
However, while acknowledging the small sample size, I believe the study can make an important contribution to theoretical analysis of violence and current debates on women’s use of violence.

**Summary**

In conclusion, three key points stand out as worthy of comment. First is the need I felt to verify the ‘truth’ of women’s narratives. Although I did not in fact need to do this, issues of credibility, truthfulness and representation influenced my ability to hear and later analyze women's words. This need intersected with my earlier assumption that women's narratives are ‘truthful’ accounts.

Second, the women were individual actors and agents who actively participated in the construction of their own stories. In these stories women inhabited a range of sometimes conflicting identities and positions. Such identities included victim, offender, carer, daughter, mother and lover. These different representations may be simultaneously contradictory and authentic. The study allowed me to explore the multiplicity of women’s subjectivities and I have come to acknowledge that the women cannot be simply seen and understood as an ‘offenders’.

Third, gaps, contradictions and absences in a narrative are integral components of the story. They illustrate the fluid and dynamic processes we all engage in while seeking to make sense of our lives. In reflecting on such issues, I have come to see that my role as the researcher was not to verify such narratives, challenge contradictions or fill in the gaps. Instead my endeavour has been to hear women’s experiences, explore multiple possible meanings of such experiences, use other stories to assist in this exploration, offer workers additional resources and suggest possible alternative ways of understanding their stories.
Chapter Three:

The ‘violences’ of women: Assumptions, definitions and statistics

The definition of violence is contested. This contestation is itself part of the process of the reproduction of and indeed opposition to violence. ... Accordingly, in addressing the definition of violence, a broad view is necessary. Violence can mean many different things to different people; it can refer to or involve many different kinds of social actions and social relations (Hearn 1998: 15).

Theorists and workers debate what is ‘violence’ when perpetrated by women and they debate the statistical occurrence of women’s violence. This chapter contributes to these debates through an examination of the assumptions that underpin current definitions and understandings of violence. The discussion is followed by the presentation of Victorian legal definitions and statistical data, which describe the prevalence of the types of crimes perpetrated by the seven women who participated in the study.

Defining ‘violence’

The following section examines the commonsense assumptions that underpin historical and contemporary legal definitions of ‘violence’. This is followed by a brief discussion of current debates on the definitions used to categorise women’s violence. The section concludes with a short exploration of who is authorised to categorise
women as violent and the difficulties experienced by workers who ‘see’ and respond to women who have perpetrated violence.

I have based much of this study on a number of discursive and commonsense ‘truth’ assumptions which underpin definitions of criminal violence. These assumptions were introduced in the previous chapters and they form a familiar part of a modernist discourse on ‘violence’ per se, however detailed discussion of their role is outside the scope of this study. To briefly recap they include, firstly, the view that there is a stable and coherent social, cultural and political context and structure, bound by a moral code that governs ‘normal’ behaviour. These norms are accepted, understood and supported by most members of the community. Secondly, within this context, transgressive behaviour such as crimes of violence are recognised and regularly acted on by relevant authorities. Thirdly, ‘violence’ per se is knowable, seeable, able to be defined in language and actionable. Fourthly, there is a ‘knowable’ social reality made up of objective facts and evidence that can be identified, researched and acted on. Finally, adults are autonomous subjects who choose their actions and are able to take moral responsibility for their acts.49

It is often assumed that the cohesion of our community is based on a shared understanding and acceptance of, and adherence to, these beliefs. However, many social commentators suggest that the assumptions are false and that not everyone in our community experiences the world in the same way. They suggest that a Western notion of universal human rights reflects an idealised view of an autonomous unified subject along with a benign state. Instead, it is suggested that the rights and protection of the individual and punishment of the perpetrator depends on the identity of both the victim and perpetrator and an understanding of the purpose of the violence. The contradictions and resulting tension between the social assumptions, which underpin our shared social world, and women’s lived experience emerged through their narratives and will be discussed in later chapters.

**Broad legal definitions**

Victorian legislation defines criminal violence as the intentional infliction of physical, sexual and emotional harm against others.50 This body of legislative and case law

49 See Watts (in press) for further discussion of the influence of these assumptions on the enacting of state-sanctioned violence.
50 Allen 1984; Crimes Act 1958 (Vic); Crimes (Family Violence) Act 1987 (Vic); Children and Young Persons Act 1989 (Vic).
has been relatively static over time. Well known examples include the categories of murder, manslaughter and grievous bodily harm. However, in relation to some specific crimes, for example sexual assault, definitions of rape, consent and penetration have been amended. Changes have also occurred in relation to the ‘naming’ and counting of violence perpetrated by family members, including the definition of marital rape as a crime in Victoria in 1986.

It is worth noting the emergence of numerous human rights discourses that focus on the rights of vulnerable members in the Victorian community. Vulnerable groups include children, elderly, disabled, illegal immigrants, refugees and homeless peoples. These discourses have highlighted and problematised the deeply embedded nature of violence and state-sanctioned acts of violence against marginalised groups. In specific reference to women offenders, such discourses create space for the public naming and censure of women’s use of emotional and psychological abuse or women deliberately depriving children or disabled relatives of their basic needs.

**Definitional difficulties**

In contrast to the largely static legal definitions of criminal violence, community understandings as to what acts are defined as legitimate or illegitimate violence have shifted as a result of the changing cultural, political, economic, social and religious context (Burbank 1994a, 1994b; Renzetti 1994; Renzetti, Edleson and Bergen 2001). To illustrate, previously the Victorian police would describe the criminal assault of a woman by her husband as a ‘domestic’. Policy and procedural changes have meant that the police now refer to such assaults as ‘intimate partner violence’.

Many mainstream sociologists and criminologists appear to work from a narrow definition of violence focusing specifically on the perpetration of actual physical harm. This definition often fails to critically engage with questions of intention and agency, the power relationships between the perpetrator and victim, and the familial and social norms which may inform commonsense notions of acceptable and unacceptable forms of violence (Bilton et al. 1996; Giddens 1997). Therefore,

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51 See for example the “Crimes Act”, the *Crimes (Sexual Offences) Act 1991* and the “Crimes (Rape Act”, the *Crimes (Amendment) Act 2000* (Vic).
52 The general term includes people who may experience physical, sensory, learning and psychological disabilities.
53 Basic needs include food, water, shelter, medical attention, personal care and protection from harm (Nelson, Saunders and Landsman 1993).
attempts to categorically define ‘violence’ _per se_ are beset with major theoretical, cultural and ideological conundrums (Gelles and Cornell 1990; Gelles and Loeske 1993; Hearn 1998).

It is widely accepted that broad definitions of violence are also gendered (Sian 1998). Pearson (1997) argued that we have learnt to view men as the primary perpetrators of instrumental violence while assuming that women primarily perpetrate violence as an ‘out of control’ reaction to events (Pearson 1997: 11–12). Often these forms of violence are enacted in the private realm of the home or family and some may be characterised as legitimate strategies to discipline children. Such behaviours may not have been specifically named as violent and, as a consequence, remain invisible in family violence research (Hegarty and Roberts 1998; Stark and Flitcraft 1996). Of interest for this study is the tension between current definitions of criminal violence, a social view of women’s capacity for violence and women’s actual acts of violence.

This led me to consider the cultural factors which have an impact on the construction of some forms of violence as ‘legitimate’. In many families, the use of physical force, verbal abuse, threats and physical and emotional coercion are regarded as normal parenting practice. In this way, our community tolerates and subtly condones some forms of violence as ‘normal’ aspects of parenting in the confines of the family home. However, the degree of force used and the line between what most people regard as ‘acceptable discipline’ and what is regarded as ‘child abuse’ has changed over time. In addition, the right of parents to physically discipline their children is often understood differently across a variety of communities and is contested by many parents.

This acknowledgement resulted in me querying the nature of the relationship between violence and power. International and Australian family violence research has argued that usually a person chooses to hurt a less powerful victim, for example, a child, or an elderly or disabled relative (Dobash and Dobash 1992; Herman 1992; Scourfield 2003). The choice to perpetrate violence is understood as a means by which the perpetrator maintains their position of power over the ‘other’ who may experience the violence as an oppressive act. This analysis acknowledges that a person can assert social, emotional or economic power over a victim without enacting overt physical violence. A woman could control her elderly parent’s financial affairs for example, and use this power to humiliate or degrade them. In this study, three different women contributed in some way to the murder of individual
men. Although women were perpetrators, the assaults were enacted by a number of offenders, against a sole male victim. Therefore I suggest that these women’s acts of violence against men do not challenge the traditional analysis of violence, where people choose to exert power over a more vulnerable other.

‘Minor’ forms of emotional, physical and/or verbal violence perpetrated within familial, and social networks may not be defined by women themselves, their victims or workers as ‘violence’ *per se*.

Consequently, the language of the legal system, for example, ‘offender’, ‘perpetrator’, ‘violence’ and ‘criminal assault’, may not accurately reflect the words or experiences of women when critically examining the behaviour of their mothers, grandmothers, sisters or lovers. As a result, victims may find it difficult to report their experiences of violence. Such difficulties may be exacerbated by the reality that women who are known and trusted by victims, perpetrate the majority of violent acts (Dickie and Ward 1997; Snell 1994; Verona and Carborell 2000). As women who perpetrate violence often do so against children or adolescents, it may be difficult for young victims to disclose their experience and make an official report.

**Women who perpetrate violence**

Confusion over the types of behaviour that are regarded as violence also leads to confusion as to the types of women who perpetrate violence. Some women, especially white, middle-class and educated women, rarely come to the attention of, and are rarely monitored by, state regulatory bodies. Therefore, the relationships between powerful and privileged women and their children, partners, elderly parents or disabled relatives are unlikely to fall under the gaze of statutory bodies. These state bodies regulate the lives of ‘other’ less powerful and often more ‘visible’ women. They include single, working class, lesbian, coloured and Indigenous women. A number of social researchers have argued that these other women are ‘overly’ scrutinised by regulatory bodies (Carlen 1988; Carlen and Worrall 1987; Featherstone 1997b; Gordon 1989; Hancock 1997; Lorde 1984; Naffine 1987; Stewart and Tattersall 2000; Wise 1995). They may be defined as passive victims of circumstance who are unable to adequately care for their children or ‘undeserving’

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54 To illustrate this point, I had a conversation with a worker who disclosed that her mother had engaged in numerous acts which I would describe as abusive. While acknowledging the negative impact of her mother’s actions on herself and her siblings, she herself did not define her mother’s behaviour as abusive (personal conversation, May 1999).

55 Verona and Carborell (2000) identified that 75 percent of the women in their study had hurt someone they knew. Of this group, 36 percent had hurt someone close to them. They commented that only sixteen percent of violent male offenders admitted that they had hurt a relative or intimate.
mothers. Allen (1990b) presented a detailed analysis of women’s crimes in Australia and concluded that:

Those ‘criminalized’ were often the unlucky minority, and criminal records, though indispensable to this study, are only partial and indicative, and reasons have been offered for the prosecution of some and not others (253).

It has been suggested that a reason for the contradictory social and legal response to different women who perpetrate violence is society’s investment in the category of the ‘good’, innocent woman who is the victim of male violence (Pearson 1997). I suggest that this investment has often meant that violence perpetrated by ‘good’ women who fit the ‘victim’ category is often not seen or heard by workers, is not reported and thus fails to appear in official statistics (Allen 1990a).56

The role of statutory workers and systems

A number of practitioners who work in the human service and child protection systems participated in this study. Many work in government and non government organisations that are mandated to protect vulnerable community members, including children.

The Victorian government has assigned power to statutory bodies, institutions and particular workers57 for the purpose of scrutinising, monitoring and reporting on the parenting behaviour of some ‘difficult’ women.58 These women may have been defined as ‘difficult’ because they live in chaotic families where workers are concerned that “children may be at risk of significant harm” (“Children and Young Persons Act” Section 33). There may also be ‘difficult women’ who have been described as ‘putting their children at risk’. Placing a child at risk of harm or being unable to protect children from harm is substantially different to actively abusing

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56 The following examples from my work in the sexual assault field in Victoria from 1991 to 1995 illustrate this point. A young man disclosed that his female teacher had sexually assaulted him and that she had also sexually assaulted other male students. The police and school failed to take any action against the teacher. A woman disclosed that her mother had sexually assaulted her as a child and made a statement to the Community Policing Squad. On reading her police statement, the woman noted that the police officer had omitted the account she had given of her mother digitally penetrating her vagina while in the bath. When the officer was approached about the omission, the reply was that the woman had not mentioned that particular assault.

57 For example workers in the child protection and juvenile justice systems, general practitioners, secondary and primary school teachers.

58 I use the phase ‘difficult women’ to highlight the common view that women who behave in ways that are different to the social norms of a ‘good woman’, are difficult. Examples of such behaviour include being loud, argumentative, challenging authority figures and engaging in illegal activities. The definition of some women as ‘difficult’ reminds me of the power of social norms and raises legitimate questions as to who defines some women as difficult, why and who benefits from this form of categorisation.
children. However, often workers and institutional systems conflate ‘failure to protect from harm’ with ‘actively perpetrating harm’. An added ingredient in the definitional mix is the way that women themselves are defined and viewed. Often women are described as victims of past or current violence perpetrated by their partner or other family members. This means that workers, who are mandated by Victorian law, may struggle with the competing needs of different women and make practice judgements as to whether a woman is a “victim” or a “villain”. Depending on the definition used to categorise women, different women will be referred to either the child protection and criminal justice system, or the community and women’s services support systems. The question as to how workers responded to women who were both victims and perpetrators emerged as a major dilemma throughout the study and is discussed in later chapters.

This discussion led me back to a key paradox as described in Chapter One. To recap, the Victorian legal system broadly defines violence as intentional acts of harm. This definition presumes the offender is an active subject able to form intent, and therefore, take responsibility for their actions. This presumption reflects a Western liberal view of the active subject which contradicts traditional constructions of women as innately passive. When seeking to define women’s use of violence we are faced with a paradox whereby our traditional assumptions about people who perpetrate violence do not fit with traditional assumptions about women and femininity. This paradox may influence which crimes are named and which women are charged with, and imprisoned for, violent offences. Official legislative definitions and statistics therefore, while useful, are unable to provide a clear and unambiguous picture of women’s use of violence.

**Statutory definitions and reported prevalence**

The women who participated in the research described perpetrating a number of indictable crimes. The following section describes the Victorian statutory definitions of these crimes and provides statistics as to the reported prevalence in Australia, particularly Victoria. Specific extracts from relevant legislation are included in Appendix Six.

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59 I borrowed the terms “victims or villains” from Featherstone’s (1996) research on women who perpetrated child abuse.
Chapter Three: The ‘violences’ of women

Criminal assaults against adults

In Victoria, murder, manslaughter, physical and sexual assaults, threats to kill or threats to injure are defined in the “Crimes Act”, “Crimes (Family) Violence Act”, “Crimes (Sexual Offences) Act”, “Crimes (Rape) Act” and Crimes (Amendment) Act 2000 (Vic).

Homicide including murder and manslaughter

Murder is defined as the wilful killing of another either intentionally or with reckless indifference to life. Manslaughter applies when someone kills without the intent to kill, where death occurs usually as a result of a careless, reckless or negligent act.

It has been commonly agreed that murder is a ‘male crime’ with researchers confirming that men commit the majority of murders (Birch 1993; Goetting 1988; Morgan 2002; Polk 1993; Polk and Ranson 1991). Mouzos (2000), commenting on the findings from her analysis of murder cases in Australia from 1989-99, found that women comprised thirteen percent of offenders with men forming the remaining 87 percent. In 2004, of the 196 women imprisoned in the Dame Phyllis Frost Centre in Melbourne, 21 (10.5 percent) were imprisoned for murder (Corrections Victoria 2004: 1).

When women have committed murder, researchers have commented on the close relationship between the perpetrator and their victims (D’Orban 1990; Kirkwood 2000; Lavigne, Hoffman and Dickie 1997). Mouzos noted that family members made up about eighty percent of the murder victims of women (2000). Breaking this figure down further Mouzos found that the majority of women’s victims were their intimate partners (37 percent) followed by members of their family (24 percent). It is significant that, of the 24 percent of victims who were family members, 75 percent were children. Mouzos (2000) also found that in 76 percent of cases women murdered their victims at home. In the three cases of murder, manslaughter and accessory to murder in my study, the women knew the victims but they were not family members. Two of the victims were killed in the women’s homes.

Physical assault

Physical violence incorporates a range of behaviours including hitting, kicking, punching, slapping, biting, hair pulling, strangulation, the infliction of burns or
fractures, throwing objects and/or using weapons such as knives or instruments to cut or beat the other person.

The ABS (2004a) noted that in 1996 ten percent of women prisoners had been found guilty of physical assaults. This percentage had increased to twelve percent in 2003. In Victoria in 2004, twenty of the 196 women (9.8 percent) were imprisoned for assault (Corrections Victoria 2004: 1). Six of the seven women who participated in the study disclosed that they had perpetrated physical assaults against victims. The assaults included stabbing, punching, slapping, kicking and strangulation.

**Sexual assault**
There is disagreement amongst researchers as to the prevalence of sexual assault perpetrated by women largely because of issues related to the reporting of such assaults. British, American and Australian researchers suggest that women perpetrate between two and twenty percent of sexual assaults (Cooper et al. 1990; Davin, Hislop and Dunbar 1999; Faller 1987; Finkelhor 1986; Finkelhor and Russell 1984; Saradjian 1996; Victorian Law Reform Commission 1988b, 2004a). The lack of consistent statistics on women’s use of sexual violence raises questions about how sexual assault is defined and how the statistics are gathered.

The Victorian Department of Human Services (DHS) records substantiated cases of child abuse. The Allen Consulting Group collected relevant data for their review of the DHS Child Protection system in Victoria from 2001–02 (2003). 8.3 percent of substantiated cases of child abuse perpetrated by women involved the sexual assault of a child (Allen Consulting Group 2003: 8, Table 1.6). In Victoria in 2004, there was one woman imprisoned for sex offences (Corrections Victoria 2004: 1). One woman who participated in my study had perpetrated child sexual assault and had been convicted in the Victorian Children’s Court.

**Criminal assaults against children**
In Victoria violent physical and sexual assaults against children are described as crimes under the “Crimes Act”, the “Crimes (Sexual Offences) Act” and the “Children and Young Persons Act”.

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60 In relation to sexual offences perpetrated by women, Wolfers noted that “there was a tendency within the Crown Prosecution Service to decriminalise sexual offences committed by women” (1992: 18).
The “Children and Young Persons Act”, identifies a number of grounds which, if proven, are justification for the government taking action to protect children (Section 33, Section 63 (a)-(d)). The primary element of the definition is if children are deemed to be at risk of suffering “significant harm”. The interpretation of what constitutes significant harm is contested in the child protection system, the Children’s Court and the Children’s division of the Family Court. Further discussion of the debate is outside the realm of this study.

As Sam was an adolescent sex offender, it is worth noting the legislative definitions of criminal responsibility. The “Children and Young Persons Act” defines a young offender as a person who is “under the age of 18 years” (Schedule 1: 157). The Act states that “it is conclusively presumed that a child under the age of ten years cannot commit an offence” (Section 127: 73). Sam had perpetrated sexual assaults against her sister and foster brother when she was between nine and seventeen years of age and the victims were both under ten years of age. Sam was seventeen when she pleaded guilty to sex offences in the Children’s Court. Sam was charged with the offences she had committed after she was ten years of age and sentenced under the Act.

**Emotional Abuse and neglect**

The physical and sexual assault of a child is interwoven with emotional abuse and neglect. Motz (2001) commented “violence itself reflects an emotionally unavailable and abusive relationship with the child” (2001: 90). Acts of violence can also include the neglect of children’s basic needs including food, water, warmth, shelter, safety and failing to protect children from assaults perpetrated by another (Broadbent and Bentley 1997: 75). In addition, women may collude in attacks on children.

Neglect is linked to emotional violence and can be defined as the failure of a primary caregiver to provide the basic necessities of life to a dependant other. Researchers have argued that children suffer great psychological damage when their identity and needs are ignored (Hart, Germain and Brassard 1987; McGee and Wolfe 1991; Navarre 1987; O’ Hagan 1993).

The role of neglect in the abuse of children is complex because of the difficulties in defining what neglect and emotional abuse actually entail, and how such violence is substantiated, documented and acted on. Consequently, there is little specific information as to the numbers of women perpetrating emotional abuse and neglect
against their children (Tomison and Tucci 1997). Researchers have suggested that the neglect of children is more prevalent than the physical assault of children. In 2001–02, of the 3839 substantiated child abuse cases in Victoria, 19.7 percent were cases of neglect and 43.9 percent were cases of emotional abuse (Allen Consulting Group 2003: 8, Table 1.6). What is generally agreed is that such violence is a fundamental part of all forms of violent assaults on children. However, as Tomison and Tucci (1997) commented:

Although recognised for the severity of its impact, emotional abuse remains on the margins of child abuse (1997: 13).

As discussed previously in Chapter One, women, specifically mothers, are constructed as the primary care givers of children. Consequently, it is women who are most commonly reported as neglecting children’s basis needs; therefore any analysis of neglect needs to acknowledge its gendered nature. Women who neglect their children are constructed as ‘bad mothers’ and as Swift (1995) stated “the study of child neglect is in effect the study of mothers who fail” (101). Coohey (1995) also raised the possibility that women’s neglect of their children may be linked to their own experiences of neglect perpetrated by their mothers. The possible influence of women’s experiences of neglect perpetrated by their mothers and their active neglect or inability to care for their own children would benefit from further research.

However when drawing on a feminist analysis, I was reminded to consider the social, economic and political context which constructs children as less important than adults, along with the range of factors which may contribute to children’s needs being neglected. Such questions also raised the question of men’s role as fathers and their care or neglect of their children. This issue is discussed further in other research which explores child neglect and mothering (Ashe and Cahn 1994; Baines, Evans and Neysmith 1991; Coohey 1995; Diquinzio 1999; Kennedy Bergen 1998; Smith and Fong 2004; Swift 1991, 1995).

**Physical assault**

Reviewing the DHS data of the 3839 substantiated cases, 28.1 percent involved the physical assault of children (Allen Consulting Group 2003: 8, Table 1.6). Parents are responsible for over fifty percent of substantiated cases of child abuse and neglect, step-parents, defacto, foster parents or guardians for ten percent of cases, siblings and other relatives for six percent and friends or neighbours for eight percent (James
The use of the neutral term ‘parent’ is common in family violence and child abuse research, and consequently makes it difficult to identify the statistical prevalence of mothers as perpetrators of child abuse (AIC 2001a, 2002; Allen Consulting Group 2003; Victorian Child Death Review Committee 1999).

Researchers in Australia, Britain and the United States suggest that mothers, or other women who are the primary caregivers of children, are the perpetrators in approximately fifty percent of physical assaults on children (Anderson et al. 1983; Gil 1970; Scourfield 2003). This view is often not widely discussed by feminist researchers. It has also been acknowledged that over ninety percent of these assaults take place in the home (Garbarino 1976).

Joan and Sam were the only participants to disclose that they had hurt children. Joan hurt her own biological children but did not come to the attention of the child protection or the criminal justice systems. Sam perpetrated sexual and physical assaults against her younger sister and other children. Sam’s acts of violence highlight the difficult issue of physical and sexual assaults perpetrated by young women against their siblings (Allan 2004; Children’s Protection Society 2003; Kambouridis and Flanagan 2003; Nader 2003; Ryan and Lane 1991).

**Self harm**

Self harm includes cutting or burning oneself, eating disorders, excessive substance use, deliberate drug over-doses, excessive and unsafe sexual contact, suicide attempts, ‘successful’61 suicides and putting oneself at risk of further harm and/or ‘provoking’ violence. Self harm *per se* is not viewed as actionable by police or mental health practitioners, unless a woman is viewed as a ‘risk to herself’ and workers believe that she may commit suicide. It is worth noting that many women and workers distinguish between self harm and suicide and argue that it is inappropriate to conflate the two forms of behaviour. Of the seven women who participated in the study, six (85 percent) had engaged in self harming behaviour. This high number raises questions as to a possible link between violence against the self and violence against others, specifically children. This issue was discussed in

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61 ‘Successful’ suicides are defined as those attempts that result in the death of the person.
Chapter One. However it is important to note that human service workers do not usually believe that children are at risk of harm if their mother is suicidal.62

**Australian and Victorian prison and crime statistics**

The following section presents Australian and Victoria statistics on women prisoners. It is important to note the long-held and internationally recognised understanding that social, cultural, economic and ideological factors fundamentally affect which women are incarcerated (Bronitt Kumaralingan Amirthalinom 1996, Carlen 1983, 1988; Federation of Community Legal Centres (FCLC) and Victorian Council of Social Services (VCOSS) 2005; Howe 1994; Naffine 1987). This view is supported by the demographic profile of Australian and Victorian women prisoners, which indicates that women prisoners are primarily working-class or unemployed women who have few educational and employment opportunities or experience (ABS 2001b; Office of Correction Services Commissioner (Vic) 2003). The Office of Correction Services Commissioner reported that, of the Victorian women prisoners in the DPFC, “as at 30 June each year, eighty percent were unemployed or not part of the paid labour force when living in the community” (2003: 3). In addition, the Office noted that seventeen percent of women reported completing secondary, tertiary or other post-secondary education before they were incarcerated (2003: 3). Researchers also argue that Indigenous women are over represented in the prison population relative to their numbers in the total Australian population (Mouzos 2000).

Social factors such as poverty, unemployment, homelessness, limited education, drug use and previous experiences of violence clearly influence women’s choice to perpetrate crime. These factors intersect with ideological biases including racism, sexism and classism, which influence conviction and incarceration rates. These issues are discussed further in Chapter Six.

Researchers have noted that, since the early 1980s, the number of women imprisoned in Australia has increased (ABS 2003, 2004a, 2004b; Cameron 2001; Graycar 2001). This increase is demonstrated below with a comparison of the ABS Australian Prisoner statistics from 1995 and 2002 (ABS 2004b).

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62 Donna Fitchett was charged in the Melbourne Magistrates Court with the murder of her two sons aged nine and six. Evidence was tendered that Mrs Fitchett had left a number of suicide notes in the house on the day the children were murdered (Moynihan 2005c: 6).
Table 1: Prisoners in Australia, 30 June 2004.

<table>
<thead>
<tr>
<th></th>
<th>Imprisonment rate(a)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>no.</td>
</tr>
<tr>
<td><strong>Males</strong></td>
<td></td>
</tr>
<tr>
<td>1995</td>
<td>16 593</td>
</tr>
<tr>
<td>2002</td>
<td>21 008</td>
</tr>
<tr>
<td><strong>Females</strong></td>
<td></td>
</tr>
<tr>
<td>1995</td>
<td>835</td>
</tr>
<tr>
<td>2002</td>
<td>1 484</td>
</tr>
<tr>
<td><strong>Persons</strong></td>
<td></td>
</tr>
<tr>
<td>1995</td>
<td>17 428</td>
</tr>
<tr>
<td>2002</td>
<td>22 492</td>
</tr>
</tbody>
</table>

(a) Per 100,000 estimated resident population aged 17 years and over.

Source: *Prisoners in Australia, 2002* (ABS cat. no. 4517.0) and ABS 1995 *National Prisoner Census.*


In Australia in 1995 there were 835 women in prison. This population group formed 4.8 percent of the total prison population and was calculated as twelve per 100 000 Australian women. In 2002 this figure had increased to 1,484 women in prison, making up 6.6 of the total prison population and 19.2 per 100 000 Australian women.
The ABS noted that from 1995 to 2002 there was a 58 percent increase in the imprisonment rate for women compared to a fifteen percent increase for men (ABS 2002b: 1). The ABS reported that the daily imprisonment rate for women is twenty prisoners, per 100 000 adult female population compared to a daily rate for men of 293 prisoners, per 100 000 adult male population (2004b: 3). Although the imprisonment rate for women is increasing, proportionally men still form the majority of prisoners in Australia at 93.4 percent (ABS 2004b).

The majority of women offenders receive non-custodial sentences including fines, probation, community-service orders and home detention. The women who are incarcerated for minor non-violent offences usually receive short sentences (Davis and Cook 2001). Between 26 and 31 percent of women prisoners are incarcerated for violent offences including physical assault, murder, armed robbery and manslaughter (ABS 2001a, 2001b, 2003; Office of Correctional Services Commissioner 2003). In Victoria in June 2004 there were a total of 3669 prisoners of which 196 were women incarcerated in the DPFC. Of the 196, 42 women (21.4 percent) were imprisoned for offences against the person and 67 women (34.2 percent) had a maximum security rating (Corrections Victoria 2004: 1). In contrast to the 2004 figures, as of April 2005 there were 217 women incarcerated at the DPFC.63 Of the total number, 31 women (14.3 percent) were classified as maximum security prisoners.64 The general statistics demonstrate that women who perpetrate violent crimes form a minority in the offender and prisoner population (Australian Institute of Criminology 2001a; Steffensmeier 1995).

From 1999–2004, the number of women prisoners in Victoria increased by 34.9 percent (Department of Justice 2004b: 40). This increase is nearly three times greater than the increase for male prisoners (Department of Justice 2004b: 40). I briefly discuss the debate about possible reasons for this increase later in the chapter.

The following statistics focus specifically on the numbers of women found guilty of perpetrating the types of violence disclosed by the women who participated in the

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63 The unpublished data from Corrections Victoria was obtained from M. Feiner Resource Centre, Corrections Victoria, 5 May, 2005.
64 The FLC and VCOSS submission noted that, although only fourteen percent of women prisoners are classified as maximum security, because the DPFC is a maximum-security prison, all women prisoners are subjected to a maximum-security regime. In addition, women who are on remand are automatically classified as maximum-security until sentenced (2005: 9).
study. Tables 2–5 describes current statistics on the numbers of women in Australian prisoners and Tables 6–8 presents data on women prisoners in Victoria.

**Offence Type**

**Table 2:** Sentenced Australian prisoners by selected most serious offence, 2002

![Graph showing sentenced prisoners by selected most serious offence, 2002](http://www.abs.gov.au/AusStats)

- Homicide
- Assault
- Sexual assault
- Robbery
- Unlawful entry with intent
- Theft and related offences
- Deception and related offences
- Drug offences
- Government security
- Other offences


The ABS statistics are supported by research from the AIC (2002). The body of research supports the contention that, as a percentage share of total offences, women, in comparison to men, are more likely to be convicted of fraud, theft, property and social-security crimes.

I found it interesting that as a percentage share of the total female and male prisoner population, women and men had similar rates of imprisonment for homicide and assault.
Table 3: Sentenced Australian women in prison by selected most serious offences

<table>
<thead>
<tr>
<th>Most serious offence</th>
<th>1995</th>
<th>2002</th>
</tr>
</thead>
<tbody>
<tr>
<td>Robbery</td>
<td>70</td>
<td>110</td>
</tr>
<tr>
<td>Theft</td>
<td>50</td>
<td>120</td>
</tr>
<tr>
<td>Assault</td>
<td>50</td>
<td>90</td>
</tr>
<tr>
<td>Homicide</td>
<td>40</td>
<td>70</td>
</tr>
<tr>
<td>Justice procedures</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(b)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Illicit drug offences</td>
<td></td>
<td></td>
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<tr>
<td>(c)</td>
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<tr>
<td>UEWI(c)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Deception</td>
<td>10</td>
<td>15</td>
</tr>
</tbody>
</table>

(a) Offences against justice procedures, government security and government operations.
(b) Data are for 1996.
(c) Includes offences of possessing, manufacturing, cultivating, dealing or trafficking drugs.
(d) Unlawful entry with intent (UEWI) (includes burglary, break and enter and like offences).

Source: Prisoners in Australia, 2002 (ABS cat. no. 4517.0); ABS 1995 National Prisoner Census.


The ABS figures demonstrate that women's convictions for nearly all categories of serious crime increased from 1995 to 2002. The only decrease was in the crime of deception. The ABS noted that, in addition to the increase in the numbers of women in prison, there was a larger group of women imprisoned for assault, robbery, homicide and other offences that involved physical violence (ABS 2004b).

The increase in the proportion of women who are imprisoned has been identified as an area of concern by the ABS (2002b) and possible explanations for the increase are debated (ABS 2002b, 2004b; Department of Justice 2003b, 2004a, 2004b). The ABS (2004b) acknowledged that there are a number of factors that influence the criminal behaviour and imprisonment rates of community members. These factors include:

---

65 It is interesting to note that the DPFC was originally built to accommodate 175 women. Due to the increased numbers of women sentenced to prison, the prison has 'temporarily' accommodated 85 women in 'relocatable units' (Corrections Victoria 2004: 1).
... changes in a number of areas: criminal behaviour, legislation, policing, prosecution, conviction, sentencing and availability of appropriate correctional facilities. On this basis, it is difficult to definitively identify causes (ABS 2004b).

The ABS also commented on changes to bail legislation and changes to policing practices, in particular, where police are targeting particular areas of crime. However the ABS concluded “it was not clear if and why these general changes were having a greater effect on the number of women in prison than men” (2004b).

After talking with workers and other researchers, a number of other possibilities emerge that may assist us in understanding this increase. First, jurors may have developed ‘tougher’ and less tolerant views towards women who have perpetrated serious crimes, and have become more willing to find women guilty of indictable offences. It is possible that these ‘tougher’ community views are reflected in magistrates’ and judges’ increased use of imprisonment in contrast to the use of community-based orders, fines or suspended sentences. Secondly, the documented increase in many women’s experience of poverty, homelessness and social disadvantage may have led to an increase in their participation in property crimes and social-security fraud. Thirdly, women’s experience of earlier assaults, substance use and sex work may have led to their greater involvement in drug and sex related crimes. Lastly, as a result of changes in social norms, more women may actively choose to participate in serious criminal assaults and use weapons. I suggest that the increase in the proportion of women committing violent crimes and being imprisoned in Victoria reflects a complex intersection between these possible factors, however I am unable to definitively explain the increase.
Assault

Table 4: Assault, Australian female offenders by age, rate per 100 000 persons, 1995–1996 and 1999–2000

![Bar chart showing Assault rates by age and year]


The rate of all women perpetrating assault across all the age groups rose over this period. The ABS figures support the common understanding that the majority of women imprisoned are between twenty and fifty years of age (90.7 percent) (AIC 2001b). This figure correlates with the life experiences and activities most women would be engaged in at this time of their life. Young women between the ages of 15–24 years were the majority of female perpetrators of assaults in the period from 1995–2000 (ABS 2001a, 2001b).

Homicide

In Australia in 2001 3481 people were found guilty and imprisoned for committing homicide. Of these 3035 (87.2 percent) were men and 446 (12.8 percent) were women. When comparing male and female conviction and imprisonment rates for homicide, the ratio is estimated to be 7:1. From 1986–1999, the proportion of Australian women convicted of murder went up from 12.1 percent to 14.7 percent (AIC 2001a).
Chapter Three: The 'violences' of women

Table 5: Homicide, Australian female offenders by age, rate per 100 000 persons, 1995–1996 and 1999–2000

The majority of perpetrators of homicide are men, who make up between 80–85 percent of perpetrators (ABS 2003; AIC 1990). Women make up the remaining 15–20 percent. As Table 5 demonstrates, from 1995–2000 the absolute numbers of women perpetrating homicide were extremely low.

The majority of women convicted of homicide were in the 20–24 year old age range. It is interesting to note that the ABS reported on the relatively high number of homicides perpetrated by 15–19 year old women from 1995–96. The ABS did not include a possible explanation for this higher proportion.
Table 6: Numbers of women and men prisoners in Victoria 1997–2004, rate per 100 000 adult persons (aged seventeen years and over)

<table>
<thead>
<tr>
<th>YEAR</th>
<th>MALE</th>
<th>FEMALE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1994–95</td>
<td>143.0</td>
<td>7.6</td>
</tr>
<tr>
<td>1995–96</td>
<td>139.7</td>
<td>6.6</td>
</tr>
<tr>
<td>1996–97</td>
<td>136.0</td>
<td>7.2</td>
</tr>
<tr>
<td>1997–98</td>
<td>145.4</td>
<td>8.0</td>
</tr>
<tr>
<td>1998–99</td>
<td>152.3</td>
<td>9.1</td>
</tr>
<tr>
<td>1999–00</td>
<td>160.4</td>
<td>9.9</td>
</tr>
<tr>
<td>2000–01</td>
<td>167.9</td>
<td>11.4</td>
</tr>
<tr>
<td>2001–02</td>
<td>175.2</td>
<td>12.8</td>
</tr>
<tr>
<td>2002–03</td>
<td>181.5</td>
<td>13.9</td>
</tr>
<tr>
<td>2003–04</td>
<td>181.8</td>
<td>12.7</td>
</tr>
</tbody>
</table>


The figures above demonstrate that the numbers of women prisoners, as a proportion of the total population, has increased over a ten year period from 7.6 to 12.7 per 100 000 women.

The Office of Corrective Services Commissioner (2003) noted that in 2000 the imprisonment rate for women was ten per 100 000 adult Victorian women, which increased to thirteen per 100 000 adult women in 2001. However, the Office cautioned against assumptions that this change was significant, due to the small size of the population (2003: 3, Footnote 1).

<table>
<thead>
<tr>
<th>YEAR</th>
<th>MALE</th>
<th>FEMALE</th>
<th>TOTAL NUMBER OF PRISONERS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No.</td>
<td>% of total</td>
<td>No.</td>
</tr>
<tr>
<td>1994–1995</td>
<td>2339</td>
<td>95.2</td>
<td>117</td>
</tr>
<tr>
<td>1995–1996</td>
<td>2309</td>
<td>94.9</td>
<td>123</td>
</tr>
<tr>
<td>1996–1997</td>
<td>2346</td>
<td>94.6</td>
<td>132</td>
</tr>
<tr>
<td>1997–1998</td>
<td>2545</td>
<td>94.5</td>
<td>147</td>
</tr>
<tr>
<td>1998–1999</td>
<td>2689</td>
<td>94.1</td>
<td>167</td>
</tr>
<tr>
<td>1999–2000</td>
<td>2877</td>
<td>93.8</td>
<td>185</td>
</tr>
<tr>
<td>2000–2001</td>
<td>3060</td>
<td>92.9</td>
<td>216</td>
</tr>
<tr>
<td>2001–2002</td>
<td>3109</td>
<td>92.8</td>
<td>247</td>
</tr>
<tr>
<td>2002–2003</td>
<td>3372</td>
<td>92.5</td>
<td>272</td>
</tr>
<tr>
<td>2003–2004</td>
<td>3418</td>
<td>93.1</td>
<td>251</td>
</tr>
</tbody>
</table>

(Source: Collated from the Department of Justice (Vic) annual reports 2002, 2003b, 2004b, Melbourne)

The absolute numbers of Victorian women prisoners rose over one hundred percent from 1994–2004 (Table 7). While the numbers of male prisoners also rose over the same period, the rise was only 27 percent.

Table 8: Characteristics of Victorian female offenders, 2004

<table>
<thead>
<tr>
<th>DEMOGRAPHIC CHARACTERISTIC</th>
<th>FEMALE NO.</th>
<th>FEMALE %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of prisoners (as at 30 June 2004)</td>
<td>196</td>
<td></td>
</tr>
<tr>
<td>Age</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Under 25</td>
<td>26</td>
<td>13.3</td>
</tr>
<tr>
<td>25–39</td>
<td>108</td>
<td>55.1</td>
</tr>
<tr>
<td>40–54</td>
<td>50</td>
<td>25.5</td>
</tr>
<tr>
<td>55 and over</td>
<td>12</td>
<td>6.1</td>
</tr>
</tbody>
</table>
### Indigenous status

<table>
<thead>
<tr>
<th>Status</th>
<th>Count</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not convicted</td>
<td>9</td>
<td>4.6</td>
</tr>
<tr>
<td>Convicted</td>
<td>41</td>
<td>20.9</td>
</tr>
</tbody>
</table>

### Legal status

<table>
<thead>
<tr>
<th>Status</th>
<th>Count</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not convicted (remand)</td>
<td>155</td>
<td>79.1</td>
</tr>
</tbody>
</table>

### Security rating

<table>
<thead>
<tr>
<th>Grade</th>
<th>Count</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum</td>
<td>67</td>
<td>34.2</td>
</tr>
<tr>
<td>Medium</td>
<td>115</td>
<td>58.7</td>
</tr>
<tr>
<td>Minimum</td>
<td>14</td>
<td>7.1</td>
</tr>
</tbody>
</table>

### Offence type

<table>
<thead>
<tr>
<th>Type</th>
<th>Count</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Offences against the person</td>
<td>42</td>
<td>21.4</td>
</tr>
<tr>
<td>Murder</td>
<td>21</td>
<td></td>
</tr>
<tr>
<td>Sex offences</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Robbery and extortion</td>
<td>26</td>
<td>13.3</td>
</tr>
<tr>
<td>Offences against property</td>
<td>60</td>
<td>30.6</td>
</tr>
<tr>
<td>Offences against good order</td>
<td>25</td>
<td>12.8</td>
</tr>
<tr>
<td>Drug offences</td>
<td>37</td>
<td>18.9</td>
</tr>
<tr>
<td>Traffic offences</td>
<td>2</td>
<td>1.0</td>
</tr>
<tr>
<td>Other</td>
<td>4</td>
<td>2.0</td>
</tr>
</tbody>
</table>

### Effective sentence length

<table>
<thead>
<tr>
<th>Length</th>
<th>Count</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unsentenced</td>
<td>43</td>
<td>21.9</td>
</tr>
<tr>
<td>Less than 12 months</td>
<td>69</td>
<td>35.2</td>
</tr>
<tr>
<td>1 &lt; 5 years</td>
<td>56</td>
<td>28.6</td>
</tr>
<tr>
<td>5 &lt; 10 years</td>
<td>12</td>
<td>6.1</td>
</tr>
<tr>
<td>10 years or more</td>
<td>16</td>
<td>8.2</td>
</tr>
</tbody>
</table>

### Time remaining to serve

<table>
<thead>
<tr>
<th>Remaining time</th>
<th>Count</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prisoners with less than 12 months serving</td>
<td>95</td>
<td>48.5</td>
</tr>
</tbody>
</table>

### Previous imprisonment

<table>
<thead>
<tr>
<th>Imprisonment</th>
<th>Count</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Known prior adult imprisonment</td>
<td>112</td>
<td>57.1</td>
</tr>
</tbody>
</table>

### Identified drug users (IDU)

<table>
<thead>
<tr>
<th>Drug status</th>
<th>Count</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Current IDU</td>
<td>13</td>
<td>6.6</td>
</tr>
<tr>
<td>Previous IDU</td>
<td>31</td>
<td>15.8</td>
</tr>
<tr>
<td>Not an identified drug user</td>
<td>152</td>
<td>77.6</td>
</tr>
</tbody>
</table>
Chapter Three: The ‘violences’ of women

<table>
<thead>
<tr>
<th>Protection prisoners</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Current protection status</td>
<td>6</td>
<td>3.1</td>
</tr>
</tbody>
</table>

(Source: Corrections Victoria 2004: 1)

The Corrections Victoria data mirrors earlier statistics on women’s offending rates. That is, 78.6 percent of Victorian women were imprisoned for robbery, property or other crimes, while 21.4 percent of women were imprisoned for crimes against the person. 57.1 percent of women offenders had served a previous term in prison. This figure appears to reflect a high rate of re-offending among some women offenders.

Cultural diversity

The majority of women (73 percent) incarcerated in the Australian prison system were born in Australia (ABS 2003: 15). Approximately 250 women (27 percent) were born in another country, seven percent of which included English-speaking countries, for example, England, Canada and the United States of America (ABS 2004a; Office of Status of Women 2003, 2004).

Women from culturally and linguistically diverse (CALD) communities form a small percentage of the prison population in Victoria. In 1996 10.6 percent of women prisoners were born outside Australia and in 2001 the percentage had increased slightly to sixteen percent. In 1996 6.9 percent of women prisoners spoke a language other than English, this figure had risen to 10.8 percent in 2001 (Office of Correction Services Commissioner 2003: 3). At the DPFC in Melbourne, of the 247 women incarcerated in 2002, seven women spoke a language other than English (Department of Justice (Vic) 2002: 29). The FCLC and VCOSS suggested that the numbers of CALD women in prison is increasing:

We have not been able to obtain figures relating to women prisoners of other CALD backgrounds, however the current number of Vietnamese prisoners alone represents an increase in the percentage of CALD women in prison (2005: 30).

It is estimated that in 2001 there were 400 000 Indigenous people or two percent of the total Australian population of 20 000 000 (Office of the Status of Women 2004).66 Social researchers have compared the percentage of Aboriginal people in the

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66 It is worth noting that these estimates are based on people self identifying as Indigenous.
Australian community with the percentage of Aboriginal people in the adult and juvenile criminal justice systems and concluded that Aboriginal people are over represented in the criminal justice system (FCLC and VCOSS 2005; Lucashenko 1997; Mouzos 2000; Office of the Status of Women 2003). This conclusion is supported by the ABS (2004b), which concluded that:

The crude imprisonment rate for the Indigenous population was 1852 prisoners per 100 000 population. After adjusting for age differences between the Indigenous and non-Indigenous populations, Indigenous people were 11 times more likely than non-Indigenous people to be imprisoned (age-standardised imprisonment ratio) (ABS 2004b).

The ABS noted that across Australia in 2003, 352 Indigenous women were incarcerated or held on remand (ABS 2003: 20). Indigenous women form 3.1 percent of the total offender population, eight percent of all Indigenous prisoners and nineteen percent of the female prison population (Mouzos 2000: 51). The ABS noted that in 2002 one in four women prisoners in Australia were Indigenous as compared to the 1995 figure of one in five (2004b: 3). The number of Australian Indigenous women sentenced to prison had increased by 132 per cent from 1992 to 2002 (Office of the Status of Women 2003: 1, Figure 1). In Victoria as of June 2001 the imprisonment rate for Aboriginal women was 222 women per 100 000 Aboriginal women (Office of Correctional Services Commissioner 2003: 3). At June 2004 of the 196 women prisoners, nine women (4.6 percent) were Indigenous (Corrections Victoria 2004: 1).

Researchers suggest that this overrepresentation can be attributed to a number of factors including the effect of colonialisation and the dispossession of Aboriginal people from their traditional lands, the impact of government policy that removed Indigenous children from their families, systemic racism in institutional systems, along with high levels of unemployment, poverty, illiteracy and substance use in Aboriginal communities. A more detailed analysis of the influence of these factors on the incarceration rates of Aboriginal women is outside the scope of this study.

It is extremely difficult to accurately ascertain the different cultural groups of women who perpetrate violence and/or who are incarcerated in the criminal justice system. Anecdotal evidence suggests that often Indigenous and Maori women are more visible in the public arena and more ‘easily’ identified as violent offenders due to racist assumptions as to ‘which’ women engage in violence.
Summary

This chapter presented some of the issues and debates that emerge when we begin to define and count women’s use of violence, specifically murder, physical assault, sexual assault and physical, sexual and emotional assaults against children. In concluding the chapter, three key points emerge.

Defining what is real ‘violence’ when perpetrated by women is contested territory. This contest emerges from debates about legislative definitions of ‘intentional harm’ along with cultural assumptions about real harm and who are real perpetrators and victims. Such debates are complicated by cultural assumptions about ‘normal’ feminine and masculine behaviour which influence how we view and understand women’s use of violence.

A range of commonly held assumptions also influence the definition of violence and the role and rights of the individual. These assumptions include the notion of universal human rights, equality before the law and a benign state which protects the rights of individuals. In addition are assumptions that violence is easily recognised and that individuals are autonomous subjects able to take moral responsibility for their transgressions of social norms and criminal laws. However it is commonly understood that all people do not experience universal human rights or the state as benign and are not equal before the law.

As official statistics indicate, the majority of women in prison are from working class backgrounds with limited educational and employment opportunities. Therefore cultural, social, economic and ideological factors have an impact on women’s choices to participate in criminal activity and influence the conviction and incarceration rates of women. Consequently official statistics, while useful, are unable to provide us with a clear and unambiguous quantitative picture of women’s use of violence.

The following chapters present the words and experiences of women offenders themselves. These narratives enable me to explore the lives and choices of women who, as active subjects, simultaneously enact violence against others while living in violent and chaotic worlds.
Chapter Four

Chaotic lives

It would be interesting to talk to women about how they experience being violent and how they view their own violence and the violence of other women (Kirkwood 2000: 264).

The previous chapters described some of the different discursive and cultural processes that construct often conflicting ‘truths’ about women who perpetrate violent crimes. Some of these processes position women offenders as either ‘evil’ villains or ‘innocent’ victims. Locating women as either means that women cannot be regarded as real individuals who may be both. Further, women are denied power and agency. A key aim of this study is to challenge essentialist and reductionalist readings of women who have perpetrated violence. I believe women’s own accounts make an important contribution to the current body of knowledge on women’s use of violence and as such they form a major focus of this study. To this end the following chapter presents extracts from interviews with Andi, Joan, Jody, Kimberley, Rhiannon, Rita and Sam, all of whom identified themselves as perpetrators of violence. I deal with each woman in turn and discuss a number of common themes that emerged during the interviews. These include: identity, family relationships, relationships with their mother, father and partners, parenting, their own use of violence, their view of victims, other crimes, change, re-offending and their view of the future. I include direct quotes from each woman to illustrate significant points and refer to relevant theoretical issues discussed previously.

Andi

Andi and I met at a community residential centre in July 1999 and again in October 1999. The transcripts of both meetings were verified in September and November 1999. When we met Andi was living in the community on a correctional order and
prior to this she had received fourteen different correctional orders for a range of offences. Andi pleaded guilty to stalking and making bomb threats including threats to kill against members of the public. In addition to these offences which led to criminal charges, Andi had also perpetrated physical assaults and made threats against family members, friends and neighbours. Andi had not been charged with these earlier offences.

The following discussion presents Andi’s answers to questions about her childhood, violent behaviour, why she perpetrated violence, relationships with her family and her sense of the future.

In the course of our first interview, Andi disclosed that she had experienced sexual, physical, verbal and emotional abuse as a child. A family friend perpetrated the sexual assaults and her brother perpetrated the physical assaults:

You see I was sexually abused when I was a kid. And my parents didn’t believe me.
… It was a family friend (Andi, first meeting: 5).

Andi’s experience correlates with research discussed previously that eighty percent of child victims of sexual and physical assaults know their assailant.

She described how she was “picked on” by adult members of her family, and how she would do “something wrong” to show her anger:

Trespassing, torturing neighbours, [throwing] rocks on their roof, creeping around their backyard, things like that (Andi, first meeting: 1).

Such activities have been understood as a type of adolescent ‘acting out’ where the adolescent is seeking the attention of adults. This behaviour continued as Andi began to harass neighbours and strangers and consequently attracted the attention of the police:

Well this is my fourteenth time in [on a correctional order].

Do you want to tell me a bit about those times?

Sort of went in a circle, where it goes. Attention, relief, then it was back to attention, and then do the phone calls again. I’m in for bomb threats.

You were making bomb threats to someone?

Yeah, police stations, jails, airports. Then this time I’m in for stalking, threat to kill and I think one or two bomb threats (Andi, first meeting: 3).
What do you do on the phone?

I’ve done 000 all day. But I stopped doing that or I think I have. I just tell them that I left a bag under a seat, describe the bag and tell them there’s a bomb in it. And that usually does it. … I did it to a bank in Ascot Vale and it turned out there was a bag around there the same colour I said (Andi, first meeting: 14).

Yeah, I’ve got things planned.

Have you?

Yeah.

Things that you want to do when you get out of prison?

Yeah.

Do you want to tell me a bit about those things?

Stalk people and do extortion  (Andi, first meeting: 9).

Yeah. … When the tension starts up, then I don’t [have any control]. I can’t sit here and think ‘well I’m going to go to jail again’, but then it’s like ‘well it doesn’t matter’ (Andi, first meeting: 10).

Do you believe you’ll stop?

No.

Why not?

Because I’ve been told that it’s like an alcoholic. Even if you’ve given up the drink, every time you see someone top up, you’ll want one. Yes you can learn to control any addiction  (Andi, second meeting: 17–18).

I’d like to have my own little house that no one could take away from me, get a job, things like that. Every time I set up, someone else is going to re-pack it up. … Because I’m going away again. I can’t see it stopping (Andi, second meeting: 23).

Andi described her own violence as a cycle which includes “attention, relief, then attention again” (Andi, first meeting: 7). Psychiatric and behavioural psychology literature has identified this as a cycle or pattern of offending behaviour (Browne and Williams 1993; Straus, Gelles and Steinmetz 1980; Wilson and Daly 1992). Andi had been diagnosed as suffering from a range of psychological disorders including compulsive behaviour. During our discussion it appeared that Andi believed her behaviour originated from a psychiatric condition that was outside her control. Andi’s experience illustrates the interesting issue as to how women themselves make sense

67 It is also worth noting that I was also paying ‘attention’ to Andi as a result of her offending behaviour.
of their own behaviour, how they understand their diagnosis and how this diagnosis may influence their view of themselves and their violence:

No, I want to do it because there is this strange power at work. No one knows what it is. No one can understand it. I've got to do it otherwise I just, are you a smoker?

No, are you a smoker?

No, but it's like trying to give up smokes except there's no patches. I've misused the phone since I was seven (Andi, first meeting: 3).

I found it interesting that Andi used the technical and possibly legalistic term “misused the phone” to describe her behaviour. I assumed that she may have learnt this term from the police, court personnel, psychologists or social workers. It appears to be an incongruous term to describe threatening phone calls and I question whether such a term would be used by a worker or legal practitioner to describe a man who engaged in similar behaviour.

Andi had been told by practitioners that her behaviour was caused by a type of addiction and was therefore “unchangeable”, but able to be controlled with medication (Archer 1991). The use of a psychological diagnosis fits with commonly held explanations for women’s violence discussed previously in Chapter One. During our interviews Andi indicated that she believed she would continue to perpetrate the harassment which would lead to further prison sentences. After our two interviews she did re-offend and received a prison sentence.

Andi initially said that she did not have a view of herself. Later, she described herself as made up of two separate parts, good and bad. She said she liked the “bad” bits best, though she did not say specifically what the bad bits were or why this was so (first meeting: 3–4). When we explored this later, she clarified that part of her wanted to lead a normal life (to be good), while the other part wanted to continue to engage in offending behaviour (to be bad) (first meeting: 12). Andi saw the “bad” part of herself as a separate entity outside her control or capacity to change:

I mean people say ‘you’ll stop by the time you’re thirty’, I mean that’s another five years (Andi, first meeting: 12).

The separation of the ‘self’ into two parts, the violent and non-violent, reflects Hearn’s (1998) analysis of his conversations with male offenders.
Andi’s community based order included compulsory counselling and regular psychiatric medication.\(^68\) I asked her about the effects of the medication:

That must make it hard to think?

*Pretty much.*

And hard to feel?

*No, I stop that* (Andi, first meeting: 6).

Andi said she stops herself from feeling and that her mother had taught her that it was wrong to show her emotions (second meeting: 2). She talked about how she had learnt to shut down her feelings as a child and continued this practice in her adulthood. The social learning process whereby Andi’s mother taught Andi not to cry is significant, as it is generally considered acceptable for little girls to cry and show their emotions. It was not clear to me whether this learnt process resulted in Andi feeling unable to express other difficult emotions and whether this may have contributed to her violent behaviour.

Andi described the difficult relationships she experienced with members of her family including her mother:

*It’s both of them, plus the way mum treats dad. Don’t get me wrong, they love each other but mum can be a bit of handful. … Every time she went to hit me, she’d get an elbow in every place, when she went to slap me she would hurt her hand.*

Is that because you would hurt her?

*I was just defending myself* (Andi, first meeting: 8).

Did she ever physically hurt you?

*No, every time she went to hit me, she’d hurt herself.*

How would that happen?

*I put my elbows up or something* (Andi, second meeting: 4–5).

I believe Andi had assaulted her mother either in retaliation or while defending herself from assaults perpetrated by her mother. I found this interesting for two reasons. First, the issue of violence perpetrated by women against their adolescent daughters or retaliatory violence between women and their daughters would benefit from further examination. Second, I believe that although Andi and I were meeting to discuss her

\(^68\) I did not ask Andi for further details and Andi did not offer specific information as to her medication regime.
use of violence, I do not think she felt comfortable to talk about herself assaulting her mother. It is possible that Andi believed that assaulting her mother was more shameful, therefore more difficult to discuss, than her assaults on neighbours and strangers.

It appeared that Andi had conflicting feelings about her mother whom she admired for standing by her beliefs but “who would knock down someone who got in her way”, including Andi (second meeting: 12-13). I was not sure whether Andi was suggesting that her mother would knock Andi down physically or verbally.

Andi said little about her relationship with her father, but she did describe a somewhat easier relationship with him. She said that he listened to her and did not judge her. Being heard and noticed by her father was important to her (second meeting: 13). This links with Andi’s earlier comments about not feeling heard or supported by other family members and the fact that Andi’s harassment of others may have been a strategy to be noticed. This issue was discussed earlier in relation to analyses of acting out behaviour perpetrated by some adolescents.

Andi said that she had engaged in self-harming behaviours but didn’t elaborate on the specific reasons on why she hurt herself. Andi commented that she had promised her father that she would stop:

   Why do you think you changed from hurting yourself?

   I did it at home the last time and my dad walked in and saw me bleeding from the wrists and he made me promise not to do it again (Andi, first meeting: 11).

Andi and I also talked about her relationships with partners. She commented that she had not had any successful relationships in the past and that as a result she had difficulties trusting men (first meeting: 12). This distrust may also be linked to earlier experiences of child physical and sexual assault perpetrated by male family members and family friends.

Andi described how some major changes had occurred while she was living in the community and working with a counsellor. One particular change was how she viewed the victims of her crimes:
Just things about doing crimes and hurting other people. When I did bomb threats, I didn’t care about who was on the other end. To some point, I still don’t, and in some cases, I do care.

Care about the person at the end of the phone?
Yes.

Why do you think you’ve started to care about them?
Probably because of the chats I’ve had in the clinic [with counsellor]. [Worker] has just had me thinking about how they’d feel and wasting their time. Just little things (Andi, second meeting: 16).

Although Andi described it as “just little things”, I think it is significant that through the ‘talking cure’ of counselling, she had begun to care about how the victims of her crimes may have felt. I did not ask her to speak about her experiences of counselling in any detail, but it seems likely that Andi and her counsellor may have talked about the effect of her criminal behaviour on her victims. The issue of victim empathy will be discussed further in the following chapter and Chapter Eight.

During the three-month period between our first and second interview Andi continued to make threatening phone calls and when we met again for our second interview she said she was not feeling the same emotions she would usually feel after making the phone calls. These feelings included a sense of tension and unhappiness prior to making the calls followed by relief and happiness after she had made the calls. It appeared that some of these changes had resulted from the work she had been doing with her counsellor (second meeting: 1). Andi described how she and her counsellor were working on alternative ways she could show her emotions and other things to do when she felt bored.

When we met for the second time she described how she had moved from feelings of anger to sadness (Andi, second meeting: 2). Most counsellors agree that when anger is both expressed and legitimatised the process can create emotional space for the expression of other feelings including sadness and grief.

Andi ended our second meeting with the comment that her nephews were a very good reason for her to work hard to stay out of prison (second meeting: 8).
Andi’s experiences are interesting in that she described perpetrating physical, emotional and psychological violence mostly against her mother, neighbours and unknown members of the public. Andi was charged with the threats she made against strangers, who were distant to her. Andi telephoned victims or told the police that she had left a bomb in a bank. Although psychological violence is associated with women, distant or ‘hands off’ attacks on others and serious bomb threats against strangers are not commonly associated with women’s use of violence. Andi and Jody were the only research participants who had perpetrated violence against known and unknown victims.

Joan

Joan made contact with me in September 1999 and asked if we could meet to discuss the research project. I met with her at her workplace. After we conducted the interview we met again to discuss the transcript of the interview in October 1999. Joan was the only participant who made contact with me herself and who had had no contact with the criminal justice, child protection or juvenile justice systems. Prior to our meeting she described how she wished to participate in the research because she had physically assaulted her four children.

The following discussion explores Joan’s childhood experiences, her relationships with family and partners, her experiences of adult violence, her physical abuse of her children and her own view of herself as a mother. The section concludes with a brief discussion of the issue of choice.

Joan said her older brother had physically and emotionally abused her as a child (Joan: 4). Once again, Joan’s experience fits with research documenting the reality that most child victims know the perpetrator. She described how she grew up in an Italian family where her brother was idealised and her mother was very powerful. She described how her mother—the most powerful figure of her family—emotionally abused her and colluded with her brother in the physical assaults perpetrated by him (Joan: 16).

Joan described how her mother told her about her own experiences of emotional abuse perpetrated by her own mother (Joan’s grandmother). Joan did not believe that her grandmother had physically assaulted her mother. Joan appeared to move between acknowledging and sympathising with her mother’s experiences of child
abuse, and anger at her mother’s emotional abuse against herself. Joan’s experience can be included in an analysis of intergenerational maternal violence described previously in Chapter One. She was also angry because she believed that her mother gave “licence” to her brother to physically assault her. Joan didn’t provide examples of how this occurred between her mother and brother.

Did your mother ever protect you from your older brother?

No, she gave him licence.

There was a part of me that every now and then used to get really angry, ‘why couldn’t she make it different’? So from a young age, I did have the same and it would come up every now and then, but I’ve managed to quell it, with all my other angers (Joan: 16).

Joan did not say what else caused all her “other angers” or what strategies she used to quell such anger. Earlier in our interview she disclosed that she was a victim/survivor of long term violence perpetrated by her ex-husband. These experiences may have contributed to Joan’s “other angers”. She disclosed that she left her husband when she realised she was unable to protect her children from his violence (Joan: 2). This issue was discussed previously in the section on domestic violence and child abuse in Chapter One.

Joan described her desire to hit her abusive ex-husband just once, although she never did so:

I want to be able to… I suppose it came from maybe understanding that you do only have to hit once and how frightening that is and how much you can control even though it was more than that (Joan: 5).

Women’s use of violence against their partners was discussed in Chapter One and women’s desire to hurt or frighten another person is discussed in greater detail in the following chapter. Joan also described how she wanted to “balance the scales” between her ex-husband and herself:

What would you achieve from seeing that in his face, what would you feel from seeing that in his face?

That if I could really frighten him as much as I was frightened, that I would be powerful, that things could never be the same, that we would maybe, be coming from an equal level. I wasn’t out to control him or run his life, I just wanted to stop being frightened and to balance the scales (Joan: 5).
Joan said that she had physically, verbally and emotionally abused her children when she was living with her husband and after she had left him.

*It’s hard to know whether it was violence because I’m a bit unclear, but it [was] certainly much heavier than I would have wanted it to be. … There were lots of times where I reacted much more heavily than I wanted to, but it was about protecting them. … But because they were never frightened of me, the times they did react was when I would blow my stack. I’d either be yelling or rampaging because I really had enough, they would react then, but that wasn’t how I wanted to parent, but it would work* (Joan: 5).

Joan commented that her own abusive behaviour towards her children was a strategy to protect them from their father. This explanation parallels accounts from other women living with violent partners who described how they would punish their child first, in front of their father, in the hope that he would not punish them further.

She said that after they left her husband the only way she could get the children to take any notice of her was when she was “yelling or rampaging” (Joan: 5). Joan commented that the children were not frightened of her, that they were used to the threat of violence and that acts of violence were a familiar part of their lives. Joan did not comment further on the children’s experience or their behaviour. As a consequence Joan said she resorted to verbal and physical violence:

*For me, it’s not something I wanted to use. I don’t think I did it a lot. Sometimes I know with [eldest son] that was because he was given power in the family, that there was the father then, there was him, so sometimes he would say things that would be really over the top and insulting, and from a young age, could do that. I know I would slap his face sometimes out of pure horror that this could come out of his mouth* (Joan: 3–4).

Joan said that although she did not want to “parent” in this way, using violence to control her children “worked”. As discussed in Chapter One, this use of violence as an instrument of control is more commonly associated with men.

All her children had experienced physical, verbal and emotional assaults perpetrated by their father, and had witnessed their mother and siblings being assaulted. From our discussion it became clear that the licence to use physical violence against Joan and her younger children had been passed from her husband to her eldest son.
While still living with her ex-husband, Joan said her eldest son had begun to assault her and the other children. When Joan left her ex-husband, her son stayed living with his father. She described this as a “tragedy”, but also commented that she did not know how she would have managed if her son had come with her and the other children. She told me that in the absence of her eldest son her daughter had begun to assault Joan and her two other children (Joan: 7). The issue of adolescent daughters and sons assaulting their mothers and siblings is an emerging issue for family violence workers and researchers and further discussion is outside the scope of this study.

Joan did not refer to herself as a mother or talk about her own mothering; but instead referred to herself as a “parent”. Her use of the term may reflect earlier feminist understandings which describe the raising of children as a role shared by parents. Another interpretation may be that Joan used the term “parent” as an unconscious strategy to distance her own behaviour from her perception of good or ‘normal’ mothering which was discussed in Chapter One.

Joan did not talk about the severity, incidence or nature of her physical assaults on her children, or the physical and emotional effects on them. Perpetrators understanding of the experience of victims will be discussed in the following chapter. Joan talked primarily about the fact that she “intimidated” them:

_I don’t know how much I hit the kids, I really don’t know how much I hit them. I know I would intimidate them_ (Joan: 3).

_I thought a lot about looking back, was I a violent parent? I don’t think I was even though there’s a lot of times that I didn’t handle things, that I reacted to things. Sometimes the reactions maybe weren’t the greatest ones, but it wasn’t about having control, that wasn’t the reason for the conflict, it came from a different place_ (Joan: 1–2).

As the conversation continued, it became apparent that Joan defined her behaviour as being less serious than her husband’s, because it “came from a different place”. She seemed to reflect a view that explosive and “out of control” violence is less serious than instrumental violence, which has the specific goal of hurting and humiliating the victim. The view that violence perpetrated as an emotive response to difficult situations is less serious than pre-mediated assaults, was discussed previously in Chapters One and Three and will be explored further in Chapters Six
and Seven. This view appeared inconsistent with Joan’s acknowledgement that the violence worked as a strategy to control her children:

*It was never good. It was about maintaining control but a different type of control. … It traumatised me. Any violence was never a victory. It was just disastrous* (Joan: 6).

*That was desperation. Absolute desperation, not far removed from me banging my own head against the brick wall or pulling my own hair out. It wasn’t coming from a place of having control and knowing that I could do this. It was coming from somewhere different.*

Where do you think that place was?

*It was just when everything would be crashing in, scrambling, trying to not go down, desperately wanting support from the kids, not for them to be working against me* (Joan: 13).

Joan said that her use of violence was about controlling her children but commented that it did not come from a place of control. This suggests that Joan saw herself as not responsible for her violence against her children.

I also found it interesting that Joan suggested there was little difference between assaulting her children and engaging in self harming behaviours. The possible relationship between women’s violence against themselves and their children was discussed previously and will be discussed further in later chapters.

Joan also said that she wanted her children to support her and that she perceived her children were “working against her”. She felt that her children had began to operate as a separate unit, apart from both their father and herself, and that they did not look to her for protection:

*One of the first sessions my kids had with my counsellor, I was devastated that she said that they had all the instincts and the skills of survivors of violence, that the communication in that room without anything being said, was incredible. That made me really sad.*

I don’t understand, could you say that again? What was the counsellor picking up on?

*The communication between the kids and what was going on, but they weren’t speaking to communicate, that it was eye contact, so it was body language.*

So they developed survival skills because of what had happened?
Yes, and the four of them; there’s two girls and two boys, shared equal skills of ‘are we safe here?, what’s going on? what if we let go? if she asks you a question, are you going to speak?’ (Joan: 11).

Joan’s counsellor noted that the children had developed strategies to cope with assaults perpetrated by both parents. These strategies appeared well developed and excluded Joan. Further detailed discussion of children’s responses to child abuse is outside the scope of this study.

Joan’s narrative alerts us to her experiences of chaos, isolation and pain as a result of the violence perpetrated by her ex-partner and her decision to leave him and bring up her children on her own. Through Joan’s words we can see that Joan was coping with the loss of her marriage and the physical and emotional legacy of the domestic violence, while also caring for four children who were, it appears, engaging in challenging behaviour.

**Jody**

Jody was informed about the research by one of her support workers and made contact with me in September 1999. We met at her house. Jody had spent a lot of time in a variety of prisons for a number of different offences including grievous bodily harm, and was receiving housing and emotional assistance from a community based post prison support program. After our interview I was unable to make contact with her again as the phone was disconnected and she had left her residence, leaving no forwarding address.

The following discussion follows a similar format to the account of my interviews with Andi and Joan. I present Jody’s comments about her childhood experiences, relationships with family and partners, use of self harming behaviours, why she perpetrated violence and conclude with Jody’s view of herself.

We began by exploring her childhood. Jody disclosed that there was “a lot of violence in the family” but did not comment further on the types of violence or the identity of the perpetrators (Jody: 3). She said that the government had removed her from her family because of concerns that her mother was neglecting her. Jody also disclosed that her brother had physically abused her and that other men had sexually assaulted her:
Chapter Four: Chaotic Lives

I was meant to go to Winlaton [girls home], but my mum left me at my brother’s and he scared me that night, and I jumped out the window when I slept at his house and was abused … this man started touching me, but anyway that's that (Jody: 5).

After briefly disclosing her experience of child sexual assault, Jody said “that’s that”. As she clearly did not want to talk about this further, I did not ask any follow up questions.

Jody commented on the absence of both her father, who had left when she was very young, and her mother who was rarely at home (Jody: 2):

Angry, and my father. I know it’s got to do with my father, because I just needed my father so badly and it’s mainly why.

And he wasn’t around?

No. I saw him like probably four times, but I don't know him (Jody: 8).

She did not talk about needing or being angry with her mother, who had neglected her, but focused on her need for her father, who had left the family when she was very young and with whom she had had very limited contact. Anecdotal comments from practitioners in the field suggest some children develop idealised images of their absent fathers and often do not blame them for not being present in their lives. This idealised view often contrasts with their negative response to their mothers who may have also neglected them. This issue may link to earlier discussions of children’s ambivalent responses to their mothers and would benefit from further research.

Jody disclosed that she was also a victim/survivor of domestic violence:

I had this boyfriend. … He was kicking into me. He’s a solid guy, you know, six foot one, solid guy, good legs, good swimming and running legs and he was kicking the fuck out of me, my head and everywhere (Jody: 14).

She also described a situation when she physically assaulted her boyfriend:

My boyfriend was gone probably because of the way I was acting, I don't know, but he didn't know that they gave me a 'rowie', I don't know. He was a good boyfriend, he really loves me, but anyway, I've gone out and I was stuck, I couldn't get home or anything. So, by the time I got home, I was so wild. I went home, he was in his place, in his bungalow and I went in and I just started just punching him. I gave him black eyes, everything and splayed into him (Jody: 7).
Jody described being given a “rowie” by some other men while she was at the nightclub. It is not clear whether the drug influenced her behaviour when she returned to her house and assaulted her partner.

Jody disclosed that she had used a range of other drugs including amphetamines, speed and heroin:

I started using drugs, speed and that, and I started snorting it … Then I ended up on the pills … One night we went out and we thought we’d get some heroin. I hadn’t had any heroin before, I was on the pills, but they didn’t help, I felt worse (Jody: 3–4).

She described how on a few occasions she had been picked up by the police because she was “drunk and disorderly” in nightclubs and placed in police cells overnight. She said that when she was locked up:

I’ve gone absolutely sick and like a fly that’s been sprayed, smashed myself against the walls, the next day, my hands are just black and blue from punching and bashing the walls, just totally smashing myself against everything (Jody: 21).

She also disclosed that she had previously engaged in numerous acts of self harm and attempted suicide:

It’s funny, when I was totally fucked before these group of people helped, before that, I was getting very close to hanging, I was starting to think of hanging myself. I was laying there and thinking of this and I was getting serious and serious everyday. I was just, I thought I was existing for no reason and all this shit and I had nowhere to live and this was that. It’s just driving me insane, and I was scared of going back to jail because I don’t want to go back this time because of what goes on in there (Jody: 21).

I found it significant that Jody’s situation was so difficult that she contemplated suicide as a legitimate response to homelessness and her fears of what would happen if she was sent back to prison.

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Rowie is the street name for the illegal drug rohypnol. Rohypnol is a benzodiazepine which has similar properties to Diazepan. It is an “anti-convulsant, anxiolytic, sedative, muscle relaxant and amnesic” (On-line-medical-dictionary, retrieved 25 February 2005, http://On-line-medical-dictionary.com).
Jody said that she had served other prison sentences for violent offences across three Australian states. Her crimes included grievous bodily harm and assault when she was a young woman and later as an adult:

*My friends and I were sort of a pack. It's amazing because now I'm in jail when I see a pack, I think they shouldn't be like that because we're women, but I was full on like that, we were a pack. ... I do remember this girl that we used to call her 'horse head' and it was cruel. I'd punch her and I'd hit her. Once she was in the library and we used to team up, I was violent (Jody: 5).*

*I saw [best friend] with the guy that I was totally obsessed with. ... Saw her with him and they were close and it just made me click. I just couldn't stand it. I can't remember if we ended up punching on or if we just argued .. I got the glass and smashed it on the gutter and I waited for [friend] to come back, she came running at me with a bottle. I don't know if she was going to hit me with it, but I wanted to stab her. I stabbed her in the back and it just fenced me out because I still love her today. I stabbed her in the back and I just missed. She would have been killed, so I was so lucky. ... I walked right around the area and then the cops came to the shop and they got me. I was fourteen, would have been fourteen, so I didn't go to jail (Jody: 6).*

I found it interesting that Jody said that she was lucky that she had not killed her friend, not that it was lucky her friend had not died. Women's view of their own needs and the rights and needs of victims are discussed in the next chapter.

Jody described how she remembered thinking that this was her best friend, prior to stabbing her at least twice:

*I sort of remember, there was a slight hesitation flicking through me you know, but only for a second, because it was [name of best friend]. I don't know. I was just thinking now, I think anger and the stab, so anger and a stab (Jody: 7).*

*It reminds me of other times that I hurt people. My mum, she used to be like ... 'OK Jody, OK Jody, that's enough now, come on Jody, that's enough, come on, that's enough now', that's what she said, and I 'oh no, I wasn't finished' you know (Jody: 7).*

Jody perpetrated a number of violent offences against other people and had clear memories of knowing what she was doing, why she was doing it, and being aware that she wanted to continue hurting the other person:

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70 I assumed that Jody was describing herself assaulting other people and her mother trying to intervene. I do not believe Jody was describing herself assaulting her mother.
This other girl was saying things loud and the next thing, I punched her in the stomach and she was pregnant and lost her baby right.

When I looked down at her I could have kicked the fuck out of her. I looked at her and think to myself, I could have kicked the fuck out of her and I actually half helped her up (Jody: 13-14).

I said to her ‘look if I have to go into the dogshed [protection unit at the prison], I’ll kill someone’, and I meant what I said. I go ‘I mean it, I will, I’m serious’ and the other me came back like the school days.

That you would be the head of the jail.

Yes and from everything that happened, I’d want to stay the head of jail because I’m fucking angry you know (Jody: 16).

I found it interesting that Jody described how “the other me came back like the school days”. Although Jody didn’t elaborate further on this “other me”, it is possible that she was referring to a separate self who was capable of murder. This point reminds me of the earlier discussion of Hearn’s (1998) work with violent men.

When we began to discuss Jody’s violence against others she commented that it felt good to hurt other people:

Just because I was angry, just because I like the feeling. I felt good when I smash things, if I was punching, I felt good, and that’s probably why I never sort of fell down in a fight you know and was beaten, sort of thing. Because I was nothing, I could feel no pain. I always remember thinking, ‘I feel no pain, I won’t feel pain, I’m not scared of you, I’m not scared of no one’. I don’t feel pain because I remember sort of in my head, because I’ve had pain all my life, I don’t feel pain.

But it did feel good to hurt someone else.

Yes.

Is that hard to say?

It’s not really hard to say because it’s just the truth (Jody: 9).

Many people become angry but do not assault other people. It is worth noting that Jody agreed with me when I questioned whether “it felt good to hurt someone”? I am not sure that she did believe that or whether she was only agreeing with my statement. Jody was the only participant who clearly stated that she liked the feelings she got when she was punching others. The “good” feelings experienced by women when they hurt someone else are discussed in the next chapter.
Jody made a clear connection between her ability to win fights and the fact that she did not feel any pain. She explained that pain had always been a part of her life, but she did not feel it any more. As discussed in Chapter One, she may have developed the ability to disassociate from feelings of pain resulting from earlier experiences of violence. In this process Jody protected herself from feeling this pain and through fighting and hurting others, maintained control and protected herself from further pain and injury.

Jody also disclosed that after smoking some marijuana she experienced visual and physical flashbacks of earlier physical assaults:

> I had flashbacks after that. Once I had a smoke of a fag and I started howling and I was jumping and twitching, and howling really loud ... I was howling, but as I was howling, I kept feeling that he was still kicking me and I was putting me arms up over my face and everything, and in the same time, when I was younger, it was flashing in me head. ... Being hit everywhere, all though my life (Jody: 14).

Jody’s flashbacks included physical feelings and sensations from earlier assaults perpetrated in her child and adulthood. Her description suggests that she had previously disassociated from these earlier physical memories. The process of disassociation and flashbacks from earlier experiences of trauma were discussed previously in Chapter One.

When discussing why she perpetrated violence, Jody suggested that her feelings of anger were linked to her previous experiences:

> Like it was just normal. ... I just naturally fell into this group of girls and naturally was like that way and I was angry. I’m sure it’s all got to do with my past (Jody: 8).

I found it interesting that Jody viewed both her anger and her violence as a “normal” outcome of earlier childhood experiences of violence and being removed from her family. Possible links between anger and the perpetration of violence are discussed further in the following chapter.

During our conversation Jody reflected on the changes that had occurred for her:

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71 The link between the experience of relaxation after the use of marijuana and a victim’s experience of visual and physical flashbacks has not been widely researched.
What just went through my head just then was, I don’t want people to go through what I went through, thinking, that’s silly because I used to hit people when I was young. Must be when I was young. It just flashed to me that I didn’t want to see people hurt and stuff (Jody: 9).

I also think now that we’re women and I’m spewing in a way that I was like I was because I’ve had two miscarriages and stuff like that and I wonder if it’s from fighting. And I think women shouldn’t fight. … I was thinking about stomachs, us girls’ stomachs. We shouldn’t hurt each other’s stomachs because they’re precious for women to hold babies and things you know, and it’s just not right. So, yeah, different view now when I wake up (Jody: 15).

Jody described her process of “waking up” to the potential damage caused by fighting, specifically, the link to women’s capacity to carry and give birth to children. This may have been related to Jody’s concern that her two miscarriages may have been caused by earlier physiological damage from fighting. It is also worth noting that Jody described an assault she had committed on another woman that led to the woman miscarrying a baby.

Jody’s words describe a different sense of self or, from Jody’s perspective, two different selves. This involved a shift from a young woman who had learnt to disassociate from the pain inflicted on her by others, who engaged in physical fights as an outlet for feelings of anger and rage and who did not ‘see’ her victims. The older Jody had experienced physical and emotional flashbacks of previous assaults, had developed a sense of empathy for others, had suffered two miscarriages, was currently living in the community and did not want to engage in further assaults. It appeared to me that Jody’s current view of her own violence, and her view of women perpetrating violence in general, demonstrated a significant shift in her thinking. It was not clear to me whether she had engaged in counselling with a worker; however, I was aware that she had been supported by a community-based housing service.

Kimberley

Kimberley learnt of the research project through one of the educational workers at the MMWCC. As a result, Kimberley and I met in 1999, completed the interview and met a second time to verify the transcript. When we met and completed the interviews, Kimberley had been charged with manslaughter and was on remand, awaiting trial. Kimberley and her co-offenders kidnapped the victim, Kimberley
physically assaulted him and was nearby while he was severely beaten by her partner and other male co-offenders. The victim was left in the bush and later died. Kimberley helped to manufacture alibis for herself and her co-offenders and after we met, she pleaded guilty to manslaughter. She was sentenced to ten years’ imprisonment with a minimum of seven years before being eligible for parole. She appealed the sentence, but her appeal was dismissed.

The following discussion begins with a discussion of Kimberley’s childhood experiences and her relationships with her son and her partners, followed by Kimberley’s account of the crime she had committed, and concludes with her view of her sentence.

Kimberley described how she had had a good relationship with her parents but that she had left home at seventeen which also coincided with her being sexually assaulted. It was not clear whether Kimberley’s experience of sexual assault led to her leaving home (Kimberley: 1):

Yeah, talking about my feelings, because I’ve still never talked about my rape and that was six, six and a half years ago and I’ve never ever spoken about it. You just ...
I’ve just, I block it out, I just block it out (Kimberley: 10).

Her description of blocking out her experience of rape is a common strategy used by many victim/survivors (Bass and Davis 1995). She disclosed that her son had been conceived during the rape and that she had contracted a sexually transmitted disease which meant she was unable to have more children:

Well, I look at it, I was raped [and became pregnant] but he is still my child and I love him and I can’t have any more children, so. Because of the violence, because of the rape, I’ve got pelvic adhesions disease (Kimberley: 1).

Kimberley commented that she had attempted suicide in the past but had recently decided that she wanted to stay alive for her son’s sake:

Yep, trying to kill myself that day. And he rang the ambulance and I can remember hearing [son] saying ‘is my mummy going to heaven?’ And after that, never slashed, never been a slasher, never tried to hang myself. I have thought about it a few times in here [prison], then I think, ‘nah, I can’t leave [son] with that’. So, he’s more important. I can put up with it, I’m an adult, I’ll get through it eventually, they can’t keep me here forever. So, but if I go down, I’ve already told my counsellor that if I go
down for murder, I'll probably will do myself in. Because I don't think I'll be able to handle it. So, especially when I didn't do it (Kimberley: 11).

Kimberley disclosed that she was a victim/survivor of adult rape and domestic violence perpetrated by previous partners (Kimberley: 1, 9). However, her current partner was not abusive:

And then, now I'm with my bloke, that's my co-offender. So, but he treats me the way a woman should be treated so. Yeah, there's five of us involved in the crime (Kimberley: 1).

I found it difficult to reconcile Kimberley's description of her current partner as a man who treats her the way “a woman should be treated” with the reality that he was in prison facing manslaughter charges.

Kimberley disclosed that she had been placed on anti-depressant medication in prison which she was seeking to reduce and, in the future, stop:

It makes you feel stoned, basically, you just feel bluuuhhh all the time and you walk around like a zombie. I was sick of walking around like a zombie (Kimberley: 9).

She described how the medication numbed her feelings and reduced her ability to move, talk and interact with her son or others in a normal manner. The issue of prisoner medication is discussed further in Chapter Seven.

She also spoke of her sense of loss in relation to mothering her son:

I feel like a failure. … Well, I feel like I'm not a mother anymore. Because I've lost my son out of this. Even though, I haven’t lost him, but I have. I mean I should be at home looking after him. You know, he's my world, my total world, he's the only child I can have (Kimberley: 7).

Kimberley's feeling that she is “not a mother anymore” and her experience of losing her son is a significant issue for many women prisoners and is discussed further in Chapter Seven.

In relation to other feelings about her own violence, although Kimberley expressed regret, she did not try and stop the perpetrators, help the victim, or call an ambulance after they left him:
What about other feelings for yourself or do you stop feeling?

I've stopped feeling them really. I just try and hold it all in. ... I've got a lot of regrets, in there. Like regretting going there that night. Regretting being there that night (Kimberley: 12).

Jail? Ummm .. it was a bashing that went wrong. He was just meant to get a scare ... It was my best friend's boyfriend. So at the time. And yeah, we were all speeding, I assaulted him, that was as far as I went and the guys took over and he died overnight. So it was just a bashing that went wrong. So, but ummm.. no one points a gun at my kids' head, basically. You know it's traumatised him. So, what can you do. So (Kimberley: 1).

Like I said, I just think the guys went overboard. It was very dark, they couldn't see anything, I couldn't see them, they took him about a hundred metres away from me and I couldn't even see him, I could just see a shadow every now and then. I don't even know what he looked like after they left him, sort of thing (Kimberley: 1).

So for you, it was about teaching him a lesson?

Yeah, that was all it was meant to do. Don't put a gun to a kid's head. ... We didn't know at the time, but it was about three weeks later and then we had sixteen days' grace and then we, he got done and I got done a week later. My alibi dobbed me in, so, yeah, if he didn't dob me in, I would still be out there still with my son. So (Kimberley: 2).

There might be fingerprints from me hitting him beforehand, but, yeah... I stood back and let them take over (Kimberley: 4).

Throughout her account there appeared to be a belief that the victim had deserved the beating. This centred on an earlier disagreement about a drug deal when the victim had held a gun to her son's head. Kimberley believed that if her alibi had not "dubbed her in", she would still be living in the community.

She described feeling very powerful as a result of the speed she had taken prior to the crime:

Well I assaulted him, I sort of gave him a couple of punches and said 'that's from putting a gun to my kid's head and to my head'. And kicked him a couple of times and then [the] guys sort of took over from there (Kimberley: 1–2).

So yeah, that's where I hit him, I hit him once and broke his nose. And the guys were sort of 'oh, that wasn't meant to be you, that was supposed to be one of us', but it's
amazing what speed can make you do. It makes you very, feel like you're King Kong. So (Kimberley: 3).

I found it chilling that the main reason Kimberley commented on the fact that she had broken the victim’s nose was because her male co-offenders said that they were supposed to inflict that injury. Also Kimberley suggested that the ferocity of her punch was due to the influence of the amphetamines she had taken earlier. Further discussion of the influence of amphetamines on a person’s real and/or perceived strength and their use of violence is outside the scope of this study.

When talking about the criminal investigation Kimberley said she made a decision to tell the police about her part in the crime. She said this decision was a partial response to the threat of losing her son:

But I said I assaulted him, it won’t drop down to assault because I was an accessory there, but I could be there for manslaughter and my solicitor’s pretty confident that I might get out on bail, after me committal hearing, so, just have to wait and see (Kimberley: 7).

In reflecting on her crime, Kimberley expressed a sense of remorse, however, once again the remorse appeared to be mixed up with a belief that the victim deserved the punishment:

Very remorseful, very remorseful. He shouldn’t have died, he was only meant to get a bashing, but like what happened, at least he won’t do it again. In that sense, but umm.. I’m very upset about what happened, because he was a friend of mine, well meant to be a friend of mine. Apparently a couple of days after it happened, we found out he was going to come and tell us why he did it and who put him up to it, but it was sort of, guess we didn’t wait long enough [for him] to tell us, but yeah, he didn’t get a chance to do that. So, so we all, it’s all drugs that brought us here and violence. So (Kimberley: 3).

Very remorseful, I didn’t want to, I feel very guilty for even going that night. I should have just left it to the guys and maybe it wouldn’t have happened (Kimberley: 4).

Kimberley’s apparently flippant comment that “he won’t do it again” suggests that she believed that the victim himself was to blame for his own death. Further Kimberley’s later comment about leaving “it to the guys” suggests that she believed violence is essentially men’s domain. In other words, that she should not have got involved in the assault. It is possible Kimberley believed that, if she had not been involved,
perhaps the victim would not have been beaten and died and she would not be in prison. However, as the beating and later death of the victim was in direct retaliation for threats made by the victim against Kimberley’s son, I assumed that Kimberley had a role in the planning of the crime.

Kimberley later said that she did not care about the victim:

   Oh yeah..yeah I didn't care, didn't care, like he deserved to be hit. But like, that was all that he was meant to be, just to be hit and bashed. And left as that (Kimberley: 3).

She said that she did not want to have to see or think about the victim, especially to view photos of his body:

   I said to me barrister the other day, when he came in, 'look, I don't have to look at photos do I?' and he said 'not if you don't want to'. And I said 'good'. Because I already have nightmares over seeing him now, and I don't want to see worse than I did. It will just make me worse (Kimberley: 9).

I found it interesting that Kimberley did not comment on the injuries suffered by the victim, or his consequent death. She was primarily focused on her concern that to look at his body would make her nightmares worse. Women’s view of victims and issues of blame and responsibility are discussed further in Chapter Six.

At the time of our interview, Kimberley was on remand awaiting trial. The following comments indicate her fears as to the possible sentence she could receive for her participation in the crime:

   Well, I have to admit, the police were really nice to me, maybe because I was the only female involved, I'm not sure, just sort of, I feel like I shouldn't be in here for murder, when I didn't do it. Assault, yeah, I'm willing to take assault, but, I might go down for grievous bodily harm yet and that's it, so.. can only just pray. But I'm looking at the worst—ten to fifteen years, it's a long time to spend in here. ... Sometimes I feel like a big kid and just want to go home and just cry my eyes out and say I shouldn't be here. But, what can you do? (Kimberley: 8).

I've got no priors, except for a shoplifting charge when I was seventeen, so that's like eight years ago and I never got charged for it, I just got a good behaviour bond. So, it looks like it will go my way in that sense. I'm just hoping. I've never really been in trouble with the police, I mean, yeah, I used to deal drugs but just never got busted
I found it significant that Kimberley said the police were nice to her, which she believed was probably because she was the only woman involved in the murder. Police responses to women offenders are discussed further in Chapter Seven.

Kimberley’s comments that she had committed other crimes, but had never been caught or found guilty, are notable as they offer us a glimpse into Kimberley’s notion of justice and what she may see as normal or acceptable transgressions of the law. While she acknowledged the difference between drug dealing and murder, she appeared to believe that her involvement in the crime was not as serious, because she did not have an official history of criminal behaviour.

Rhiannon

A worker at the MMWCC talked with Rhiannon about this research project, which led to our meeting in July 1999. Rhiannon and I met twice in the protection unit at the prison, and again later in 1999, to verify the transcript. When we met, Rhiannon was serving a six-year sentence for being an accessory to murder after the fact, with a minimum of four years before being eligible for parole. The victim was Rhiannon’s ex-husband who was murdered by her partner at the time. The murder happened at Rhiannon’s house while she was there:

*He was shot in the head … a lot of horrible things happened that I didn’t know about. It just should never have happened. There was no reason for the jealousy or anything like that, it just should never have happened* (Rhiannon: 2).

*I helped with some of the cleaning up and that. I didn’t even help dispose of the body. It was just basically that I had knowledge of it and I didn’t come forward and tell the police and I lied in my record of interview and everything else. That was it basically* (Rhiannon: 5).

*I didn’t know until the jury came back whether or not I would go down for murder, and when they said not guilty of murder but guilty of accessory after the fact, that was such a sigh of relief because I knew in my heart I hadn’t done it* (Rhiannon: 4).

The following discussion presents Rhiannon’s childhood experiences, her relationships with her parents, family and partners and a description of the crime followed by her view of herself as an offender, and concludes with her comments.
about the future. Rhiannon began by describing her very good relationship with both her parents. She commented that her relationship with her father was very different to the one she shared with her mother:

*I was Daddy’s little girl and I always was* (Rhiannon: 2).

Rhiannon said that as an adolescent and young adult, her relationship with her mother had been difficult. She said that her mother “hated her lifestyle” (Rhiannon: 2) which included illegal drug use and prostitution. Rhiannon described that, as a result of her drug use, she had “lost my family along the way” (Rhiannon: 10). Rhiannon was referred to the placement of her two eldest children in the care of her parents due to a number of concerns for their safety (Rhiannon: 10). This example illustrates the ‘hierarchy of vulnerability’ discussed previously, where although a women may be vulnerable to harm, her children may be at a greater risk of harm.

Rhiannon disclosed that she had been sexually assaulted from the age of two by a family friend and possibly another perpetrator. However, we did not discuss this in detail:

*I was sexually molested at the age of two and then again at the age of four, and then from the ages of eleven till thirteen. I came from a good family* (Rhiannon: 1).

It is often very difficult for many women and practitioners to verify experiences of child sexual assault, specifically when a child is pre-verbal. However, as documented extensively in research, it is possible that children and adults will have memories of assaults committed when they are very young. While I and other workers believe women’s stories of these memories, such experiences are often not easily verified (Bass and Davis 1995; Hall and Lloyd 1988; Herman 1992; Miller 1990). Rhiannon did not comment further on her numerous childhood experiences of sexual assault, though it is interesting that after the disclosure she immediately repeated her comment that she “came from a good family”. We did not talk further about Rhiannon’s view of the perpetrator or what constitutes a “good family”.

Rhiannon also experienced long term domestic violence perpetrated by two previous husbands. Both husbands were active drug users who introduced Rhiannon to speed, alcohol, heroin and other drugs:

*Then I met my second husband who was a heroin user so I started using heroin. And all the things that go with it, working as a prostitute, he was abusive also.*
was very domineering as a person, he didn’t allow me to have friends or anything like that. It was just him and I. Two children came from that relationship. So it was basically living just to exist day by day. The heroin use and the physical abuse, he’d never hit my face because I would have to go out to work, so it was body bruises, broken ribs and things like that (Rhiannon: 1).

Although it was raised as an incidental issue in our discussion, it is worth commenting on the possible link between experiences of child sexual assault, intimate partner violence, use of illegal drugs and a ‘choice’ to work in the sex industry (Bass and Davis 1995; Perkins 2001; Stewart and Tattersall 2000). Practitioners have described a link whereby women’s experience of child sexual assault may lead women to view themselves as an object for sale and thus ‘choose’ to engage in the sex industry. The use of drugs can assist women to numb the painful memories of child or adult sexual assaults along with the sometimes brutal realities of sex work.

Rhiannon had been a victim of violence perpetrated by the murder victim, but had not raised this issue at the trial in case the prosecution used this information to suggest a motive for her participation in his death (Rhiannon: 4).

Rhiannon also disclosed that she had previously physically assaulted her partner in retaliation for the domestic violence he had perpetrated against her:73

How did that feel?

It felt good. And it used to shock him when I did retaliate, but I used to hate the fighting in front of the kids. … But every now and then I’d fly off the handle and hit him back and say ‘enough is enough, I can’t take this any more’. That was it (Rhiannon: 6).

The issue of women assaulting their violent partners was discussed previously in Chapter One.

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72 Perkins (2001), an Australian researcher, estimated that sixty per cent of women who work in the Australian sex industry have experienced incest and/or child sexual assault (Silbert and Pines 1982 cited in Perkins 2001). In addition, Perkins stated that approximately 50 per cent of women prostitutes have experienced adult sexual assault (Perkins 2001).

73 In retrospect, I was not clear which partner Rhiannon had assaulted. During the interview I assumed that Rhiannon had assaulted her second husband, who was murdered by Rhiannon’s partner at the time.
Rhiannon said that she had tried to commit suicide a number of times as a result of the murder. However, because of her concern for her children, she chose not to continue with the attempts (Rhiannon: 9). She said “I understand all that now” (Rhiannon: 9). I could detect the echo of a worker’s words in Rhiannon’s comments about seeing things from a different perspective.

Rhiannon said that she became an alcoholic when she was sixteen and had used a lot of different drugs. After ten years of poly drug use, she said in comparison to a situation where “it was all or nothing”, she can now have a couple of glasses of wine and nothing further (Rhiannon: 1).

During the trial, the main offender gave evidence a second time and said that Rhiannon had instigated the murder of her ex-husband:

> Then he got up and tried to say that I had instigated it and everything else but the judge and the jury didn’t take any notice of that.
> If he was going down for murder he was going to take me with him and it didn’t work (Rhiannon: 5).

Rhiannon described herself as a basically good person who was weak, who did not take responsibility for her own actions, and who did not take any preventative action at the time of the crime. When reflecting on what happened, Rhiannon commented on her shame and disgust at the nature of the crime:

> And he [father] always blamed other people, which allowed me to blame other people, rather than accept my own responsibilities for what I was doing. Because basically it boiled down to that I allowed it to happen. And I allowed it to continue (Rhiannon: 2).

Clearly Rhiannon’s earlier remembered experience of her father blaming other people contributed to her view that she had “allowed it to happen”. She did not clarify what “it” was, or what she had allowed to happen or to continue, that had contributed to the murder of the victim.
Chapter Four: Chaotic Lives

Rhiannon described a number of consequences arising out of the crime including the loss of her children, two of her children lost their father\(^{74}\), she lost her ex-partner and her freedom. She also expressed anger towards her current partner who had perpetrated the murder, and at the senseless nature of the murder itself:

I’m angry with my current boyfriend [main offender]. I’m still grieving over [victim’s] death. I’m hurting for my children because I can’t be with them. They’re hurting, they’re angry, they’re sad, they are going through a grieving process too because it was their Dad and I’ve got to deal with that also. And them telling me that they hate [main offender] and they don’t want anything to do with him again. There are just so many issues you know and I feel such a sense of loss because there was just no need for this to happen. I can’t believe that I am never going to see or hear [victim’s] voice again and that’s the saddest part. Because his death did absolutely nothing except separate me from the four things I love most in this world and that’s my kids (Rhiannon: 2–3).

I was angry that it had got to that point and that [victim] had died and there was no need for that (Rhiannon: 4–5).

It is interesting that Rhiannon described how she was angry because things had got to a point where her ex-husband “had died”. This is a very different way of describing how her current partner murdered her ex-husband. Rhiannon suggested that the murder was because of jealousy and, although we did not discuss this further, I presumed that Rhiannon meant that her current partner was jealous of the victim.

When we talked about the murder of her ex-husband, Rhiannon talked about his presence in her dreams:

I see him as clear as day and every time I try to wake up he disappears so I don’t try to wake up any more, I think maybe he is trying to give me a message. I know he is not there to try and hurt me (Rhiannon: 6).

Rhiannon described the changes that had occurred for her:

Yeah, but I’ve learnt now that we do have choices in life. And that it took a lot of soul searching, but I’ve finally reached that conclusion that we only help ourselves by allowing ourselves to let other people in and help give us some other direction, and to take that seriously.

\(^{74}\) During her marriage with the victim, Rhiannon had given birth to two other children who were living with her at the time of the murder. These children had been removed from Rhiannon’s care and placed into foster care, under guardianship of the state.
Chapter Four: Chaotic Lives

Do you think that it is about growing older or is it about experience or is it about having people around you who offer you support?

*I think it is all the three* (Rhiannon: 11).

Once again, I could detect the echo of the voices of counsellors who may have worked with Rhiannon about her “choices” and the effects of her choices.

When we discussed the future, Rhiannon was clear that her main priority was to complete her jail sentence and then have time with her children:

*My future is to do my time to get as much out of the jail system as I can. And then just live my life with my kids. And try and give them back the time that’s been taken away* (Rhiannon: 8).

In relation to the future, Rhiannon talked about putting “steps in place for the future” and “not dwell on the past any more because I can’t change that” (Rhiannon: 11). She did not appear to have any intention of resuming a relationship with the main offender when they were released from jail.

**Rita**

I met with Rita at the MMWCC in February 1999. Rita had been found guilty of the murder of an acquaintance and, when we met, was serving a fifteen year sentence with a minimum of ten years prior to becoming eligible for parole:

*So, right up to the age of 35–36, I was the sort of, even my crime which is murder, was involved because of peer pressure* (Rita: 3).

[Number] of us went down for murder, well not all … of us went down. I went to trial with [number] other co-accused, the Crown witness went down for manslaughter, and the [co-accused] went down for murder, they did a deal and I didn’t do a deal. Which I should have done the deal, because I was the key to the whole element. I went from the most innocent to the most guilty. And ummm.. I didn’t do the deal, they did. … [Co-accused] pleaded guilty, because there were three Crown witnesses, plus me who was subpoenaed against her. Plus, I just did the exactly the same as I did in my own trial, which was 99.9% the truth anyway. [Co-accused] had to plead guilty to get equal justice, which [co-accused] did, … and we’ve had one all-out barney many many many years ago. About the trial, because I never knew the motive behind, the reason why the guy was killed in the first place. Ummm.. so all of that (Rita: 3).
It was very difficult to ascertain what occurred on the night of the murder, and what the “99.9 percent of the truth” may be. Rita told me more about her involvement in the crime once we had finished taping the interview. In this narrative, which was not recorded, the story of the crime was described in greater detail. The victim was killed by a number of offenders in Rita’s house, Rita and a co-offender moved his body into her car and hid his body in the bush. It appeared that the court accepted that Rita had not directly participated in the murder, but had assisted in the disposal of the body and the development of alibis.

Rita and I had only a brief discussion during the interview but were unable to continue the conversation because of her transfer to another prison. I was unable to re-contact her. The following discussion presents Rita’s comments in relation to her childhood and her relationships with her parents and partners, and concludes with her involvement in the crime.

Rita disclosed that she had experienced both physical and sexual violence as a child and young adolescent. Some of this violence was orchestrated by her brother and other friends, and perpetrated by her neighbour and other local men (Rita: 1). She said she believed the assaults occurred when she was around three or four years of age. She described how, when she was about ten years old, she used to go with some other young girls to “places where men used to pay to do things to us kids”. She said that she tries to forget such experiences and “what I don’t delve into is probably much better” (Rita: 1). Once again I did not ask any additional questions about these experiences.

Rita lived in a family where both parents were alcoholics. Her father assaulted her mother and both parents physically and emotionally assaulted Rita and her siblings:

Was your mother violent to you?

Oh, yeah, of course. During her alcoholic years, she was violent to all of us. Yeah.

Oh a bit of everything. Not extreme violence. She used to belt us, but not to the extent where we would break a limb or be left scarred. Because she always used to pull up before then. Ummm.. emotional violence. Yeah. Without realising that they were doing it, both of them. And you tend to carry that through yourself, with your children, which we’ve all done at some stage (Rita: 4).

Plus, she died a long death, as in cancer. And then within a year, my father died, and it wasn’t as devastating for some unknown reason, but it was still, you know, as much as I look at all the bad times we had as kids, with them in the good times, I still
I found the image of Rita's mother “pulling up” before she broke a limb or scarred her children disturbing. The intersections between women’s experience of domestic violence and perpetrating assaults on their children were discussed in Chapter One.

Rita said that in the past some of her relationships appeared to replicate abusive elements in her parent’s relationship. As she said “if they belted me, I didn’t think it was wrong, if they drank a lot, I didn’t think that it was wrong” (Rita: 3). Rita commented that she had left a relationship with a man who did not physically or emotionally hurt her, because it did not feel like a “normal” relationship. She described that now she would like to be in a non-abusive and equal relationship (Rita: 3).

At the time of the crime Rita had had a serious marijuana habit and commented that “I wasn’t surviving without dope” (Rita: 7). Rita said that in the past she would get violent and hurt anyone when she drank:

> When I started drinking, I used to get quite violent myself. Hence the reason, I don’t drink. Don’t drink, don’t like it. Might have a glass of wine occasionally with dinner, but do not touch alcohol in any way shape or form. Because I am a nasty drunk. A very nasty drunk, because I take after my father and my mother in that way. And I realised that around the age of 25, so I stopped drinking.

Who would you hurt if you were being violent?

> I would hurt anybody (Rita: 6).

It was not clear to me whether Rita believed she had inherited the propensity for violence from her parents, or learnt it from living with them.

Rita described her defence argument, which I found difficult to follow:

> Well, I actually went down a part of it which was called conspiracy to murder, even though by the time my coies [co-accused] got to trial there was no conspiracy, see, so each trial is trialled on it’s own merits. So, I went to trial with [co-accused] And it was a never ending little circle. And they had a young friend called [victim], well it was a never ending little circle, that, I, had decided that this guy deserved to die. Right. We’d all agreed [joking tone] ‘yeah, deserves a bullet in the head, no worries’, you know. How often do we say that, ‘if you don't wash those dishes, I'm going to kill
you’. Things like that, that was the general consensus of it. However … So, if [co-accused] said he was going out to bash a guy who owned them money, I just said ‘Oh yeah, have you got the bong’. You know. We wouldn't take much notice of it. When [co-accused] said to us, that he deserves to die, I said, 'yeah, he certainly deserves a bullet in his head', and [co-accused] said 'he needs more than a bullet in his head, he needs a cracker up his arse'. You know. So, it was funny little things like that, that were said, and no conspiracy ever took place to say 'hey look, let's do it' (Rita: 8).

It appears that Rita was found guilty of the murder of the victim while other co-offenders, through plea-bargaining, may have been convicted of lesser crimes. She said she saw herself as “easily led” and it was this propensity that had resulted in her participation in the crime:

> It's not that I would want to do it, I would do it to please them. I was always easily led, could be talked into almost anything, and never used to say no. Now, ummm…. on my reports, because of, maybe because of what's happened in my life, or because of the incarceration, I don't even stop to think of that, I'm not easily led. I say no, N O, and I can be quite rude if I need to be, which I never used to be before (Rita: 3).

Due to the limited time, Rita and I did not talk about her sense of her future after her period of imprisonment.

**Sam**

In March 1999 Sam’s worker made contact with me in relation to the research. Sam and I communicated by phone prior to an introductory meeting. When we met, Sam had completed all of the correctional aspects of her conviction, which included seeing a support worker on a regular basis and was living in supported accommodation. She was in the process of completing two year-ten subjects and one year-eleven high school subject. Sam and I met at RMIT University in March 1999 and for a second interview in April 1999. We met a third time in September 1999 to verify the second transcript.

Sam pleaded guilty to child sex offences perpetrated before she was seventeen years of age:
Chapter Four: Chaotic Lives

I suppose, I can remember starting the sexual stuff with my sister when I was nine. She was about seven. And ummm.. I used to do the violence and the sexual stuff. I didn't tell (Sam, first meeting: 3).

Did you do this to anyone else, other than your sister?

When I was at home, the sexual stuff, no.

But, ummm.. I, in one family I was in, I started sexually assaulting one of the boys and that didn't last very long. I moved out of there and when I was seventeen, I, after a few suicidal attempts, I decided to say 'is this stuff wrong, that I am doing?' And my counsellor, who I was seeing at the time, said 'I have to report this', and that sort of stuff. And, you know, he did report it and you know, went through the, you know.

The court process, were you on a community based order?

Not at first, but while I was in the program, I offended again and then I was on the community-based order to see [worker] and a corrections officer, for a year (Sam, first meeting: 3).

Sam was removed from her immediate family and placed with a foster family, where she sexually assaulted a young boy who was her foster brother. She was reported for sexual offences and was placed in an offender program. During this time Sam re-offended. She did not tell me whom she had assaulted during this later offence. After re-offending Sam was unsure whether what she was doing was ‘wrong’ and asked her counsellor. In asking the question of her worker Sam then disclosed what she had done, was reported to the police and, after pleading guilty, was sentenced to a two-year community-based order which included compulsory participation in a young sex offenders’ program.

In the following discussion I present Sam’s comments about her childhood, the sexual and physical assaults she had perpetrated against other children, why she had perpetrated violence, her relationship with her parents, specifically her mother, and siblings, her view of herself as a sex offender, and conclude with comments about the future.

Sam disclosed that her mother had sexually assaulted her when she was approximately three years of age:

I had a pretty yukky childhood. Ummmm… as far as I can remember, I started getting sexually abused by my mum when I was about three or something. I don’t know the age, I can’t remember exactly. And, it was physical abuse and emotional stuff, all that sort of thing. Really yukky (Sam, first meeting: 1).
The issue of intergenerational maternal incest was discussed previously in Chapter One and would benefit from further research.

Along with her own childhood experiences of maternal incest, another woman also physically assaulted her:

Yeah, I got the shit beaten out of me. I was actually living in the place that I am living in now. And I had just moved, sort of out of the street, sort of. And people found out, on the streets, what I had done. And my best friend knew where I was living, and she was the one who bashed me. And, I mean, she bashed me because I was a dyke as well. I think, the sexual stuff and the dyke stuff, everything else rolled into it. I just got beaten (Sam, first meeting: 8).

Sam believed that the violence was related to two things. The first was to punish her for perpetrating sexual assault against children, and the second was to punish her for being a lesbian.75

Sam told me that she had a history of self harming including slashing her arms. Each time she and I met, her arms were extensively bandaged. Sam linked the cutting and other self-harming behaviours to her intense feelings of anger, self-loathing and sadness. However, she also described how she was trying to stop the self harming behaviour (Sam, first meeting: 5, second meeting: 16). Sam also had a history of extensive poly drug use, which is often linked to self-harming behaviours amongst young women (Stewart and Tattersall 2000).

Sam also disclosed that she had physically hurt her cats76 and when she realised what she was doing “was wrong”, gave up her cats to an animal welfare centre (Sam, second meeting: 18).77 The complex links between women’s previous experiences of violence, self harming behaviours, violent assaults on others including animals, and poly drug use would benefit from further research.

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75 The two ‘rationales’ share familiar territory with the reasons offered by men who perpetrate violence against other men who are sex offenders or homosexual. There is often a conflation of the two issues in public and media discussions in relation to men who perpetrate child sexual assault. I am not aware of it being part of public discussions of women who perpetrate child sexual assault.

76 The Prevention of Cruelty to Animals Act 1986 (Vic) bans cruelty to animals.

77 See Arkow 1996; Ascione 1999; Ascione and Arkow 1999; Lockwood and Ascione 1998; Lockwood and Hodge 1986.
In addition to sexually assaulting her sister and foster brother, Sam also described physically assaulting her sister; another unnamed child and other children:

*The violence, yeah, I mean, physical violence. I did to my, I did have a really physical fight with my sister's best friend. And ummm the incident with my cousin and stuff like that. Stuff like that happened most of the time* (Sam, first meeting: 2-3).

Sam’s accounts tell us that the perpetration of physical and sexual violence was a regular part of her life as a young child and adolescent. Her story raises four difficult issues that I believe would benefit from further research. Firstly, the reality of child sexual abuse perpetrated by other children; secondly, the issue of sexual assault perpetrated by a girl child against a younger girl; thirdly, the issue of sibling abuse and lastly, the difficult issue of intergenerational maternal incest. This issue is related to the fact that Sam’s mother disclosed that her mother (Sam’s grandmother) had sexually assaulted her as a child:

*My mum has a history of abuse, from lots of people. She’s told me three people, that she’s told me. Because she used to share a lot of stuff when she was abusing me and stuff.*

Do you think she was telling you that, as a way of trying to excuse her behaviour?

*Looking back on it now, I think yeah. Umm trying to make me feel sorry for her. Which I did, because I didn’t, I mean I was a little kid. I was connecting, I didn’t connect that she was doing the same stuff to me. I had no idea until I got older. But, I mean, maybe she had so much stuff going around in her head, that you know, she just, you know, so much pain and all that sort of stuff, she can’t acknowledge anything, you know. I don’t know. We can talk about theories all we want and we’ll never know the real reason* (Sam, second meeting: 11).

I must admit that as a social worker used to the language of ‘sharing’, I found it jarring when Sam described her mother “sharing” stuff about her own childhood while she was sexually assaulting her. Perhaps this was the word Sam’s mother herself used and, while we were talking, I did not take the opportunity to ask about it further. It was also interesting that Sam commented on all the different theories and said “yet we’ll never know the real reason” why her mother sexually assaulted her. Sam was also uncertain as to “why” she herself had perpetrated sexual assault.

*Why why why? I don’t know, I think, I mean, it was a big part of my life, I suppose if you can call it that. I don't know. I suppose though there were things like power and control. I wanted to maybe, make sure that someone else was feeling what I was feeling. Couldn’t get it out any other way. I mean. I suppose. Because I was*
hurting so much, I wanted other people to hurt as much as I was. Because I didn’t believe that anyone could hurt as I could. I didn’t give a fuck about myself (sorry if I swore). I didn’t give a fuck about myself, I didn’t give a fuck about anyone else really. I mean I would like to think I did, but I really didn’t. I was doing all this stuff, and I just wasn’t. I didn’t care, I didn’t give a damn about anyone or anything or what I did. So, I suppose it just leads back to the abuse, I mean I’m not blaming that, but maybe I learnt some of my actions from my mum because I was such a young age when I started (Sam, first meeting: 4).

Sam’s analysis of why she sexually assaulted other children is worthy of further discussion. Sam’s narrative raises questions about what Sam learnt from her mother, her understandings of other’s rights when she was nine years of age, and how she rationalised her own violence, prioritised her need to hurt others and ignored the rights of others.

When I asked her about the link between the offences her mother perpetrated against her and her own offending behaviour, she said that:

*Her offending and my offending? I suppose, sorry, [stopped to hug her stuffed doll] I suppose, how I connect them is that, I mean, I learnt some of my behaviour, well, most of my behaviour from my mother. Because she offended against me and that’s who I learnt it from. I sort of didn’t learn all my thinking behaviours from her, but most of them. I don’t blame her for what I did, because I had a choice. I didn’t realise I had a choice, but you know what I mean, I think. Ummm.. and I suppose I thought that I was the same as her. In many ways I was when I was offending. I was doing the same stuff she was, I was making the same excuses you know. Ummm that the kids needed me, that I was helping them, and that, you know, that they were getting as much out of it as I was. They were getting, they were feeling needed too. And, which was not the case. But, I thought like that and so did my mum. So, that’s the connection I made* (Sam, second meeting: 17–18).

While acknowledging that she had learnt “thinking” behaviours and excuses or rationales from her mother, Sam believed that she had made a “choice” to perpetrate sexual violence. It is interesting that she said “I didn’t realise that I had a choice” (second meeting: 17). As she was nine years of age when she began to sexually assault her sister, it is difficult to comment further on her intention. However, she also continued to perpetrate multiple sexual and physical assaults until she was seventeen.
Sam thought she was doing the “same stuff” as her mother, because she was the “same as her”. It is possible of course that Sam and her mother, having had similar experiences, may have also behaved in similar ways. It is also possible that both Sam and her mother had been emotionally and psychologically damaged by the violence they experienced as children and that such injuries contributed to their behaviour. The links between prior experiences of violence, injuries and the decision to perpetrate violence were discussed in Chapter One and will be discussed further in Chapter Five.

It is interesting that Sam had internalised categories of ‘normality’ within her own sense of self identity. When I asked her how she saw herself, she said she believed she was mad and loathsome (Sam, first meeting: 8). This view was exacerbated by how the police officers had responded when she disclosed that she had sexually assaulted a child:

*I mean, I had a feeling at the police station, that, you know, you know, they didn’t say anything to me. … I had a feeling that they thought I was a sick person. Like a mentally sick person, to be able to do something like that, commit sexual abuse. And, that’s the feeling I got. I suppose that was me contributing to that too* (Sam, first meeting: 8).

Sam described a number of things she had done recently. She told the police that she had re-offended, she had stopped hurting other people, she was trying to harm herself less, she had given away her cats after hurting them, and she had started to care about other people.

*I s’pose I saw myself, I mean in the past, before I did all the work with [worker], I saw myself as ‘a know it all’. And, a ‘know it all’ and just a ‘know it all victim’. If that makes any sense. Like, I’m the one who’s hurting the most and there is no one else who. Sort of spiteful, basically bitter. And didn’t care about me, didn’t care about anyone else. Basically. Thought I did, but looking back on it now, no. Sort of, throughout the work with [worker] and throughout learning stuff about myself, which is a very long process, still doing it now. Umm..I sort of see myself as, someone, I mean, who’s survived a lot, but who’s still got a long way to go. I mean I’m not as bitter as I used to be, I’m, you know, I’m more compassionate to other people. I don’t abuse any more. You know. Umm. I abuse myself and sometimes I hurt my cats, but, umm..you know, I’m taking responsibility for that and I’m usually pretty good with that sort of shit, so, I think I’m on the way, maybe* (Sam, second meeting: 11).
Sam believed she had also developed an understanding of other people’s rights and their physical, legal and emotional boundaries. She described how she had developed an awareness of the blurry boundaries she grew up with and had been endeavouring to create her own boundaries, along with an awareness of the boundaries and rights of others:

*I know what my boundaries are and I mean, for other people. I do, I know what they are and I know, you know, I’m very clear on that. And, personal space and all that sort of stuff and legal age and all that sort of thing. I know all that. Concerning myself, I don’t take that into consideration that much.*

What do you mean?

*I mean, I’m starting to, specially about personal boundaries, telling people to stop if they are doing something that I don’t want them to do. You know, to me, people have trouble with that.*

You have more blurry boundaries? Is that around, whether you feel you have rights?

*Yeah. Sometimes, I don’t know. It’s really hard to explain.*

It’s pretty hard isn’t it?

*Yup.*

Where do you think that stuff, the blurry boundaries comes from?

*My past* (Sam, first meeting: 6–7).

Sam was the only research participant to raise the issue of blurry boundaries between herself and other people and talk explicitly about what could be described as a ‘re-constructed self’. The language of ‘boundaries’ and the process of actively re-constructing her sense of self appeared to be directly related to her engagement in counselling.

Sam said that previously she had had no sense of her own personal integrity or boundaries as an individual with inherent rights to be safe and protected from violence perpetrated by others. She also felt that others did not have strong personal boundaries or rights, which made it easier for her to sexually assault them. An analysis of the power relationships between perpetrators and victims of sexual assault was discussed previously in Chapter One.

As a consequence of the therapeutic work she had engaged in, Sam had begun to view herself as a ‘normal’ person who could have healthy relationships with others. At the time of our meetings, she was very clear about the physical, legal, and
emotional boundaries between herself and others particularly the right of others to be safe from violation. She said that she still struggled to protect herself from harm and say ‘no’ to others who wished to hurt her. Her engagement with some of these more complex issues may be a reflection of the longer term and intensive therapeutic work she had engaged in.

Sam said that what she had done was wrong and clearly viewed herself as an offender:

_But you can’t wish back the past and you know, you did what you did and you know. Sort of, I’ve paid for some of my things that I’ve done, fully with my conscience, with my own self. I fight myself everyday, mostly everyday, if stuff comes up about my violence, perpetrated or whatever, I just feel really bad. I still feel really guilty about that. Most of the time, but you know the past is the past and you have to live with the present and the future. You know, I’ve done the appropriate counselling and all that stuff, so that I don’t do that stuff anymore. I haven’t done anything like that for two years give or take a couple of months. I know what I did was wrong._ (Sam, first meeting: 3).

Sam had experienced difficulties in her relationships with other members of her family. Some of these difficulties were a direct result of her mother’s decision to disclose the nature of Sam’s offences to her siblings (Sam, second meeting: 16–17). However, Sam said that she had not told her sister or brother about her experiences of sexual assaults perpetrated by their mother. I did not ask Sam for further information about why she had kept her experience a secret but assumed it was due to her earlier expressed feelings of shame and guilt.

Her relationship with her mother was extremely difficult because of the history of child sexual assault, and the more recent assaults:

_Do you hate her, because of what she did to you?_

_That’s a hard question. … Sometimes I do, sometimes I don’t. It’s very ummm.. I suppose in some ways, I really, I suppose I don’t hate my mum as a person. I hate what she did. Umm. But sometimes that gets really blurred. Well, most of the time, it gets really blurred._ (Sam, first meeting: 7).

I found it interesting that she said that she did not hate her mother, but hated what her mother did. As Sam later acknowledged, it is often difficult to separate her “mother” from the person who sexually assaulted her. This is a contradiction that
exists for most victim/survivors. It is often suggested that victims should separate the person from the behaviour, but as it is the person themselves who enacts the violence, this separation is sometimes impossible to achieve and inappropriate to expect.

Sam and I had earlier talked about her fear that she was mad. This fear was exacerbated by her belief that “maybe her [mother’s] head wasn’t right” (Sam, first meeting: 8). Sam was also frustrated that her mother continued to deny her offending behaviour, even after being caught by her husband:

You know it’s happened and people know around you, and it’s happened but the perpetrator doesn’t, in most cases, they don’t take responsibility. … Well, I mean, this recent incident [recent sexual assault on Sam], you know. Dad knows now because he caught her in the act and dad confronted her and I was there, but she goes ‘no I didn’t do nothing’. And she knows fully well she did do it.

Would you like to talk about what happened just recently?
No I don’t want to say it  (Sam, second meeting: 10–11).

I s’pose there are many reasons why I went [to visit her parents]. Many reasons. I s’pose one of the main ones, was ‘cause, I mean, and this is kind of complicated, well all this stuff is, but ummm.. I sort of wanted, I sort of was, in myself, I think I was denying what had happened to me in the past, like the abuse from my mum. And, because I wanted so much a hug from my mum, without any other things, like nothing sexual. And I thought I was going to get that, but, it didn’t happen like that. But, I wanted to go over there and think that she’s going to, that she’s changed and she hadn’t. And because, she’s nowhere. You know, she hasn’t done any of this work. You know, she hasn’t even faced it. And you know, I, sort of, denial came up. You know, denial was there in my heart of hearts and I just wanted to believe that my mum wasn’t going to hurt me anymore. But she did and that’s the way it is and that’s the way it went  (Sam, second meeting: 18–19).

It is interesting that Sam used technical language to describe her mother and the assaults including “the perpetrator” which distanced her mother from the recent assault. She also used legal and therapeutic language to describe how “they don’t take responsibility”. In addition, Sam blamed her mother for “not doing any of this work” which I presumed referred to the reality that her mother had not engaged in any of the counselling work Sam had been doing. Sam was also aware that she was still capable of deceiving herself and that part of this self-deception included a dream
that her mother would care for her. However, she had also come to the conclusion that her mother had not changed her own behaviour.

Sam sought to understand why her mother assaulted her and her younger sister:

Did your mother abuse any of your sisters?

She abused my younger one, I'm not sure about the other kids.

Did you and your sister ever talk about it or was it secret?

Oh, very secret, very very very secret (Sam, second meeting: 15).

I have theories, I mean, I think she abused the whole lot of us, I think. You know, because it's weird for her just to, for any perpetrator to just abuse just two of her kids. I don't know. I mean, she didn't plan to have us, I'm not sure. We were just accidents. Maybe she thought if she abused us, she would hurt us so much that we would just go away, kill ourselves or do something (Sam, second meeting: 15).

Sam's comment that it would be unusual for a perpetrator to only abuse two of her children may be from her own reflections, she may have learnt this from her counsellors or from reading different texts on sexual offending. As there is little qualitative research on victims' experiences of maternal incest, I was unable to identify an accepted view on this issue.

Sam also discussed her relationship with her father, who had not perpetrated abuse against her. Sam said that she had recently discovered that her father had known about the sexual assaults perpetrated by Sam's mother and had chosen not to intervene to protect either Sam or her younger sister. However, although Sam believed that her father did know of the assaults, the extent of his knowledge is not clear:

My dad. You know, I didn't used to get on with him very well, but after the last incident, I think dad understands. I think dad is trying to understand, which is a very big thing for him because he's sixty-two now and mum and him have been married for thirty years. So, it is a very big thing for him to come to terms with. .. I think he's a sixty-two year old man, he's just stuck his head in the ground and hurt us. Now I think he's, so our relationship is sort of, getting a bit better because he's getting a bit more understanding.

Do you think he knew what your mother was doing to you and your sister?

I think so, because ... [worker] had said that yeah, he did know. And when I heard that, just the other day, I've gone 'okay'. Yeah, it was hard (Sam, second meeting: 17).
Men’s role in maternal incest is a topic that would benefit from further research.

Sam discussed some of the significant things that led to her choice to stop sexually and physically assaulting other people:

*I don’t know, just seeing the mum’s face. Ummm. Just seeing the kid [foster brother] I mean, he couldn’t do nothing, you know, just a baby basically. I don’t know what changed. Something just clicked in me. I don’t know what it was.*

Do you think in the past, you hadn’t seen the face, hadn’t seen the powerlessness of the other person?

*I suppose, up until that point, I just, I thought I was the powerless one. Like I can do anything to hurt anyone, ‘cause I was being hurt all the time and. I don’t know, I suppose I didn’t see the, I didn’t see people for what, who they are. I didn’t realise they had the same feelings as me, because I thought I was different to everyone else* (Sam, second meeting: 12).

*I mean, I had to make a choice whether to keep offending or to stop. I mean, that choice was not simple at all. It was the hardest choice I’ve ever made in my life, I think. One of the hardest. I mean, because, it’s a life choice, whether to go down this path, or that path. I chose not to offend, you know because it was hurting people and I don’t want to hurt people for the rest of my life. It’s not a good thing* (Sam, second meeting: 13).

*I made the choice to do what I did, but I also made the choice of telling [worker] and telling the police and that sort of stuff. And I suppose that knocked me for a six and I think that was the start of the change. You know, for the better, because it has led me up to now* (Sam, second meeting: 14).

These comments echo the earlier discussion in Chapter One that a perpetrator may experience feelings of intense powerlessness and isolation from others and which may lead them to deny the humanity of the victim. Such feelings may contribute to the perpetrators’ denial of their own power and agency and help maintain a dominant view of themselves as ‘victims’:

Can you tell me about that change, from abusing to not abusing people?

*Yeah, I think, one, the last session with [worker], she said to me, on one of the last session, she said to me that the first time that I really worked in a session, that I realised that it was wrong, was after I ummm sexually assaulted a little boy and ummm you know, she said that sort of knocked me for a hundred. That I actually*
realised that it was wrong. You know. And sort of what my processes were (Sam, second meeting: 14).

It is significant that Sam acknowledged that her assaults were “wrong” in the final session with the counsellor. It is not clear whether the realisation coincided with the last session, or that because Sam had described this process to the counsellor, the “work” of the counselling had ended:

I suppose I saw, I’m trying, thinking back to that time when the change was. Because I know the point I was, I did, I know the point that I started to make a change. I think I started to see myself as a human being, like everyone else. I don’t know how that happened. I think, just the shock of what I did and just the realisation, what I had been coming to, up until that point. That I really am human and what I am doing is really hurting people. And, you know, really changing their perspective of the world. Because, you know, I didn’t think it was that big. You know, I couldn’t see my own pain, or you know, well I could see it, but I didn’t want to face it, so I didn’t want to face other people’s pain. I don’t know, just sort of, I’ve never been asked specific questions like this (Sam, second meeting: 12).

I sort of had an idea, but I didn’t think it would be that big, this big. Finding boundaries within myself and finding, you know, I had a responsibility, had a real responsibility to myself and other people to keep them safe. And to keep my thinking patterns and all that sort of stuff, up to, you know, up to grade or something. So, I didn’t realise how big it was, I really didn’t. Especially when I came out of program. I just told you last time we met that it was a big shock (Sam, second meeting: 13).

Sam noted that a major part of the change for her was when she began to see the links between her own pain and the pain of her victims. I felt that Sam was beginning to see herself and others as “human” with rights and responsibilities. Her comment about her “thinking patterns” suggests that cognitive therapy may have been part of the counselling work. This issue will be explored in greater detail in the following chapter.

Sam was the only participant who talked about how her counselling work had led to her decision to participate in the study:

Better my understanding of what I have done in the past. And to better other people’s understanding of what, ummm female perpetrators of violence, of all violence, of what sort of, goes through their mind. … Just basic understanding so that people won’t treat us, you know, people treat us like crap, but people might
understand a bit better, like in the services and that sort of stuff. (Sam, second meeting: 1).

It’s okay, but it’s hard, because it’s hard to look at, sort of, bits of your life on pieces of paper. And, I don’t know, it’s just right there, you can’t say, ‘oh go away’. You can rip it up, but you know, it’s on the tape and you know, it’s going to be there for like five years. So, you know, that’s cool. It’s there, you have to face it (Sam, second meeting: 1).

Sam rarely raised the issue of her own future during our discussions. When it was raised it was discussed in the context of the possibility of her engaging in offending behaviour at a later date. She did talk briefly about the future alternatives available for her in relation to education, housing and employment (Sam, first meeting: 5):

Do you worry about offending again?

I suppose I worry about it. Because, you know, I reckon kids are good. I reckon kids are pretty cool people. You know, they are just intriguing creatures. So, I see kids at the moment, like as at the moment, they are intriguing little creatures and they can survive an awful lot. They can just do some amazing things, really.

But do you worry that you might hurt kids again?

Sometimes, sometimes not. I mean.

What are the times that you do worry?

What do you mean?

When are the times that you would worry about it?

I suppose, when I came out of counselling with [worker] when that stopped. I was packing myself. Scared (Sam, first meeting: 5–6).

It is interesting that I reiterated my question about Sam re-offending. In retrospect I think my insistence was in response to her comment about kids being “intriguing creatures” that “can survive an awful lot”. I did not feel comfortable with Sam’s answer and believe my question was probably more about reassuring myself about the safety of children.

It is interesting to note how Sam incorporated therapeutic and technical language and narratives into her story (Sam, second meeting: 17–19). Like the other participants, Sam’s narrative includes words and ideas that may have originated from her workers. She used concepts and language that mirror contemporary counselling frameworks and techniques. These techniques included cognitive behavioural
therapy for identifying triggers and changing her responses to such triggers. These issues are discussed in the following chapter.

Key themes

The following section presents key themes, similarities and differences found in the narratives of the seven women who participated in the research.

Identity

Women’s view of themselves, their sense of identity and their self-esteem emerged as important issues for all the women. This is important because of the potential intersection between women’s sense of ‘self’, their sense of ‘power’ and/or absence of ‘power’ and their choice to enact violence against others. None of the women described themselves in positive or powerful terms, but their acts of violence demonstrate intentional uses of violence and power. As discussed in Chapter One, feminists who have analysed the politics of power and oppression argue that perpetrators enact violence against a vulnerable ‘other’, as a strategy to create a sense of power. The paradox within this analysis is the victim’s experience that the perpetrator is far more powerful than them. The ‘sense of powerlessness’ is experienced as a ‘truth’ by the perpetrator, while the acts of violence are experienced by the victim, as evidence of the perpetrator’s unchallenged power. This reminds us that experiences of power and powerlessness are relational.

It is notable that the women defined themselves as insignificant or inadequate, as failures as mothers, women or people. Andi said that she did not actually “see” herself. Other women viewed their own self in a variety of negative ways.78 The issue of offenders’ low self-esteem is explored in programs for male offenders and would be important to include in developing counselling programs for women. It is possible that women separated themselves into different ‘selves’ as described previously by Hearn (1998), including: a violent self, who is located somewhere else in the past; and a new re-constituted self, who is not violent.

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78 This point is similar to Hearn’s research with male perpetrators of violence, who identified that “the extent of violence reported by the man correlated with both increased depression and reduced self esteem” (Hearn 1998: 187).
Family relationships
All the women had experienced varying forms of child abuse, most of which had been perpetrated by members of their family or a family friend. Consequently, their family relationships were extremely difficult. Such familial experiences are clearly significant when thinking about the impact of ‘cultures of violence’ and the normalisation of violence on women’s own view of the role and use of violence. The disclosure of this difficult information to a stranger suggested to me that the women were used to sharing difficult personal information and that perhaps their own sense of their right to privacy had been changed through the criminal justice process.

All the women commented that they had difficult relationships with their mothers. Some mothers appear to have colluded in abuse perpetrated against the women, as children, by their fathers or brothers. Further, some other mothers had been absent or had failed to protect their children from violence perpetrated by family members or family friends. Some women said that their relationships with their fathers were very different from their relationships with their mothers. Five of the women in the study commented that they had a better relationship with their fathers than with their mothers. We know that the vast majority of perpetrators of familial violence are men, however, the women offenders who participated in this study, described their fathers as less abusive than their mothers. I found this extremely interesting as it reminded me of the discussion in Chapter One on Coohey’s (1995, 2004) findings in relation to women who neglect and physically abuse their children.

All the participants except Sam were heterosexual and had experienced violence perpetrated by their partner. Sam and Andi did not talk a lot about their experiences of partnering. Hearing their experiences of intimacy with their partners helped me understand how the women saw themselves as individuals. Some women described how in the past they had not seen themselves as worthy of safe and non-abusive relationships with their partners. Other women were very clear that they only wished to share a healthy and safe relationship with their current and future partners.

The women who were mothers talked about the negative influence of their lifestyle and current situation on their children. For Jody, the primary feeling was grief as she had been unable to have children and had experienced two miscarriages. Sam and Andi did not talk about children.
Own use of violence
The women had conflicting feelings about their own use of violence. All the women slipped in and out of describing their own use of violence as almost 'normal' or an understandable activity that occurred because of difficult circumstances. It seemed they regarded it as almost acceptable. The degree of 'normality' changed depending on the type of violence we were discussing, the purpose of the violence and the identity of the victim. Women also described other feelings including a sense of 'normality', of shame, regret and remorse, of inevitability, desperation and depression. The diversity of women’s feelings about their violence highlighted for me the complex relationship between women’s own identity, their social world and the constructed nature of violence.

View of victims
I was curious about how women viewed the victims of their crimes. The women identified a range of emotions when thinking about their victims. It was interesting that women sometimes talked about their victims with empathy and sadness while other times they talked about them coldly or dispassionately. Some occasionally spoke about their victims in ways that suggested they did not view them as important or worthy of care. However it is interesting to note that the women would be aware that it is in their interests to demonstrate to others, including me, that they feel empathy for their victims. This way of talking about their criminal activity and victims could be evidence that they have been rehabilitated and therefore are suitable for parole, a lesser sentence or a community based order. Women’s responses reminded me of Hearn’s work with male offenders and the reality that women could actively construct a particular identity and narrative depending on the need and circumstances.

Other crimes
During the interviews six of the seven women disclosed that they had perpetrated other crimes, included dealing in drugs, minor assaults, vandalism and robbery. Some of the women had had previous contact with the police and had been imprisoned. This high figure raises the question as to whether women offenders

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79 It is worth noting Hearn’s work on male offenders (1998) and his examination of individual men’s relationship to their violence. Hearn suggested that, as men perpetrated more and more acts of violence, they developed additional strategies for ‘coping’ with their actions. These could refer to ‘managing a situation so that a tolerable life can be lived by the self or others or it can mean tolerating the intolerable, in this case violence’ (1998: 187). In other words, men could cope by finding ways of stopping their violence or they could cope by finding ways of continuing their violence, removing themselves from any possible negative effects and minimalising any possible legal consequences.
usually enact minor crimes prior to perpetrating major crimes such as assault and murder.

The future
All the participants said that they had changed their behaviour. These changes resulted from “growing up”, being imprisoned, having contact with workers who had critically questioned their belief systems, and seeing the effects of their life choices on their children. While the women appeared realistic about their immediate future, they also talked about their desire to create more positive futures for themselves and their children. All the women, except for Andi, said that they would not re-offend. This answer makes sense when we consider their current situation and the purpose of our research interviews. However their comments may also reflect the positive changes the women discussed previously and are cause for optimism.

My response
As discussed previously in Chapter Two, I had a range of responses to women’s stories. I briefly describe my reactions at this point in the thesis to assist in understanding my analysis and interpretation of their stories.

I found Kimberley’s story quite easy to engage with during our conversation. It was only later, as I listened to her words again and wrote out the transcript of her narrative, that I became aware of my own horrified response to Kimberley’s blunt description of the crime. I was struck by the apparently casual way she described her own participation in the kidnapping, beating, abandonment and consequent death of a friend. The brutality and callousness of the scene, along with Kimberley’s view that there was no other reasonable response to the situation, had a major negative impact on me.

When listening to and re-reading Jody’s narratives, I was struck by her candour and casual accounts of the violence she had perpetrated against others at school, her best friend, and against other women in prison. Of all the research participants, Jody gave the most graphic descriptions of her own violence and seemed to view such violence as a normal and understandable action given the circumstances.

I was aware that I reacted negatively to Joan because of her disclosure that she had physically assaulted her children. Listening to the record of our interview, I can hear
blame in my voice and remember feeling that Joan should have escaped from the domestic violence earlier and that she should have ‘known better’ than to physically assault her own children. My personal reaction in this case was much stronger than my reaction to other women’s stories. In retrospect, I think my own grief at not being able to be a mother increased the intensity of my response to Joan’s account.

My reaction to Rhiannon’s story, both on first hearing it while we were talking and then again while completing the transcript, was complex. The crime was horrific and Rhiannon’s involvement in disposing of the body, cleaning up after the murder and assisting in the construction of alibis was significant. The interesting part for me as a listener and researcher is that I did not experience the same degree of horror at her narrative, compared with my reactions to other women’s stories. I think I viewed Rhiannon more as a victim and therefore I minimised her culpability.

My response to Rita’s narrative was similar to my response to Rhiannon’s story. That is, it was easy to view Rita as a victim who chose, through fear or other unknown reasons, not to withdraw from the murder and disposal of her friend’s boyfriend. Consequently, I felt less horror at this story than others.

My reaction to Sam was complex and changed over the course of the study. Initially I was quite nervous before we met. I think this related to my own dislike of sex offenders per se. After meeting her and listening to the transcripts, some of her stories filled me with horror and made me feel physically ill. However, I was also aware of her courage in choosing to participate in the research and discuss her sexual assaults against children. Of all the women’s stories, I think Sam’s offered me the greatest opportunity to critically interrogate the complex array of issues that emerge when we explore the lives of women who choose to perpetrate violence.

This chapter has presented key elements of women’s narratives which offer us a glimpse into their lives. These issues lead us to the next chapter, which explores women’s views on why they perpetrated violence while also incorporating the views of workers.
Chapter Five

Exploring contested ‘truths’

It’s very complex. It’s not, violence or sexual violence, it’s not black and white, there’s lots of grey. Lots and lots of grey. People think that it’s simple, black or white. You either hurt someone, hurt someone else and then that’s it. It doesn’t work like that. Human beings are much more complicated than that (Sam: 4).

There are numerous explanations for, and understandings of, women’s violence. These explanations reflect a range of conflicting and sometimes incompatible bodies of theory and practice including psychoanalysis, behavioural psychology, feminist analyses of gendered power relations, postmodern analyses of individual subjectivity and family systems theory. I briefly presented relevant aspects of a number of these theoretical explanations in Chapter One. The diverse bodies of theory construct sometimes contradictory explanations and ‘truths’ as to women’s use of violence. Through the study it has become clear to me that some ‘truths’ are accepted in our community; therefore they are an undisputed part of general ‘common sense’ understanding of women’s use of violence. As such, many ‘truths’ are internalised by some of us, reflected in the stories of women offenders, the explanations offered by practitioners and researchers and included in organisational practice and policy responses. I was interested in the intersection of, and discontinuities between, commonsensical and theoretical ‘truths’ and the explanations for women’s violence offered by the women and workers who participated in this study.

The chapter begins with the acknowledgement that there appears to be no single definitive and commonly accepted overarching explanation as to why women chose to perpetrate violence. My own experience of discovering a range of competing and often conflicting explanations for women’s violence appears to mirror the
explanations offered by women offenders, practitioners and researchers. In addition, the material suggests that there are complex relationships between women’s own views, workers’ practice experience and theoretical explanations. These intersections remind me that we all actively take on and discard commonsensical ‘truths’, theories and beliefs to assist us when making sense of our experiences.

In addition, it is worth restating that there is no agreement in current Western thought as to how we understand individual subjectivity and therefore how the ‘individual’ per se enacts agency and why he or she chooses to perpetrate violence. The ongoing and unresolved nature of the debates about women’s subjectivity and their use of violence influenced my own interpretation and understandings throughout the course of the research.

I began the study with the belief that women offenders, as active subjects, chose to enact violence. As discussed previously in Chapter One, my original position reflects a liberal humanist view of women as active subjects able to enact choice. I also began with an assumption that women perpetrated violence as an outcome of their own experiences of violence perpetrated by men. I believed that through the course of the research, I would discover evidence to support these assumptions. However, I have moved away from these initial assumptions. I do not believe that women can only be seen as rational disembodied subjects who make choices nor that experiences of violence are the sole cause of women’s use of violence. I believe that women make active choices to engage in violent crimes, however, I am more interested in the complexities of women’s lives and the social, cultural, discursive, physical and psychological factors which may influence their choices and behaviour.

I was also curious about how different contested ‘truths’ about women’s use of violence may influence women’s view of themselves as offenders. In addition, I was interested to see how such ‘truths’ influence community understandings of, and responses to, women who perpetrate violence.

Questions as to whether women’s behaviour emerges from a pathological disorder, previous experiences of violence, social, familial, historical or cultural factors or a combination of many different factors are contested and unresolved. However, when analysing the responses of research participants, a key factor consistently emerged. That is the apparently foundational belief that violence itself is innately masculine and therefore, women’s use of violence is ‘abnormal’. Women participants and practitioners appeared to begin from this initial departure point, which created a
theoretical ‘truth’, whereby women’s violence was understood as ‘unnatural’, against women’s ‘natural’ feminine selves, and was difficult to explain or make sense of. Consequently there appeared to be a shared underlying belief that individual women who perpetrated violence are ‘odd’ or ‘abnormal’.

This chapter focuses on why women hurt other people. Sam was the only participant who directly engaged with this question and her answer is discussed more fully later in this chapter.

Why did you think you did it?

Hard one. (Long pause) Can you ask that question once more? (Sam, first meeting: 3).

As Sam’s response indicates, it was a difficult question for her to answer. A key difficulty may have been my assumption that there would be a neat and straightforward explanation for her violence. In addition, the question assumes a linear truth about why women perpetrate violence. My question also assumes that women offenders are coherent and rational individuals able to explain their actions in ways that would make sense to me, someone who does not know their individual worlds or share similar experiences.

The majority of people who participated in the study, including me as the researcher, struggled to make sense of women’s violence. Occasionally, some practitioners denied that women perpetrated actual violence, some excused women’s violence, whilst others blamed them. When people did acknowledge that women had perpetrated violence, they often cited different and sometimes competing ‘truths’ to explain it.

I have divided the following discussion into three broad themes. First is the Western liberal humanist view of the healthy ‘self’ as one who is unified, coherent, reasonable and rational. Secondly, the role of individual behavioural psychology, pathology, bodily experiences, and the influence of subconscious desires and needs on an individual's actions and behaviour. Thirdly, how workers view the role of women’s social, familial and cultural context along with an identified desire for power and control. I also include a discussion on the role of co-offenders along with drugs and other substances. I intersect the explanations offered by women and practitioners
with brief reminders of relevant theoretical explanations discussed previously in Chapter One.

**Liberal humanist view**

**Enacting ‘choice’**

A liberal humanist view of a reasonable and coherent female subject argues that women themselves make a ‘choice’ to perpetrate the violence and therefore are responsible for this choice. This notion of individual choice, illustrated by the following quotes, underpins the majority of feminist research on male violence and also informs offender behavioural-change programs:

- This moment of decision, therefore, is also the locus of potential resistance to violence (Kappelar 1995: 5).
- Ultimately each individual act of violence is a choice (Perilla et al. 2003: 34).

Feminist researchers hold the view that men’s violence is informed by patriarchal beliefs and that individual men make a choice to perpetrate violence and therefore must be held legally accountable for this choice. The difficulty for feminists is whether they equally reflect both aspects of this feminist analysis of violence when analysing women’s use of violence. I found that, when I began the thesis, I held the strong view that women could and did make choices to perpetrate violence. However, I always mediated my assessment as to what degree a woman was responsible for her choice through a subjective analysis of her social, historical and family context. Throughout the research, I found myself slipping in and out of the view that a woman was only ever partially responsible for her choice to perpetrate violence. Her perceived level of responsibility shifted depending on my interpretation of her situation and experiences. Allen (1987a) described this process for workers and the need for workers to reflect on both women’s choices and their social context when producing reports for court:

- The delicate task is to do so without also following these reports into suppressing the recognition that these women can also – even at the very moment of their victimisation and coercion – be conscious, intentional, responsible, and potentially dangerous and culpable subjects of the law (1987a: 93–94).
The reality described by Allen that women can be both potentially dangerous while also victimised resonated with my understanding of the experiences of women who participated in the study.

While all the women described their role in the violence, Sam was the only participant who commented that she had chosen to perpetrate violence. Sam described how she had made some clear decisions about her future behaviour. These decisions appear to be linked to the two years of intensive counselling she had received since her conviction:

*I s’pose my life has been made of choices, however wrong or right they might have been. Choices that I have made. Choices that have consequences. Choices are made on circumstances that I may or may not [have] been in but no matter how distorted those choices are, they are still choices and have consequences on the person and people around them. Whether I acknowledged it or not it still happened. It’s still real* (Letter from Sam, 19 April 1999).

Kimberley expressed ambivalence about her own behaviour and commented that she regretted what had happened. However, she in part, at least, blamed the victim for the assault (Kimberley: 3). Joan talked about her own violence as a reactive response to circumstances that felt out of her control:

*I think really all of it would have been reactionary. It was so intense, it was hard not to be reactionary. You couldn’t have any control about what was going on because the pressure was just there all the time* (Joan: 4).

Contradicting her earlier point, Joan later commented that perpetrators, who are also victims of violence, make “unforgivable” choices to hurt others. She suggested that this makes it “twice the crime because they know the powerlessness [of] the victim” (Joan: 18). Rita, Jody and Rhinanon did not explicitly discuss their own choice to perpetrate violence.

Workers also discussed their own difficulties in trying to make sense of women’s choices to perpetrate violence. Goff suggested that women can sometimes maintain their own identity as a “victim” and seek to “put the whole blame on the man” (Goff: 14). Belle commented that men are often named as offenders and placed in the criminal justice system while women are identified as victims and linked into women’s support services:
As we got further and further into the work, what I discovered, he was responding to her violence. She had been belting up their disabled child, in a wheelchair. So, somehow or other, this cycle started and she was linked into the women’s outreach centre and he was linked into corrections (Belle: 4).

Nat suggested that when workers only focus on women’s victim experiences, they ignore the reality that women can and do make a choice to perpetrate violence (Nat: 4). Workers responses to women perpetrators are discussed further in Chapters Seven and Eight.

Indi believed there is an element of choice in women’s actions and commented on the outcome whereby women are relieved of responsibility for their current actions, and also for taking action to change their behaviour (Indi: 9). It is useful to note that in therapeutic work with male offenders, men are challenged to both accept responsibility for their behaviour and engage in behavioural change.

Adele and Belle both suggested that women deny and minimise their own violence towards others (Adele: 4; Belle: 3–4).80 Nat described the difficulties he had experienced when working with women who were openly assaulting their children:

I’ve heard mothers say things like ‘They’re my kids and if I want to beat them, I will’. I’ve had mothers say to me, ‘We haven’t come here to talk about the bruises on the kid’s body, we’ve come here to talk about how naughty they are’. In a sense, the mothers that I’ve talked with who have been abusive of their children will say that their behaviour is justified because the kids act out and the kids are misbehaving and so forth, but in actual fact, they’ve been abusing their children and to the point of being quite horrifically damaged and injured and hurt (Nat: 4).

In contrast to the comments above, other practitioners suggested that women are “less likely to minimalise their violence” and “more ready to acknowledge their own behaviour” than male offenders (practitioners, group meeting, 25 May 1999). This view appears to reflect the debated notion that women are somehow more willing to take responsibility for their own crimes.

Nat suggested that both women and men do choose to enact violence, but that their lives are also influenced by their social context. The link between an individual’s

80 Hearn analysed the discursive strategies used by male offenders to minimalise their violence to women which include denial, victim blaming and minimisation (1993, 1998).
choice to perpetrate violence and a social context that supports the enacting of violence was a recurring theme for the study.

I think in a broader sense, men and women are both victims in the broader society, and they’re also their own subjects and so they’re also making their own choices (Nat: 14).

When reviewing the debates about individual choice, workers appeared to return to the view that women’s choices were intrinsically related to their earlier victim experiences. To recap, viewing a woman solely as a victim has four problematic outcomes. First, it renders women’s violence invisible; second, it denies women’s capacity to enact agency; third, it denies the experiences of victims of women’s violence; and last, women offenders may access victim support services which may mean other women or children are at risk of harm.

Six of the seven women appeared to represent their own violent actions as either out of their control or as a response to other circumstances. While appreciating the complex and difficult circumstances some of the women found themselves in, I found it difficult to understand their choices when it meant other people experienced extreme pain and trauma and in, three cases, died. I struggled to reconcile my belief in an individual’s capacity to make choices and take responsibility for their action with an understanding and appreciation of women’s immediate situations. The unresolved question is how much responsibility we place on an individual woman for her choices or on the influence of our shared social world.

**Behavioural and psychological explanations of violence**

Behavioural psychology suggests that some aspects of human behaviour are learnt through observation, role modelling and mimicking others (Bandura 1977). In addition, as discussed in Chapter One, there is a suggestion that women’s use of violence can be directly attributed to complex psychological processes. These explanations prioritise the pathology of the individual over the possible influence of her social context, individual subjectivity and capacity to enact agency.

I have a mixed response to many of the behavioural and psychological explanations for women’s behaviour and experiences. I find some of the explanations familiar and
extremely useful. They resonate with many of the issues and experiences I have noted during my work with victims of sexual assault and during my conversations with women offenders and workers during the research. However, while noting their usefulness, I am also mindful that all are essentialist in their explanations of women’s experiences and behaviour. They focus on the pathology and experience of the individual, which negates the role of discursive forces, social context and other structural factors. In addition, they provide a single explanation of such behaviour, which does not allow for the interplay of multiple factors which may influence women’s behaviour. The reality that women, workers and I were so easily convinced by psychological explanations for women’s violence was a useful reminder of the seductive nature of essentialist individual explanations for women’s violence.

As all the women and workers described various psychological explanations for women’s use of violence, I have included their explanations in this chapter. I identified nine main themes including: ‘out of control’ response; feelings of anger and rage; self-harming behaviours, the containment of intense feelings; the release of intense feelings; power and control; revenge; the separation of the ‘good’ and ‘bad’ self; and distorted notions of love and hate. I found significant intersections between the psychological explanations, women’s bodily experiences of emotions, including intense feelings of rage and powerlessness, and their choices to actually perpetrate violence.

‘Out of control’ response

Joan and Andi talked about their violence as an ‘out of control’ reaction to a specific situation and circumstance. Andi described how her desire to make threatening telephone calls was an addictive compulsion that was out of her control (Andi, second meeting: 25). Joan described her use of violence against her children as an act of desperation in a family situation that she was unable to control (Joan: 5).

Over half of the practitioners who participated in the study defined women’s violence as emerging out of a combination of factors which included their own victim experiences, their lack of resources and as a ‘last straw reaction’ to a series of events that were out of their control. A group of workers described a paradoxical reality whereby, although they acknowledged that “women have still really hurt people”, they suggested that “there’s no control, it doesn’t seem to be about power” (practitioners, group meeting, 21 June 1999: 5). Workers used a range of
expressions to describe how they understood women’s use of violence against their children. The expressions included “lash out” (Evie: 2), “react, can’t control their reactions” (Claudia: 1), “lose the plot” (Indi: 9), “spur of the moment, unplanned explosions” (Goff: 10–11), “it’s expressive, out of control” (practitioners, group meeting, 24 February 1999: 3), and “don’t use violence in an instrumental way, they just explode” (practitioners, group meeting, 21 June 1999: 2). Workers responses reflected some research findings as discussed previously in Chapter One. Griffiths defined these as explosions of “cumulative anger” and suggested that some violent women may have come to the “end of an emotional tether” (2000: 142–143).

In contrast to these positions, Indi, while describing how women might “lose the plot”, disagreed with the position that women’s violence is an “out of control” response. Indi commented that she does not “like letting either men or women off on that one, saying that it was out of control” (Indi: 9). Indi’s view highlights the dilemma for feminists when using this explanation for women’s violence while denying the use of such explanations for men’s violence. This issue was discussed previously in Chapter One.

I suggest that not all acts of violence are the same. They differ in the type of violence, the motive, the outcome, the identity of the perpetrator and victim, the situation and the relationship between the victim and perpetrator. I believe sometimes women may perpetrate violence as a response to an extremely difficult situation. However, it is contradictory for some feminists to suggest that women perpetrate violence only ever as an ‘out of control’ response to events, and that men perpetrate violence only ever as a deliberate instrumental strategy to achieve a particular aim. Perhaps both men and women perpetrate violence because of a range of reasons, some of which may be similar.

Feelings of anger and rage

While practitioners debated the role of anger and rage on women’s choices to perpetrate violence, in the main the women themselves did not clearly link their violence to feelings of anger. Jody was the only participant who explicitly linked the stabbing of her friend with her intense feelings of anger and a desire to hurt. She described a link between her earlier experiences of violence, her feelings of anger and her decision to hurt other people:
Did I want to hurt her? Did I want to hurt her? That’s weird; it’s funny that I can’t answer that. I would have taken myself back there. Yeah, I’m pretty sure I didn’t realise what I was really doing, you know, stabbing her, but yeah, I wanted to hurt her. I was angry (Jody: 7).

Jody’s comment that “I didn’t realise what I was really doing, you know, stabbing her”, raises the unanswered question as to the influence of anger on someone’s own cognition and their actions. Workers and theorists have debated the link between previous experiences of violence, feelings of anger and rage and the enacting of violence, and such debates are unresolved.

Sam described how she used to get very angry; however, she did not make a link between her sexual offences against children and feelings of anger:

I’ve got a bit of a temper on me. … Then I was very angry. But now, I don’t know, I seem to keep all my anger down. I mean I am working on that (Sam: 4).

Why I was angry with myself, because I can’t get angry at my mum. I don’t know why, but I can’t get angry, I just can’t yet.

You say, yet, do you see that happening in the future?

Hopefully, I’ve got to stop being angry with myself one day. People say that, that I have to stop being angry at myself, but I have to get angry with the one who hurt me. But maybe it will come to a time that I will, but I don’t know yet (Sam: 19).

There are a couple of interesting points in Sam’s comments. First, she acknowledged that she used to be very angry but was working on keeping her anger “down”. Secondly, she said that she could not get angry with her mother (the main perpetrator). In contrast, she said that she was angry at herself for the violence she perpetrated against others. Thirdly, Sam was angry with herself for being a victim.

Joan also identified her own feelings of anger resulting from previous experiences of abuse, though she did not link these feelings to her physical assaults against her children. In addition, she described how she had learnt to “manage” or, in other words, not express her anger from a very young age (Joan: 15):

No. I’ve always had a fear of letting it out.

What might happen?

I’d hate to think (Joan: 15).

I’ve got no idea where it would go, how hard, how explosive (Joan: 17).
As discussed previously, women are not ‘allowed’ to be angry and therefore have few socially acceptable avenues for expressing legitimate feelings of anger (White and Kowalski 1994).

Women who participated in the ‘women and anger’ group said that women are often not allowed to be angry, that they cover up and “push their anger down into their bodies”. They said that often women behave as “normal” women, in other words passive and acquiescent, and hide their anger. Participants also suggested that some women may use alcohol or minor tranquillisers to subdue their angry feelings but that when “coming off, the anger surfaces again” (group meeting, 21 June 1999: 2). The women in the group described that they were angry with the people who didn’t protect them when they were children. One woman commented that she did not get angry with the person who hurt her, instead she blamed others. Another participant talked about the internalisation of her own anger, her fear of hurting others and the “easier” option of engaging in self-harming behaviours:

- Now, anger comes out at really trivial things. I have a fear of hurting someone else or an animal, so it is easier to hurt myself (participant, group meeting, 21 June 1999: 2–3).

Practitioners also commented that many women were scared that they might hurt others, that they would be overwhelmed by their feelings of rage, and that they would get into trouble with the police if they expressed their anger (Indi: 16; workers’ group meeting, 21 June 1999: 3):

- I’ve worked with women who experienced out of control rage, black rage. A woman who would pick fights and know that she was acting from a place of anger. One woman described her extremely violent behaviour, road rage, driving really really fast and wanting someone to be on the road so that she could run over them (workers group meeting, 11 May 1999: 5).

Goff and Nat both talked about the reality that some women might experience feelings of sadistic pleasure from their assaults on others:

- What if seeing the humiliation and pain of the other is perfectly acknowledged, it is not dehumanised at all, it’s perfectly acknowledged because that’s actually what gives you the pleasure (Goff: 6).
And one of the things I think we overlook in our culture, we don’t want to face or we
don’t want to somehow explore, is the fact that some people actually enjoy violence
and I think we really sideskirt that issue (Goff: 4).

People may derive pleasure from [the] sexualisation of power and the abuse of
others and they enjoy that. In a sinister kind of way they may actually enjoy seeing
other people in agony (Nat: 7).

Goff and Indi both suggested that people who grow up in extremely chaotic, abusive
and violent environments may become used to living in a state of heightened
arousal. Goff suggested that such physiological experiences may affect their
behaviours or activities when they are safe and not at risk (Goff: 6). It is possible
that a complex psychological and physiological process occurs where the feeling
states of pleasure and pain are linked. However, further discussion on a possible link
between sadism and women’s choice to perpetrate violence is outside the scope of
this study.

Women and workers raised some interesting points that would benefit from further
research. They include the fact that often women are concerned that they may not
be able to cope if they ‘release’ their anger, and that a practitioner or family member
cannot dictate to victim/survivors what they need to do to recover from previous
experiences of violence. Further, many workers acknowledge that re-directed anger
can be a positive energy for women to use in their own healing or when advocating
for social change.

Self harm
All the women who participated in the research had engaged in behaviour that could
be broadly defined as self-harming:

And at that point I was doing sort of self-harm things, cutting, smashing things (Sam,
first meeting: 3).

I suppose the marks on my arms and the rest of my body is pure evidence that I take
it out on myself when I do get violent. … I do it when I’m angry with other people or

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81 This term refers to the view that human beings are able to move into a state of acute awareness of
their surroundings. This state of heightened arousal enables them to either ‘fight or flight’. This term
refers to the body’s preparedness to fight against a possible enemy or to run away. Women and
children who have been living in domestic violence situations or war have been diagnosed as living in
states of heightened arousal (Herman 1992; Miller 1990).
82 See Dankwort 1992–93; Freud 1915, 1920; Snell, Rosenwald and Robey 1964 for further
discussion.
with myself. It just takes away a bit of that, for a while. I mean it’s not working so good now (Sam, first meeting: 5).

A woman who participated in the ‘women and anger’ group discussion described how she viewed self harm as a way of having control, although she acknowledged that:

I feel trapped with it though, it’s a dead end way of behaving (participant, group meeting, 21 June 1999).

Another woman painted a disturbing image of her mother “off ranting and raving and I would be off somewhere, hitting myself” (participant, group meeting, 21 June 1999: 3). The woman described herself assaulting others, self harming and attempting suicide.

Practitioners also discussed the links between women offenders’ use of self-harming behaviour and suicide. Indi described how women may have low self-esteem coupled with ongoing persecutory “self talk” and an internal belief system which positions them at the bottom of a complex social hierarchy (Indi: 9, 17). Indi suggested that women may find short–term “relief” through medication, “containment” including imprisonment or secure psychiatric care, enacting violence, self harm or actively putting themselves at risk of harm (Indi: 15).

Indi described the similarities between women and men who self harm:

I would say that I would have expected it to be more different, males from females. But what I’ve found in practice is it is more similar. I guess the difference that I still do find is that there seems to be more directed against themselves. That women tend to do more slashing and burning of themselves than men do. I think it is partly to do with the way that they were raised and the legacy that they bring to adulthood (Indi: 7).

I think the violence directed at themselves is often about defeating themselves. That ‘you know I’m hopeless’ so I will subordinate myself to that position (Indi: 8).

I found Indi’s observation of the similarities between men and women’s use of self harming behaviour useful. It reminded me of the commonalities between men and women as victims of violence, the use of self harm to ‘defeat themselves’ and possible links to violent assaults against others.
Evi, a worker, discussed this topic and highlighted the gendered ways children learn about anger:

*It is interesting to see how kids, girl children, learn to express anger and learn to externalise their anger. Then women begin to internalise their legitimate anger* (Evi: 1).

Evi suggested that, as young children, girls externalise their feelings of anger, however as a consequence of socialisation, as they grow into women, they begin to internalise their anger which, in some situations, may lead to self-harm.

Practitioners appeared to draw heavily on ‘hydraulic’ notions of the body in their explanations of the ways women ‘contain’ feelings of anger in their bodies. They suggested that this containment occurs because of the absence of socially acceptable outlets for women to express their legitimate feelings of anger. The contained anger is often posited as a primary cause of women engaging in self-harming behaviours and/or putting themselves at risk of further harm. These issues were discussed previously in Chapter One and will be discussed further in Chapters Seven and Eight.

**Containment of intense feelings**

The diverse ways we can respond to earlier experiences of violence were discussed previously in Chapter One. Women participants did not use the therapeutic language of ‘disassociation’ or other psychoanalytic terms, but described feelings or situations that I have interpreted as linked to their ability to ‘numb’ themselves or shut down their feelings. Nat suggested that perhaps women diassociated from the painful feelings at the time but such feelings still resided in their bodies and memories (Nat: 12). Nat extended this point with the suggestion that if someone was disconnected from their own pain, they may be disconnected from, and unable to empathise with, the pain of others.

*They are kind of so disconnected that they can give themselves permission to do anything because it doesn’t matter, even to themselves* (Nat: 12).

Nat’s suggestion led me to consider whether women are disassociated from their own feelings prior to perpetrating violence against others. This point raises the
question as to possible links between women's ability to disassociate from their own pain, self harming behaviour and offending behaviour.

Nat suggested that, if women are in a situation where they feel threatened, they may experience a flashback or memory of an earlier experience of violence. This flashback may result in their feeling vulnerable, and as a consequence, enacting violence to protect themselves from perceived danger (Nat: 8).

Drug use is a common strategy used by many women when dealing with an array of complex feelings resulting from earlier experiences of abuse and will be discussed in a separate subsection later in this chapter.

Release of intense feelings
As discussed in Chapter One, researchers have suggested that the violent act itself may facilitate the release of intense feelings. Andi described her sense of relief after she enacted the violence, although she found it difficult to find the right words to describe the feelings:

What else do you get out of being bad? Relief.

Relief from what, feelings inside?
Yeah.

What sort of feelings are those?
Well it can rip your hair out (Andi, second meeting: 5).

Very very mixed. … Confused, feel like my head is going to explode. I don’t know. Can’t think of the right one (Andi, second meeting: 12).

Andi described a range of feelings from a list I offered including anger, hurt, pain, insecurity, anxiety, depression and fear, though she did not highlight any single emotion as being more significant or powerful (Andi, second meeting: 11–12). She commented that feelings of sadness, betrayal, loss, hopelessness or rage were not part of the mix of emotions she experienced. She also described how she used the threatening phone calls as a strategy to express her emotions:

What emotions do you think you’re expressing when you do those phone calls?

83 It is worth noting that Andi earlier described her behaviour as “bad”, which I repeated in my questions. I am not clear as to who may have originally defined Andi's actions as bad, and wonder whether my use of the word reflected my own interpretation of Andi's behaviour.
I found it interesting that Andi described how she simultaneously felt angry, free and happy while making the calls. This co-location suggests that threatening others enabled her to express feelings of anger which created a sense of freedom and happiness.

Members of the ‘women and anger’ group also suggested that when women use violence it enables the release of “pent up emotions” which they identified as “hatred, shame, blame, guilt, frustration, resentment and a cry for attention” (group meeting, 21 June 1999: 2). As discussed previously the hydraulic notion of the body containing and releasing intense feelings appeared as a common theme in psychological explanations for women’s use of violence.

Revenge
Acknowledging women’s capacity for violence and aggression led me to consider the role of ‘revenge’ in our social, moral and historical stories about, and explanations for, violence. Capital punishment is also partly predicated on this assumption. Revenge was a key component of Kimberley’s rationale for assaulting the person who had scared her son:

Yeah, just for putting a gun to me son’s head, like, he was so traumatised, he wouldn’t go to sleep until after midnight (Kimberley: 2).

Because he owed me money, because of me dealing and I went round to get it and I was talking to his mum and he walked in and he said ‘orhh...the gun wasn’t even loaded’, so he sort of dobbed himself in (Kimberley: 2).

Kimberley’s second comment is worth commenting on further. Kimberley said that the victim had “dobbed himself in” by telling her about the gun. It is possible that Kimberley and her co-offenders decided it was now ‘safe’ to revenge the threats made against Kimberley and her son because the victim did not have a loaded gun, and/or he made a false threat.

A practitioner described one client’s revenge fantasy:

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84 Advocates of capital punishment in Western nations argue that capital punishment is designed to deter potential offenders and offer victims’ families a form of restitution.
This woman would describe a fantasy she had where she would grab this man and bash his head against the wall, and she could see his brains running down the wall. … The woman could hold that level of violence within her, not act on it, but by talking about it, it would be a cathartic release (worker, group meeting, 11 May 1999: 3).

When discussing retaliatory acts of violence, Herman (1992) stated, “in her humiliated fury, the victim imagines that revenge is the only way to restore her own sense of power” (189). However, Herman concluded that taking revenge did not achieve the desired result and commented that:

People who actually commit acts of revenge, such as combat veterans who commit atrocities, do not succeed in getting rid of their post-traumatic symptoms; rather, they seem to suffer the most severe and intractable disturbances (1992: 189).

Given this social, political and cultural backdrop, it is not surprising that women and practitioners may offer revenge as part of their explanation when analysing women’s acts of violence. Practitioners also analysed the role of the revenge fantasy in the lives of women who are victims of earlier violence.

**The ‘good’ and ‘bad’ self**

A group of practitioners made the interesting point that women choose to enact subtle and covert acts of violence as a strategy to get “pay back” while still maintaining their “good victim” status. They also commented that women “split the violence off from the self” (Worker, group meeting, 11 May 1999: 2). The possibility that a person may separate their one ‘self’ into two separate non violent and violent selves was discussed previously (Hearn 1998).

Indi tentatively suggested that when a woman moves away from self-harming behaviours to engage in acts of violence against others, this shift could be interpreted as a sign of increased emotional or psychological well being. Indi suggested that “sometimes the way to recovery includes a phase of being aggressive to others” (Indi: 7):

I’ve heard someone who’s cut themselves and then gone out with the same knife to beat up the cops (Indi: 6-7).

Indi described the importance of a therapeutic process where women are able to locate responsibility for past violence with the perpetrator/s and forgive themselves
for being victims of such violence. Indi suggested that the process would enable women to validate their legitimate rage. She acknowledged that there is a fine balance between encouraging women to express their rage and reminding women of the rights of others to be safe from harm. Indi commented that a woman beginning to use violence against others “is not a desired shift” (Indi: 7). This viewpoint was not widely articulated by other workers and is not included in current theoretical analyses and practice strategies for women who are victims and also perpetrators of violence. However, as discussed previously, at an informal level there appeared to be some feminist practitioners who also subscribed to the idea that if women are ‘fighting back’ this behaviour could be interpreted as an element of emotional ‘recovery’.

**Feelings of love and hate**

Sam’s narrative contained descriptions of complex psychoanalytical processes where she re-defined her sexual assaults on her sister and foster brother as acts of “love” and “care”:

> I think it was, as far as my brain could tell at that point, it was normal and I wasn’t doing anything wrong. [long pause] I think I saw it, and it is hard to just identify what, some of it was like, sort of like, love and I think, sort of, I don’t know (Sam, first meeting: 2).

Sam also described her own loneliness and belief that her sister and the little boy were also lonely; therefore they “needed” her:

> I thought the victim that I perpetrated against, that they needed me. Like they needed me to love them, or you know, because that was the only way I got treated. … And you know, I suppose another thing is loneliness. I suppose you got really lonely and as a little kid, and I suppose, you sort of, not pick them up, but sort of acknowledge that maybe, the little boy abused and my sister and that, like they were lonely too and they needed me (Sam, second meeting: 13).

It is notable that Sam described the “victim that I perpetrated against”, which is a technical term which I imagined was learnt from her worker. I also found it interesting that Sam slipped from using “I” and “me” to talking to about herself in the third person, and then reverted back to the first person.

In contrast to distorted feelings of love, some workers suggested that women may hate their life and the people in it. Workers commented that some women may view
their children or other dependent family members as “trapping” them in a particular situation. They suggested that as a result some women may physically or emotionally assault their children or other vulnerable family members as a form of punishment. This issue was discussed previously in relation to Parker’s notion of “unmanageable” maternal ambivalence (1995, 1997).

**Intimate relationships**

Some practitioners suggested that women offenders might have experienced feelings of abandonment as a result of earlier experiences of neglect or harm perpetrated by primary caregivers, specifically mothers. Feelings of low self-esteem and an absence of trust in others were recurring themes in the narratives of both women offenders and workers. Practitioners noted that such feelings may be accompanied by a heightened sense of anger, injustice and grief. In addition, women offenders described feeling alienated and isolated from “others” (non-offenders) in their communities.

Nat suggested that such experiences may create a situation where a person feels “apart” from everyone else, they are “immoral islands” and therefore the “only set of rules they will follow will be their own” (Nat: 9–10). Acknowledging that women offenders are often socially isolated, Nat also suggested that women may internalise the view that they are “bad” people because this is believed by significant or powerful ‘others’. Therefore, women offenders may continue to engage in behaviours that reinforce these internal and external beliefs.

Indi talked about the influence of growing up and living in a familial and/or social context where violence is normalised. She suggested that women offenders may believe that most people will harm them, therefore:

> If you in turn do harm to somebody, you don’t have the same sense of breaking rules because the rule is ninety percent of people are going to do you harm anyway (Indi: 4).

It has been suggested that some perpetrators may engage in offending behaviour to attract the attention of parents, police or other authority figures (Geldard and Geldard 1999; Goddard and Carew 1993). Andi was the only participant who agreed with my suggestion that perhaps her behaviour was linked to her desire to be noticed (Andi, first meeting: 5; second meeting: 21, 24–26):
Chapter Five: Exploring contested ‘truths’

Do you feel that people don’t take you seriously?

*When it comes to this, yes.*

Do you think that might be part of this, that this is the only thing that people take you seriously about?

Yes.

When you ring and make threats?

*Yep.*

That might be part of the reason why you do it?

*Yes* (Andi, second meeting: 26).

However, on reflection, perhaps Andi was just agreeing with me.

A number of women witnessed violence perpetrated against their mothers or siblings perpetrated by their fathers and/or other family members. Many of the women talked generally about having recent experiences of violence perpetrated by a range of people including male partners, other women in the prison system or women friends. The threat of violence and/or actual reality of violence perpetrated by known offenders, appeared to be a commonplace and almost regular experience for the women. Rita commented on this issue during our meeting:

*So, I used to get myself into adult experiences of always hanging around with people who were drunk and violent and thought that was a way of life* (Rita: 2).

The women who participated in the study appeared to have grown up in a cultural context where violence towards intimates was a typical response to difficult situations or feelings. In this world many people who were friends or family members were also victims and/or perpetrators of violence. The totalising presence of ‘violence’ in women’s lives is a significant factor in understanding their instrumental view of violence as ‘just what you need to do to survive’. As Indi suggested, if you are living in a family where people get belted, “then it is better to be the one with a big piece of wood belting others over the head” (Indi: 9).

Goff and Belle both commented on the multiple factors that may influence women’s choices to hurt their children:

*They’re also someone who does not have the emotional and social skills to parent.*

*So put them in any situation where they are going to be out of their depth and usually*
people’s response is either to go into a catatonic depression or some kind of psychosis or aggression and violence (Goff: 15).

I can see a multiple of issues that contribute to their violence. … I see young women being quite violent to their children and not even knowing that it is violent (Belle: 8).

I think women, I sometimes think women choose to. … So, I think that there’s a choice in it. But, I still think that choice comes from lack of education (Belle: 5).

These comments raise the question that, if the violence is normalised as a familiar response to a situation, would the acts be viewed and/or experienced as a ‘normal’ response or as a ‘violent assault’ by both the perpetrator and victim?

Workers acknowledged the chaos for women living with a violent partner, but still sought to understand why women perpetrated violence against their children. A group of workers acknowledged that “there were women who were violent” and that the violence “wasn’t justified” (practitioners, group meeting, 25 May 1999: 4):

She may also become abusive towards her children, due to the fact that her only way of understanding, controlling her children, using power, is abusive against the children (practitioners, group meeting, 24 February 1999: 2).

Although workers agreed that women did assault their children, they appeared to view women as stuck in a particularly vicious pattern of entrenched behaviour or a violent family situation.

Some of the children had cigarette burns that their mother had inflicted, scared of baths because ‘mum pushes me under the water’. Then when you would meet with mum, find out that she was a victim/survivor of violence perpetrated against her, involved in the drug culture (practitioners, group meeting, 25 May 1999: 4).

The majority of workers who participated in the study positioned women’s violence as coming from a place of “emotional and physical pain” along with “disempowerment and frustration” (practitioners, group meeting, 25 May 1999: 2). Adele suggested that women “don’t make a conscious choice at the time”, instead they react to circumstances and may use violence out of desperation (Adele: 3). These suggestions share similarities with the view discussed previously that some women perpetrate violence as an ‘out of control’ response to a difficult situation.
Chapter Five: Exploring contested ‘truths’

Women’s context

Workers talked about how women’s ‘choice’ to enact violence can be influenced by their context, the lack of knowledge or resources or capacity to make different choices. Workers suggested that in some situations it might be socially “unacceptable” for a woman to walk away from an insult or not respond violently to a clear “provocation”. Indi suggested that for some women it might be “a virtue to fight even if you are going to lose” (Indi: 16). This explanation parallels the example raised by Jody in the previous chapter when talking about fighting in prison.

A number of workers suggested that some women might perpetrate violent offences or neglect their children to get the attention of human service workers.

Women just come in, being part of the underclass, bordering on serious mental illness who are just crying out for services and they can’t get the services they need. One woman, who couldn’t get services, resorted to physically assaulting her flat mate, hoping that the mental health service would take her on. The mental health team said that it was a police matter, wouldn’t take her on (worker, second group meeting, 24 August 1999: 3).

One woman I knew who said to the Department, ‘please take my child into protection, I’m detoxing and I’m not safe’. Protection wouldn’t and she went outside and put her child in the gutter and then Protection took the child into care (worker, second group meeting, 24 August 1999: 3).

All the workers agreed that social, economic and cultural factors play a major role in the quality of women’s lives and influence their capacity to make healthy life choices. In addition they described how the Victorian government’s policy directions, along with government decisions about funding to community support and rehabilitation programs, all affect the quality of choices and opportunities for women, specifically women who have perpetrated violent crimes.

Power and control

One person enacting violence against another is participating in an act of power that is both relational and psychological. The relational component is the relationship between the perpetrator and victim, their individual identity and the social context, which informs the perpetrator’s choice to assault the other. I discussed the various factors that contribute to the construction of women’s identity previously in Chapter One.
Researchers have suggested that the choice to perpetrate violence may also be linked to a psychological process whereby the offender prioritises her own needs as more important than the needs and rights of the victim (Motz 2001; Welldon 1988). As explored earlier in this chapter, these feelings may include the need to exert power and control, a desire for domination and/or revenge or the release of intense feelings such as anger or rage.

Sam, Kimberley and Andi described feeling powerful and in control as a result of their choice to perpetrate violence against another. Sam described the “buzz” she received when she secretly abused others:

> I think it was a buzz about feeling powerful and you know, stuff that maybe my mum knew, or maybe my mum didn’t. At that point I didn’t think my mum knew. And I think that part was sort of a buzz for me (Sam: second meeting: 11).

It is significant that part of Sam’s “buzz”, was the fact that her mother did not know that Sam was hurting her sister and others. She noted that she “was hurting and that’s the only way I knew how to get any sort of love or control” (Sam, first meeting: 2). It is interesting that Sam separated love from control and that her need for both could be meet through the sexual assault of others. When I asked about her feelings of pleasure, she commented that “it was the only time I felt good” (Sam, first meeting: 4) and she linked this feeling with a sense of control and power:

> I think I did. I think I did, I think, I got a sense of control. I felt, you know, powerful.

Was that the only place you felt powerful in your life, when you were hurting someone else?

Yeah [long pause].

How does it work?

> I suppose for me, [long pause] it worked like, suppose, I put it in my mind. I was getting hurt, someone else has to hurt. For me, it’s the only time I feel good. And I don’t know, everything that goes with it (Sam, first meeting: 4).

And also, you know, the control thing. To have that power and control over someone is like full on. You know. I didn’t have it in my life (Sam, second meeting: 13).

Kimberley acknowledged that the act of violence created a new and unexpected feeling of power (Kimberley: 3). In contrast to both Sam and Kimberley, Andi sought attention from the police who she perceived “as the ones with the power” (Andi: 22).
Chapter Five: Exploring contested ‘truths’

Andi commented that she did not see any reason why she should not hurt or scare other people. Andi also described feeling pleasure during and after the assaults:

- How long does the pleasure last?
- Maybe an hour, two hours.
- Then it disappears?
- Yeah, and then you want to do it again (Andi: 15).

Joan described the complex intersection of power and fear resulting from living with a violent partner and/or a violent father:

- When it comes down to it, we have choices, and I think sometimes women may think that as their only choice or that living with a perpetrator is a powerful role and how to achieve power. You watch someone and how they can manipulate and use language and use intimidation to have control, then they’re good skills to learn. If you’re a child and you’re powerless, it’s worth knowing how to do this (Joan, first meeting: 12).

It is significant that Joan suggested that learning how a perpetrator gains power and controls others are “good skills” to learn and that it is “worth knowing how to do this” (Joan, first meeting: 12). It is also notable that Joan shifted from talking about a woman living with a husband who perpetrates violence to describing a child living with a father who is violent. I am not clear whether Joan was talking about herself as a child or whether she was talking about the life experiences of her own children. In this case she could have been describing the strategies her children learnt when living with their father and explaining why it was so difficult for her once they had all left her ex-husband.

Practitioners cited examples of women who used violence instrumentally as a form of revenge, to take control, or as an expression of power. A few practitioners noted that some women were extremely proud of their own violence. They suggested that such women had “no qualms” about the harms done to the other person and one worker commented that a couple of women “wished they had stuck the boot in a couple more times” (worker, group meeting, 11 May 1999: 4). Workers provided examples of young women using weapons, women in gangs assaulting other women and men, child abuse and domestic violence in lesbian relationships:
One young woman, really gloated about how powerful she felt after punching someone in the face, how wonderful she felt (worker, group meeting, 24 February 1999: 2).

Some women perpetrate really overt violence, and they get an adrenaline buzz from the violence (worker, group meeting, 11 May 1999: 1).

One woman had killed someone, stabbed them. Her life was entrenched violence. She was so fucking scary. I used to always think she was going to assault me. The way that people tell their stories of being violent, is a way that they are deliberately seeking to scare me, as their worker. ‘See this is what I can do, so you better watch it’ (worker, group meeting, 11 May 1999: 3).

Belle described her feelings of vulnerability when working with a woman who had a history of assaulting workers (Belle: 10). It is noticeable that in this example the woman told Belle that she would hurt her “if you hurt me” (Belle: 10). The woman’s belief that violence is a legitimate response to ‘hurt’ makes sense if we consider her previous experiences of violence. It is also significant that Belle noted the “mental anguish” of the woman but, instead of focusing on the woman’s pain and previous experiences that may have led to such anguish, she commented on the link between that pain and her perception that the woman would be physically powerful. It is possible that some women may deliberately present themselves as threatening as a strategy to exert power in a potentially vulnerable situation and to protect themselves from further harm.

Nat suggested that some women seemed to use violence as a deliberate strategy to exert power, control, dominate and “subjugate others” (Nat: 6). The participants in the ‘women and anger’ group also noted that women can and do use violence instrumentally to achieve a particular outcome. However, participants suggested that women may begin from a position of powerlessness and therefore use violence as a strategy to “gain a sense of power and control” (group meeting, 21 June 1999: 1). The suggestion appeared to be that because women are enacting violence from a place of powerlessness, women are therefore viewed as less culpable and their violence is positioned as less serious than men who have perpetrated violence. As discussed earlier, this suggestion is highly contested amongst researchers and practitioners working with women and families.

When we discussed their own behaviour, the majority of women in the ‘women and anger’ group said that initially they had not felt powerful. Women described how they
used violence as a deliberate strategy to establish a sense of power and control. They noted that their sense of power was often short lived and limited. In addition, they said that their violence could and often did create further problems for them with the police and/or exacerbate an existing situation (Group meeting, 21 June 1999: 3).

Indi suggested that women may use violence as a deliberate strategy to move from an earlier identity as a “victim” to a “perpetrator”. This suggestion raised the possibility that women may seek to leave behind their identity as a ‘victim’, with the associated negative feelings and move to a new perpetrator identity with the associated feelings of power or ‘privilege’. As Indi commented “so they are no longer under the boot” (Indi: 15). This is an interesting twist on the idea that perpetrators can create two selves: the violent and non violent.

This example raises the question of ‘legitimate’ or justifiable violence, which was discussed earlier in relation to the conflicting messages in society about who can perpetrate violence, what forms of violence are legitimate and illegitimate and who is defined as a ‘deserving victim’ and a ‘legitimate perpetrator’ of violence. Stewart and Tattersall (2000), after talking to young women offenders, noted that:

Several of the young women cited examples where they had used physical violence or the threat of violence to reprimand someone who they saw as violent to children. … In some instances the young women felt that society approved of them for their actions (63).

It is useful for this study to reflect on the possible impact of conflicting messages about ‘legitimate’ violence on different women’s choices to perpetrate violence. Definitions of ‘just violence’ are diverse and disputed depending on the social and cultural context. Women and workers commented that some injustices were understood as legitimate reasons for violent repercussions. To illustrate this point, in the MMWCC, a physical assault may be viewed as a normal response to someone giving another woman a “greasy” (an angry look).

In addition, practitioners also talked about “triggers”, or circumstances that may result in a woman assault another person. One worker raised the example of a woman

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85 This point reminds me of Sam’s description of being physically assaulted by a friend after her friend discovered that Sam had sexually assaulted children.

86 Current debates about ‘just wars’ explore similar territory.
who attacked anyone who she believed was criticising her children (practitioners, group meeting, 21 June 1999: 3). Adele, a worker, talked about seeing a continuum of events which in hindsight may tell a story about a woman’s choice to perpetrate violence (Adele: 2). In the context of “explosive” violence, Goff described situations where women resorted to violence as a strategy of last resort when their other coping mechanisms had failed.

> You yell, you cajole, you bribe and finally you hit. Because there is no where else to go, it is like the end of the line (Goff: 16).

However, feminist analyses of ‘stress theory’ have previously criticised the manner in which male violence had been defined as an impulsive and emotional response to a difficult situation such as unemployment or a relationship breakdown. Feminists have argued that such analyses deny the choice, motive, agency, premeditation and planning of men who perpetrate violence against vulnerable others (Dobash and Dobash 1992; Hearn 1998; Pease 1996, 1997, 1999, 2001; Yllo and Bogard 1988). Using this analysis it is difficult to view ‘stress theory’ as a legitimate explanation for women’s use of violence.

**Substance use**

All of the women offenders who participated in the study disclosed that they had used different types of drugs including marijuana, alcohol, speed, heroin, anti-depressants, tranquilisers and anti-psychotic drugs. All the women viewed drug use as a normal part of their lives but felt that the drugs did not help them with their lives over a long period of time.

Kimberley said that she had consumed speed on the night of the murder and blamed her choice to punch the victim on her drug induced state:

> It was just that night, that crime, I was, ‘cause I’d had a whack of speed, like I said, it made me feel like I was King Kong. Sort of thing, so. It’s amazing what drugs can do to you (Kimberley: 7).

Rita described how alcohol “caused” her violence. Rita suggested that this was very similar to the violence perpetrated by her mother and father. None of the remaining five women commented that alcohol or drugs played a part in their decision to perpetrate violence.
Further discussion of the role of drugs and alcohol in women’s use of violence is outside the scope of this study.

**Co-offenders**

A substantial amount of earlier feminist research on women offenders has argued that women often become involved in violent crime because of feelings for, and threats or coercion by, a primary male offender (Mathews, Mathews and Speltz 1989; Skrapec 1993). However, other researchers challenge the view that women offenders are the ‘victims’ of male co-offenders (Daly and Chesney-Lind 1988; Carrington 1993; Pearson 1997; Pickering and Alder 2000). They suggest instead that feminists should incorporate a critical analysis of the different ways women enact agency into their understanding of the social context which influences the lives and choices of women offenders. I support this second argument.

Kimberley and Rhiannon were both convicted of crimes with their current partner named as the main offender. During Rhiannon’s trial, her co-offender sought to shift the blame for the murder to her. When talking about what happened on the night of the murder, Rhiannon commented that she was scared that he might kill her if she did not help him. This fear was linked to Rhiannon’s earlier experience of violence perpetrated by him (Rhiannon: 8). Kimberley and a co-offender were viewed as the main offenders with other minor co-offenders. During our conversation, Kimberley did not suggest that she was forced to participate in the crime by the primary co-offender. Rita described how her participation in the crime was because of “peer group pressure” from her co-offenders (Rita: 3). Jody had previously committed physical assaults in the company of a gang of young women.

Andi, Sam and Joan all acted alone. The individual nature of their actions may be linked to the type of violence they perpetrated which included threats, stalking, child sexual assault and maternal child abuse. In addition it may also be linked to their individual choices, needs, circumstances and opportunities.

Stewart and Tattersall (2000) described how some of the young women who participated in their study were having relationships with older male offenders. They suggested that these relationships may have led to them to becoming co-offenders and additionally “expose them to a higher likelihood of re-offending” (2000: 103).
In contrast to the view of women as minor actors in violent crime, there is a suggestion that some women may be active partners in initiating, planning and enacting violence (Motz 2001; Pearson 1997). My study describes situations where women were active agents who had chosen to enact violence as sole offenders or with co-offenders.

Goff suggested that women’s collusion with others in violent crime is complex. Goff argued that earlier feminist explanations that women do not take action to stop an assault because they are scared of their violent partner are simplistic (Goff: 4). To illustrate this point Goff described a case where a woman had organised the rape of her fifteen-year-old daughter:

*Her mother, when she was about, the girl was about fifteen and it was obvious that she was starting to become a lesbian, arranged for one of her boyfriends to rape her. Because she decided the only way she would stop her becoming a lesbian was for a man to give her a good fucking so that she would realise what it was all about and would stop being a lesbian* (Goff: 8–9).

The examples of women who participated in the research and the comments by workers raises questions about the complex and fluid power relations in women’s families, and their relationships with partners and children. This complexity reminds me to resist simplistic explanations for women’s participation in serious assaults perpetrated against their children and other family members.

**Summary**

The chapter presented the diverse reasons posited by women and workers as to why women perpetrate violence. There are a number of helpful insights that emerge from this review. First, my decision to pose the question ‘why?’ demonstrates my initial assumption that there would be a clear and rational reason waiting to be articulated by women themselves or discovered by me. The discussion demonstrates that there is not one coherent and logical answer as to why women perpetrate violence. Instead, there are competing discourses that provide a range of explanations for women’s use of violence. These explanations remind me of the complex intersection between our shared social world and women’s own lives and bodily experiences, their individual context and capacity to enact agency.
Secondly, there is the understanding that women do make active choices to assault others and most often they choose a vulnerable victim. These choices highlight the reality that the capacity to enact violence is not linked to an innate masculinity. In other words, men and women both learn that our social order is based on a dominant belief system where some people are viewed as more important than others. As a consequence, a woman’s choice to hurt others is informed by discursive forces and ideological beliefs which help to construct her social world and her own identity.

The influence of social and discursive forces on the behaviour of individuals is clear. However, we cannot assume that a feminist analysis of power relations, ideology and social structures can provide us with a clear explanation for women’s violence. It does not provide a total explanation as to why some women may perpetrate violence while others, with similar experiences, choose not to. I have also found it helpful to consider some of the psychological insights offered by workers, theorists and women themselves. However, I have a contradictory response to such insights, as I am also concerned they pathologise individual women and negate the role of social and discursive forces.

Therefore, analyses of individual psychology or dominant ideologies do not provide us with adequate explanations of women’s violence. I believe that, as all people have the potential to perpetrate violence, the explanation as to why some women perpetrate violence is linked to their social context, life experience and psychological processes. This combination of factors helps me to understand why one woman may perpetrate violence while another woman, in a similar circumstance or with similar experiences, may not.

I have come to the conclusion that the absence of a conclusive, single pathological, social, familial or cultural explanation contributes to the current legal, theoretical, practice and social uncertainty as to how to respond to women who perpetrate violence. The uncertainty as to the causes of women’s violence and the myriad of theoretical and practice contradictions are common threads throughout the study. The following two chapters will continue to explore this uncertainty through a critical examination of state responses to women, focusing specifically on the criminal justice system, the MMWCC in Melbourne, along with women’s experiences of prison and community based rehabilitation programs.
Chapter Six

The Victorian criminal justice system

Sentencing which takes sex into account may be condemned as biased or praised as enlightened and fair. Judges are faced at the one moment with criticism for their paternalistic attitude to women and at the next with demands that women and children should not be gaoled. What is needed is a clear analysis of the proper relevance of sex to sentencing (Wilkie 1993: 86).

Many women who perpetrate violent assaults come into contact with a range of state government systems including the criminal justice system, human services, mental health and child protection systems. Of these, the criminal justice system is of specific relevance to this study as six of the seven women who participated in the research had considerable contact with the justice system and were imprisoned in women’s prisons. I have found it useful to explore relevant aspects of the Victorian criminal justice system, which has helped me to understand women’s experiences of both prison and rehabilitation programs.

The chapter begins with a brief overview of the four foundational principles which underpin the criminal justice system, and a description of the principles used by judges when sentencing. I provide a short discussion of the prison’s role in both punishing and rehabilitating women prisoners. I then discuss the influence of bias, specifically gender bias, in the criminal justice system in relation to women offenders.

The central component of this and the following chapter is an analysis of the sentencing comments made by Victorian judges when passing sentence on ten women found guilty of violent crimes. I chose to focus specifically on the sentencing comments because I wished to explore whether judges, as subjective individuals,
demonstrated gender bias in their decision making process when sentencing women found guilty of violent crimes. Six of the seven women who participated in the study were currently in prison or had spent lengthy periods of time in prison. I wanted to look at how they came to be in prison, and their experience of imprisonment.

As discussed previously in Chapter Two, I am unable to cite the case or directly quote judges in relation to Andi, Rhiannon, Rita and Kimberley’s trials, and am therefore unable to substantiate the findings from my analysis of the judge’s comments. This raises a significant methodological problem. In an attempt to resolve this problem, I have included an analysis of the sentencing comments made by judges in relation to six other women found guilty of violent crimes similar to those perpetrated by the seven women who participated in the study. The cases include murder, accessory to manslaughter, grievous bodily harm, maternal physical assault and maternal incest. As these cases are in the public realm, I am able to cite the relevant cases and quote the judges when sentencing. I believe that while the six cases are different to Andi, Rhiannon, Rita and Kimberley’s cases, they are sufficiently similar to enable the identification of common themes and issues.

I present the findings from these ‘other’ cases first in this chapter and provide the analysis of the sentencing comments from Andi, Rhiannon, Rita and Kimberley in the following chapter. This decision reflected my desire to introduce the general and broad issues first followed by my interpretation of the relevance of such issues for the women who participated in the research.

**The Victorian criminal justice system**

A key factor in understanding the Victorian justice system is the assumption that it is unified, ordered, impartial, objective, rational and logical. The well-known blindfolded female figure of Justice holding the scales symbolises the belief that without prejudice or favour the justice system will weigh the evidence and find an objective truth. In contrast to the perception of the legal system as a coherent body of statutory law and practice, many criminologists suggest instead that the system is a fragmented collection of legislation and precedents underpinned by a range of contested cultural beliefs. Most legal researchers acknowledge that such factors can result in unpredictable jury outcomes and sentencing decisions (Australian Law

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87 It is interesting to note that Justice is usually symbolised by the figure of a woman, given that the qualities associated with the justice system are associated with traditional masculinity.
Reform Commission (ALRC) 1992; Australian Parliament Senate Standing Committee on Legal and Constitutional Affairs 1994; Graycar and Morgan 1990, 2002; Keitner 2002). In addition, judges and jurors may respond to women offenders in contradictory and unpredictable ways.

As discussed in Chapter One, women offenders pose an unresolved dilemma for the criminal justice system which is, how do we understand a woman who actively perpetrates violence? Is she an active subject, not really a ‘woman’, who has made a choice to perpetrate violence and therefore should be treated the same as a male offender? Or is she a passive object, really a ‘woman’, who by definition cannot enact agency and therefore cannot be held responsible for her actions? Or is she a combination of these things and, consequently, do we have to re-define our notion of who or what is a woman? I contend that the reality of women’s lives and their actions demand that we re-define our view of women’s subjectivity.

Another part of the feminist debate is the issue of choice and intention. Many feminists have critically examined a constructed ‘femininity’ and argued that women, as citizens, have the capacity to enact agency and perpetrate crime (Lacey 2002; Pearson 1997). This view of women as active citizens contrasts with other feminist criminological research which argues that women’s choices to perpetrate violence are influenced by their experiences of structural and individual oppression (Carlen, Hicks, O’Dwyer, Christina and Tchailowsky 1985; Chesney-Lind 1986; Robinson 1998; Stewart and Tattersall 2000; Swan and Snow 2003). Such research suggests that, because of oppression, women’s choices are limited and therefore they cannot be held responsible for their acts of criminal violence.

Principles
There are four general principles underpinning Victorian criminal law which are summerised below.

The accused person is presumed innocent until proven guilty and her guilt must be proven beyond reasonable doubt.

The burden of proof lies with the prosecution, meaning they have the task of proving the guilt of the accused. The defendant is not required to prove her innocence. In some circumstances, for example, if the defendant uses the defence of temporary
insanity, she is required to prove that the commission of the crime occurred while she was temporarily insane.

The accused person has the right to remain silent and is not required to answer questions from the police except to give her name and address.

The accused person cannot be charged and tried a second time for the same offence. This principle is known as the principle of ‘double jeopardy’. In addition, a person cannot be punished more than once for the same offence. A new trial may commence if there has been a mistrial or if an appeal court overturns an earlier conviction.

The four principles of criminal law reflect elements of the following general principles underpinning common law in Victoria. They include social justice, human rights, fairness, equality before the law, equality of access to legal services, the adversarial approach, right to trial by a jury made up of twelve community members, and the view that each individual is unique.

Although these general principles are enshrined in legislation and court processes, it is worth noting that the Australian Constitution does not refer to the responsibility of the Australian government to ensure that the equal rights of individuals are protected. This omission has led some social commentators to propose a Bill of Rights as an amendment to the Australian Constitution.

While the principles form the foundations of the Victorian criminal justice system, a broad body of research argues that there is a disjunction between the espoused universal governing principles and the practice of the criminal justice system (Easteal 2001; Heidensohn 2000; Graycar and Morgan 2002; Keitner 2002; Kirby 1995; Scutt 1993, 1995, 1997). These critics suggest that structural, ideological and cultural factors fundamentally influence how people experience such principles in practice. Structural and cultural factors mean that different people are not equal before the law due to language, gender, cultural, religious, age, ability, education and socio/economic status. Along with these disparities, State and Commonwealth laws on similar topics can be contradictory and result in different outcomes for individuals charged with similar crimes. In addition, individual judges, police, jurors and lawyers have subjective biases and assumptions which influence their interpretation of the law and the outcomes of trials. Lastly, we have developed a body of law which is
imbued with cultural and ideological notions and biases that reflect specific understandings of the individual, normal femininity, intent and reasonable behaviour. I am interested in how these foundational principles are reflected in the practice of the justice system and whether there is a disjunction between the principles and the lived experience of women and workers. This issue will be explored in this and the following chapter.

**Sentencing**

The criminal justice system is the mechanism which punishes an individual for perpetrating violence. However, as detailed in Chapter One, many feminist anti-violence researchers have demonstrated that an individual’s act of violence is informed by their social context. Their research illustrates how social, discursive, cultural, ideological and structural factors influence someone’s choice to perpetrate violence. Such researchers argue that the pathologisation and punishment of an individual offender allows us, as a community, to ignore these diverse and intersecting factors. They therefore conclude that the state and community both have a responsibility to address such factors. I agree that women’s violence is an individual act informed by a shared social context. From this perspective I argue that the state should provide a coordinated response whereby individual women are punished for their criminal violence, victims are heard and supported and community education strategies are implemented.

The *Sentencing Act 1991* (Vic) describes the governing principles that underpin sentencing. I have included extracts from the Act to illustrate the language used by legislators. There are five key elements: punishment, deterrence, rehabilitation, denunciation and protection of the community (Sentencing Guidelines, Section 5, Part 2).\(^88\)

No single principle has priority over another when a judge is determining an appropriate sentence for a convicted offender. In addition, there is an assumption that sentencing should be consistent. In other words, persons found guilty of similar crimes should receive similar sentences. The presiding judge has to decide what punishment is appropriate for the offender, drawing on the penalty scale as set out in the “Sentencing Act”.\(^89\) The judge also has discretion to determine what constitutes

\(^88\) See Appendix Eight for the “Sentencing Act” Sentencing Guidelines.
\(^89\) The penalty scale describes a variety of sentencing options with different levels of severity, which meet different sentencing goals or principles (Department of Justice 2003a: 8).
a similar crime, what is a proportionate punishment for the crime, and how to balance
the individual circumstances of the offender with the criminal act. This discretion
creates what Hutton (1998) noted as a dynamic tension between a “just deserts” and
an “individualist” approach in sentencing. The just deserts view is that the
punishment should be proportionate to the seriousness of the crime, while the
individualist approach seeks to take into account the circumstances of the crime and
the offender. Hutton (1998) commented that there is very little international research
on the general process of decision making by judges. The question as to what extent
a judge will draw on a just deserts approach or an individualist approach is an
example of how sentencing outcomes can be influenced by a range of unknown
factors which contribute to unpredictable sentencing outcomes for women convicted
of violent crimes.

**Punishment and rehabilitation**

Judges have a number of options when sentencing serious offenders under the
“Sentencing Act”. These options are detailed in the Act and include imprisonment,
combined custody and treatment orders, drug treatment, home detention, intensive
corrections, suspended sentences, community based orders, fines, release on
conviction and hospital orders. The range also includes rehabilitation options such
as drug and alcohol counselling, anger management or life skill training. However,
as has often been discussed, it is difficult for a prison to both punish and rehabilitate
prisoners (Carlen 1990b, 1998). Debate about the success or failure of prison based
rehabilitation for women offenders is ongoing and researchers suggest that
measures of ‘success’ depend on a number of often competing and external factors.
These factors include the individual offender herself, the nature of the crime, the
prison and the specific form of rehabilitation required.

Researchers have noted that some women who have been imprisoned numerous
times may be defined as ‘dangerous’ women. These women may be viewed as not
‘worthy’ or ‘amenable’ to reform and rehabilitation. In such cases the prison
management may see that their primary role is ‘managing’ the woman during her
period of imprisonment, and therefore rehabilitation may be a secondary
consideration.

There are other situations where women may have been found guilty of a violent
crime but the court has accepted that there were extenuating circumstances that led
to the crime. The extenuating circumstances may include evidence of a psychiatric disorder, drug use or coercion by another offender. In this situation, the offender may be viewed as more worthy of treatment and rehabilitation than punishment. These women may be rendered “harmless” (Allen 1987a; Denov 2001) and receive a suspended or community based sentence.

The criminal justice and human services sectors sometimes use identity categories such as ‘dangerous’ or ‘harmless’ to identify which women deserve punishment or rehabilitation. I am interested in how these different categories influence a woman’s own view of herself and workers’ responses to particular women. These categories are not fixed and over time women may move from one category to another. A woman may be defined as a ‘dangerous’ offender and sentenced to serve ten years in the women’s prison with occasional periods in the management unit. Over time and with good behaviour, she may be defined as ‘low risk’, placed in a low security prison or released back into the community on parole. Such definitions may change workers and the human service systems’ response to individual women and may also contribute to changes in women’s own self image.

**Bias within the criminal justice system**

I was interested to look at the ways in which the criminal justice system, through language and practice, responds to women found guilty of violent crime. In particular, I was interested to see whether judges demonstrate a gender bias when they interpret the law and sentence women offenders. And, if so, whether this bias is to women’s advantage or disadvantage. This section explores the issue of bias in the criminal justice system, focusing specifically on gender bias.

A broad body of international and Australian research demonstrates the gendered nature of criminal law and argues that ‘gender bias’ results in women being treated differently, having different experiences and receiving different outcomes to men (Australian Parliament Senate Standing Committee 1994; Barker, Kirk and Sah 1998; Carlen et al. 1985; Cook and Davis 1999; Easteal 2001; FCLC and VCOSS 2005; Graycar and Morgan 1990, 2002; Hutton 1998; Sommers 1995; United Nations 1995; Worrall 1990). The Victorian Office of Corrections itself acknowledged that women’s prisons reflect gender bias in their design and management (cited in FCLC and VCOSS 2005: 10).
There is general acknowledgement of gender bias in the wording of statutory legislation, precedent, processes and ideology underpinning the criminal justice system. The system is also influenced by patriarchal ideology and beliefs, which may be internalised by members of the community, legal practitioners and police. In reference to specific issues that relate to women’s biological, social and cultural experiences, some gender specific laws are appropriate. Laws that enshrine women’s right to abortion and forbid female genital mutilation and marital rape, are examples of such legislation. However, in other situations, gender bias disadvantages women. The well-documented examples of women’s experiences as witnesses for the prosecution in sexual assault cases demonstrate the way women are actively marginalised when giving evidence about their experiences of violence perpetrated by men (Graycar and Morgan 2002).

When I began the study I assumed the criminal justice system was fundamentally flawed because of patriarchal ideologies underpinning the system itself. I expected that women convicted of acts of violence would receive more severe sentences than men convicted of similar offences. This assumption was based on my earlier assumption that the sentencing comments made by judges would reflect and reveal a “lurking essentialism” (Smart 1995: 122) in how judges viewed ‘normal women’ and responded to women offenders. I originally also believed that the legal system should use a ‘special treatment’ approach for women offenders as a deliberate strategy to address the negative influence of gender bias.

My initial assumptions have not been borne out through my analysis of the ten cases presented in this and the following chapter. Instead, my view has shifted and I have come to realise that gendered assumptions about the ‘nature’ of women may influence women’s experiences in the criminal justice system in a range of unpredictable ways. It is useful to briefly explore the issue of bias per se in the criminal justice system and the possible influence of gender bias on sentencing outcomes for women. Prior to exploring this issue at a theoretical level, it is worth noting that practitioners have diverse views as to whether women offenders benefit, or are disadvantaged, by gender bias in the criminal justice system. Two practitioners stated that they believed gender bias ‘disadvantaged’ women offenders:

*I think the guilty verdict and the length of sentence is a direct result of judges’ response to women who contradict the ways that women are supposed to behave. The minute women assert any survival skills, are assertive, or stand up for their kids, it goes against them in court. It’s all to do with women’s socialisation and the social*
construct. \textellipsis  It's classic punishment for women who don't display classic feminine behaviour (Sally: 1).

I think women go to jail much quicker than men, get longer sentences and also the revolving door, with women being sent back to prison. I think men get less serious outcomes for their behaviour. It's like people expect men to be bad, to engage in behaviour that is not socially acceptable. But if a woman does it, she gets double the punishment (Adele: 6).

In contrast, two other workers suggested that ‘some’ women are treated more leniently than other women, and occasionally men, convicted of similar crimes.

I think the system is a bit more lenient towards women. I see young women get away with quite a bit. Women who perpetrate assaults on the street get away with fines. I think Indigenous women get treated differently and single mothers get allowances made for childcare (Kaye: 2).

The system responds to women generally very well. They receive a lot more leeway, a lot more chances and a lot more is taken into consideration. If a woman is young, attractive with a child in their arms, it makes a difference to the magistrate and she'll probably get a lesser sentence (Mel: 1).

Another worker made the following observation after observing two criminal trials:

In one case the judge made it quite clear that there was no distinction to be made between whether it was a man or a woman who committed the crime. Another judge commented that he was sick of hearing women’s abuse histories coming into the court in relation to her offending behaviour. So, the legal system isn't allowing women’s background to be part of the hearing (worker, group meeting 24 August 1999: 3).

It is interesting that, based on their observations of recent court cases, the five workers came to very different conclusions as to how the legal system and judges currently respond to women offenders.

In the mid 1990s and early 2000s a number of Australian feminist criminologists argued that gender bias disadvantages women, suggesting that women are ‘punished’ more severely than men when they commit crimes (Graycar and Morgan 1990, 2002; Howe 1994; Scutt 1993). In contrast, Steffensmeier, Kramer and Streifel (1993) reviewed a range of international and Australian research and found that women defendants were generally treated more leniently than male defendants.
They argued that this outcome resulted from paternalistic and chivalrous views about women offenders held by judges, members of juries and police. This issue was briefly discussed by Kimberley in Chapter Four in relation to her treatment by police.

Most researchers acknowledge that societal perceptions as to what is appropriate behaviour for men and women may influence sentencing, but questions as to whether this influence benefits or disadvantages women offenders appear to be unresolved. Back in the late 1980s the ALRC recommended that:

… the sentencing council should address the question whether discrimination either positive or negative is being practised in relation to either sex, either in the severity of sanction or in the choice of sentencing option. If discrimination is found to exist, appropriate education programs can be developed as part of the sentencing council’s educational role (1988: Section 229).

While judges have some training on gender issues, it can be questioned how effective such training has been in addressing gender bias. Wilkie (1993), in her analysis of trials in Western Australia, concluded that there needed to be further research on the link between the sex of the offender and sentencing outcomes. Legal and feminist research has not categorically demonstrated whether women offenders are advantaged or disadvantaged as a result of gender bias in the criminal justice system. These inconclusive results highlight the fact that there can be no clear conclusion as to the negative or positive benefit of gender bias for women offenders. This viewpoint was reflected in Naylor’s (1993) pilot study of women offenders in the Victorian Magistrates Court. Naylor noted “it was assumed that any such effect will sometimes be to the woman offender’s apparent advantage and sometimes not” (1993: 180).

This inconclusive position led me to explore the legal definition of ‘offending’ behaviour. It is possible that the definition itself may reflect specific gendered assumptions about the nature and activities of a ‘normal’ woman. The Australian government prescribes specific elements of offending behaviour (Commonwealth Attorneys-General Department 2002). These elements include specific descriptions of:

… voluntariness, omission to perform an act, intention, knowledge of the result, recklessness, and negligence in failing to exercise care (Commonwealth Attorneys-General Department 2002: 6–9).
While appearing to be gender neutral, on examination such elements appear to reflect specific cultural assumptions as to ‘normal’ masculine and feminine subjectivity.

Firstly, the element of voluntary action, which is defined as the “product of the will of the person” (Commonwealth Attorneys-General Department 2002: 7). This element implies that the individual is an independent agent able to enact free will and choice. It is also assumed that the individual has power and resources which enable them to enact choices. Feminist researchers have argued that to enact ‘free will’ and choice, women need self-confidence, knowledge, skills and material resources, including money and time. Many do not have access to such resources and therefore may be limited in their capacity to enact choice. We could ask, for example, whether Sam’s choice to sexually assault her sister and foster brother was ‘freely’ chosen?

Secondly, is when someone omits to “perform an act that by law there is a duty to perform” (Commonwealth Attorneys-General Department 2002: 7). This element has specific resonance for women as often it is assumed that women have a primary duty to care for their children. When mothers are found to be derelict in their duty to their children, often their level of culpability is viewed as greater than the culpability of fathers. The “Children and Young Persons Act”, while clearly articulating the responsibility of the primary caregiver, does not specifically delegate this responsibility to women. Joan’s experience illustrates this, as she took sole responsibility for the parenting of her children. Her ex-husband not only did not parent their children, he actively assaulted them.

Thirdly, the issue of mens rea or intention. If a woman is positioned as an active subject, able to form intent and make a choice to perpetrate crime, she is therefore viewed as able to take responsibility for her actions. In contrast, if a woman defendant is positioned as someone suffering from mental impairment or duress, then it could be argued that she is unable to form intent because of what is described as a “lack of capacity”. It is assumed that a woman in this situation cannot be held criminally responsible (Commonwealth Attorneys-General Department 2002: 10–16). As discussed previously in Chapter One, while it may result in a lesser sentence for women defendants, the use of this defence may also pathologise women as a group (Sian 1998). This brings us back to the contradiction in the criminal justice system’s understanding of, and response to, women’s citizenship rights and their capacity to enact agency. Prior to Sam’s trial, questions were raised as to her capacity to form
the intention to commit the crime but, as she pleaded guilty, this issue was not considered relevant during the trial.

Fourthly, is the expectation that a woman should be able to anticipate the results of her crime. This view assumes that individuals are autonomous and rational citizens with equal access to, and understandings of, relevant law. Because of systemic disadvantage, speaking English as a second language, and/or previous experiences of violence, some women may not have access to information and knowledge about the law and/or the consequences of their actions. Joan, for example, may not have regarded her methods of disciplining her children as causing significant harm, or seen such methods as a form of criminal assault.

Fifthly, the notion of recklessness, whereby a woman knows that her behaviour will hurt someone else but, despite this knowledge, continues to perpetrate the crime. This argument follows on from the previously discussed elements of intention and knowledge. Kimberley’s case included elements of recklessness.

Sixthly, the element of negligence, when a woman does not exercise reasonable care in activities. Feminists suggest that the basic notion of ‘reasonableness’ is gendered, as the criminal justice system uses the behaviour of a ‘reasonable person’ (originally a reasonable man) as the benchmark from which to determine whether someone is behaving reasonably and, therefore, to determine negligence (Allen 1987b; Evatt 1990; Howe 1994; Scutt 1993; Wildman and Davis 1996). Critical examination of the historical foundations of the ‘reasonable man’ demonstrates that ‘he’ emerged from Enlightenment notions of the rational, logical and masculine subject (James and Palmer 2002). Lacey (2002), a British philosopher, neatly articulated the key component of a feminist analysis of the reasonable ‘subject’ in common law as the following:

Modern law assumes a rationalist conception of the person as an individual abstracted from its social, bodily and affective contexts, and this conception of the person is implicitly marked as male (2002: 126).

This analysis suggests that some women’s behaviour could be viewed as ‘unreasonable’ and, therefore, negligent, solely because it is not like the ‘normal’ behaviour of a ‘reasonable man’. None of the cases I studied included the element of negligence.
After reviewing the key elements of the definitions of offending behaviour, I suggest that they are implicitly gendered and as such may influence the interpretation and definition of women’s behaviour by legal personnel, including judges.

This analysis led me to examine the role of other factors that may influence legal understandings of, and responses to, women who perpetrate violence. The intersection of gender, class, cultural, religious and educational factors clearly influences individual women’s access to power and knowledge and, possibly, their engagement with criminal activity (ALRC 1992; Assafiri and Dimpopulos 1995; Bird 1995; Bronitt Kumaralingan Amirthalinom 1996; Cain 1990a; Scheelbeek 1995; Sykes 1989). These factors may also influence the interpretation of women’s behaviour by the criminal justice system. An examination of the influence of a range of biases helped me move beyond earlier debates as to whether or not gender bias in the system acts to disadvantage or advantage women found guilty of violent offences.

Gender is only one factor which has an influence on the sentencing outcomes for women. Researchers have suggested that the criminal justice system may respond more sympathetically, and give lighter sentences to some women offenders who are representatives of privileged groups in our communities (Scourfield 2003; Wundersitz, Naffine and Gale 1988). The sometimes invisible patterns of privilege and subordination, power and marginalisation, intersect and can influence the sentencing outcomes for some women. Women from a marginalised group may be viewed as dangerous recidivists unwilling to change their behaviour. To illustrate this point, two of the key principles governing sentencing decisions include the “offender’s previous character”, “general reputation” and “significant contributions of the offender to the community” (“Sentencing Act”, Part 2, 2 (f), 6 (b) and (c)). Such principles clearly benefit women who have additional economic and social resources to offer, for example, volunteer labour for community activities.

I concluded that social and criminological discourses play a role in the construction and maintenance of particular normative subjective ‘identities’ for different women offenders. The law does have internal checks against ‘bias’ or subjectivity on the part of the judge. The court can remove a judge if it has been proven that there are reasonable grounds. Graycar and Morgan (2002) noted many international and Australian examples where women and black judges had been asked to stand aside.
from presiding over a case because of the perception that they may be influenced by bias or subjectivity. However, except for two cases, Graycar and Morgan found “no challenge for bias to male judges on the ground of their gender” (2002: 60).

In summary, there is broad agreement that gender bias exists in the foundational principles and processes of the Victorian criminal justice system. However, there is no agreement amongst researchers that gender bias will automatically lead to more severe sentencing outcomes for women when compared to men convicted of similar violent offences. This stalemate led me to examine six individual Victorian cases to see if judges themselves demonstrated gender bias when sentencing women.

Sentencing: Six case studies

I analysed the sentencing comments from presiding judges in relation to six women found guilty of similar violent crimes to those committed by the seven women who participated in the research. I have illustrated the key themes with extracts from the sentencing comments. I was unable to find a case of a woman convicted of threats to kill and bomb threats, consequently I am unable to include sentencing comments in relation to this crime.

PB\(^{90}\) pleaded guilty to being an accessory to manslaughter after the fact and was sentenced to a two year good behaviour bond (DPP v McLeod, Bumpstead and Bumpstead [1999] VSC 298).

Che Kien was found guilty of murder and sentenced to ten years imprisonment (DPP v Che Kien [2000] VSC 376).

Mireille Talj pleaded guilty to manslaughter and was sentenced to seven years imprisonment (DPP v Younan, Younan, and Talj [2001] VSC 402).

Kym Olden was found guilty of murder and pleaded guilty to intentionally causing serious injury. Ms Olden was sentenced to fourteen years for murder and five years for serious assault (R v Olden [2001] VSC 119).

\(^{90}\) Due to a later request from PB, the thesis has been amended and her full name has been deleted.
The defendant known as the ‘applicant’s wife’\textsuperscript{91} was found guilty of committing incest with her second daughter and gross indecency with her eldest daughter. The defendant was sentenced to three years imprisonment. The defendant successfully appealed against the non-parole period, which was reduced from 28 to 18 months (\textit{R v RH McL} [1998] VSCA 61).\textsuperscript{92}

Ms Russell unsuccessfully appealed against a DHS recommendation that her daughter be permanently removed from her care due to the belief that her child was at risk of significant harm (\textit{Russell v DHS} [1999] VCAT 1367).

The following section presents key extracts from the sentencing comments in relation to the following ten themes: credibility; agency; personal, familial and social circumstances; relationships with co-offenders; the role of substances; expressions of guilt and/or remorse; a ‘dangerous’ woman; a ‘mad’ woman; rehabilitation; and relationships with children. These themes emerged as significant during the analysis of the sentencing comments for Andi, Rhiannon, Rita and Kimberley. I use the same themes in the discussion of their cases in the following chapter.

\textbf{Credibility}

Women’s credibility was raised in two of the six cases examined. Justice Cummins stated that he believed PB had provided the police with an honest account of her actions. The judge noted the willingness of the defendant, along with her co-offenders, to provide police with statements. In Ms Talj’s case, Justice Cummins noted evidence that Ms Talj had lied to the police during the investigation.

In relation to the other four cases, the judges noted evidence that Mrs Kien and Ms Olden had been affected by mental illness. The judges made no comment on the credibility or otherwise of Ms Russell and the defendant known as the ‘applicant’s wife’.

\textbf{Agency}

Women’s capacity to choose to commit the crime and the degree to which they actively contributed to the crime emerged as an issue in three of the six cases. In the

\textsuperscript{91} In this case, the ‘applicant’ was the husband and therefore, stepfather of the two victims.

\textsuperscript{92} The ‘applicant’ appealed against the conviction and sentence to the High Court of Australia; however, the ‘applicant’s wife’ was not party to these appeals (\textit{RH McL v The Queen} [1999] M 95 and \textit{RH McL v The Queen} [2000] HCA 46).
first case, Justice Cummins noted that PB had chosen to lie to the police. This false statement had an impact on the early stages of the police investigation. However, the judge did not regard this action as indicative of more serious criminality. Instead, he viewed it as an example of PB seeking to protect her brothers, who were co-offenders:

Ms Bumpstead, was also an accessory after the fact, but in a minor way (“McLeod” per Cummins, J. at paragraph 2).

In the case of Mrs Kien, Justice Cummins noted a contradiction in Mrs Kien’s actions. The judge accepted evidence that she had experienced a psychiatric illness at the time of the murder. However, Justice Cummins commented that Mrs Kien had had the presence of mind to wash the blood off her clothes, hide the knife and leave the crime scene. This evidence of agency contrasted with evidence of a psychiatric disturbance. In addition, she confessed to a worker that she had killed the victim. It is unclear to what degree the psychiatric illness was seen to contribute to Mrs Kien’s crime or whether the judge considered that the illness reduced her culpability due to diminished responsibility (“Che Kien” per Cummins, J. at paragraph 6).

In the case of Ms Talj, Justice Cummins acknowledged that Ms Talj had called for assistance and disclosed the identity of her co-offenders to the police. However, the judge noted the active involvement of Ms Talj in the planning and enactment of the crime. The judge commented twice on the fact that Ms Talj had “betrayed” the friendship between the victim and herself. The betrayal included Ms Talj tricking the victim into travelling together to a pre-arranged place where she was later murdered by a co-offender:

Further, your actions were planned and they were persistent and they involved the deliberate and planned betrayal of your friend (“Younan” per Cummins, J. at paragraph 43).

In relation to the defendant in “RH McL”, the judge made no comment as to whether she had actively perpetrated sexual assault against her daughters despite finding the defendant guilty of incest and gross indecency. The lack of attention to the actions of the woman defendant is significant given the conflicting evidence tendered to the court. The ‘Applicant’s wife’ claimed that the crime had “never happened” (“RH McL” per Batt, J. at paragraph 42). This claim was in contrast to other evidence accepted by the judge that Victim A, the daughter, was forced by the primary offender to enact
cunnilingus on her mother, ‘the applicant’s wife’. In this situation, this act was defined by the judge as the worst act enacted by the male primary offender:

It is scarcely possible to imagine a worse offence of gross indecency than that committed by the applicant, involving, as it did, forced cunnilingus of the victim’s mother (“RH McL” per Batt, J. at paragraph 102).

Evidence also indicated that the mother dressed and put makeup on her daughters, left the family home knowing that they would be sexually assaulted by their stepfather and other men, and engaged in prostitution and in the making and viewing of pornographic videos of her daughters and herself with adult men. In addition, evidence was tendered that the defendant falsely promised another daughter, who was also a victim known as B, contact with herself, A and her other sisters, on the condition that B withdrew her police statement (“RH McL” per Batt, J. at paragraphs 21, 23, 30).

Despite this evidence Justice Batt made no comment on the active participation of the defendant in the sexual assault of her two daughters. It appears that in relation to the evidence of maternal incest, the mother was viewed by the judge as a compliant party to the sexual assault of her two daughters by her partner, the children’s stepfather. The defendant was not identified by her name or initials and appeared not to be considered as an individual subject who enacted choice, agency or criminal intent. Instead, the judge referred to the offender by her relationship with both the main offender, i.e. “the applicant’s wife” and her relationship to the victims, i.e. “the victim’s mother”. As there appears to be no legal reason for the judge to refer to the defendant in this way, I assume that Justice Batt did not view the defendant as an individual subject who had enacted agency in the commission of the crimes.

Judge Coldrey and Senior Member Preuss made no comment on the agency or otherwise of Ms Olden and Ms Russell. This absence may have been related to the issue of Ms Olden’s psychiatric illness which will be discussed in a later section. In reference to Ms Russell, Senior Member Preuss accepted evidence that Ms Russell had physically assaulted her daughter, however, he made no further comment on her actions. This absence may be related to evidence tendered that Ms Russell had a low intellectual capacity.
In summary, three judges offered differing views on the individual agency of three of the women, while the remaining judges made no comment about the actions of the other women offenders.

**Personal, familial and social circumstances**

In the cases of Ms Talj and Ms Oden, the sentencing judges made comments as to their life circumstances and linked their previous experiences of violence with their decision to perpetrate violence. In relation to the cases of PB and Mrs Kien, such issues were noted but not identified as particularly significant. In relation to Ms Russell and the defendant in “RH McL”, the judges made no comment on the women’s personal or familial circumstances.

In relation to Ms Talj, Justice Cummins briefly described Ms Talj’s previous experiences of difficulties at school and two experiences of sexual assault. The judge appeared to accept that such experiences had a major detrimental effect on Ms Talj (“Younan” per Cummins, J. at paragraph 41).

Justice Coldrey commented extensively on the personal circumstances of Ms Olden. The judge noted that these circumstances appeared to contribute to Ms Olden’s crimes and, in his mind, made her less culpable:

> This is a truly tragic case. Your childhood traumas of physical and sexual abuse, your life as a prostitute from a young age, accompanied as it was by assaults and drug addiction, have ultimately combined in the unleashing of extreme violence, causing death in one instance and serious injury in another. In passing sentence upon you, I take into account your mental state at the time of the commission of the offences, your deprived and traumatic background, and your determination to rehabilitate yourself (“Olden” per Coldrey, J. at paragraph 43).

Justice Coldrey’s statements that the case is “truly tragic” and that Ms Olden had unleashed “extreme violence” are interesting. It seems that Justice Coldrey felt that Ms Olden had perpetrated ‘out of control’ violence and therefore was not solely responsible for the violence she enacted against the two victims. In other words, Ms Olden’s previous experiences of violence appear to have been accepted by the judge as a factor which reduced her ability to control her ‘violent impulses’. The judge’s conclusion reflects the notion of violence as an impulsive act and on this basis he appeared to have reduced Ms Olden’s culpability for her violence.
In the case of PB, Justice Cummins noted that she had experienced violence perpetrated by her ex-partner, the victim. However, the judge commented that this violence in no way excused the murder of PB’s ex-partner by her brothers (“McLeod” per Cummins, J. at paragraph 9).

Justice Cummins noted that Mrs Kien had lived through the Japanese occupation of China, had escaped to Vietnam and migrated to Australia. This history of war, refugee and migration experience was not discussed in any further detail in relation to Mrs Kien’s murder of the victim. However, the judge did comment on Mrs Kien’s advanced age, cultural and linguistic identity and declining health (“Che Kien” per Cummins, J. at paragraph 27).

Judge Batt and Senior Member Preuss did not comment on the previous life experience of either Ms Russell or the defendant in “RH McL”. I presume they did not consider such issues relevant to their decision. In summary, in only two of the six cases did the presiding judge consider women’s familial or personal experiences important at sentencing.

**Relationships with co-offenders**

Of the six cases studied, three offenders acted alone while the other three offenders were charged with a number of co-offenders.

Justice Cummins commented that PB’s crime of being an accessory to manslaughter after the fact was the result of her choice to protect her two brothers (“McLeod” per Cummins, J. at paragraph 30). One brother had committed the murder while the other had assisted in the disposal of the body.

In the case of Ms Talij, Justice Cummins contrasted Ms Talij’s actions with the actions of a minor co-offender, highlighting the different reasons why the two parties had chosen to perpetrate the crime (“Younan” per Cummins, J. at paragraph 42).

In the case of “RH McL”, the primary offender was the defendant’s partner, who was the stepfather of the two victims. There was no evidence tendered that the defendant was threatened or forced by her male partner to perpetrate the acts of sexual assault or conspire to conceal the sexual violence perpetrated against her daughters.
Ms Olden and Mrs Kien were the sole perpetrators of murder. It is not clear whether Ms Russell was the sole perpetrator of the physical assaults perpetrated against her daughter; however, Senior Member Preuss focused primarily on her role in relation to the actual assaults and no other offender was mentioned at the hearing.

In summary, the judges responded in a range of ways to all the women, irrespective of whether they were active participants with co-offenders or the sole offender. The case of PB, who sought to protect her brothers through the active concealment of their crime, was significantly different. The comments made by Justice Cummins in relation to PB raised the image of women committing crimes or perjury to ‘save’ their brothers or husbands from the consequences of their own violence. In this case Justice Cummins appeared to view her crime in a paternalistic light and he imposed a suspended sentence.

**The role of substances**

Justice Coldrey was the only judge who commented on the influence of drugs or alcohol prior to sentencing. Evidence had been tendered that Ms Olden had an extensive history of drug use and had used a variety of drugs on the night of the murder. Justice Coldrey accepted that Ms Olden’s actions in murdering the victim were linked to a combination of factors including Ms Olden’s previous experiences of sexual abuse, intoxication, drug induced psychosis and difficulties in containing feelings of rage (“Olden” per Coldrey, J. at paragraph 30). The other five judges did not comment on the issue of substance use and so I presumed that the issue was not relevant to sentencing.

**Expressions of guilt and/or remorse**

Issues of guilt and remorse emerged in three of the six cases. In relation to PB, Justice Cummins commented on her feelings of grief and distress when she learnt of the murder of her ex-partner:

… that she was appalled and traumatised by what had happened, that she had genuine concern for the deceased and the terrible situation that his body was left in (“McLeod” per Cummins, J. at paragraph 30).

I suggest that the manner in which Justice Cummins described PB’s feelings of remorse appear to demonstrate the judge’s view that such feelings are normal and
appropriate responses when a person discovers that their ex-partner has been murdered and buried in an unmarked grave. As such they appeared to influence the judge’s decision as to the nature and length of the sentence. This demonstrates the possibility that when sentencing a judge may prioritise the expression of ‘true’ remorse above considerations of other sentencing principles, including the protection of the community and deterrence.

Justice Cummins accepted that Ms Talj had expressed remorse outside the courtroom. In addition, the judge accepted evidence from Mr Cummins, an expert witness, as to why Ms Talj did not exhibit any emotional response in court (“Younan” per Cummins, J. at paragraph 42).

Justice Coldrey commented on evidence from a support worker as to Ms Olden’s “genuine regret for … some of your more destructive choices” (“Olden” per Coldrey, J. at paragraph 40). However, the judge did not comment further on any other expressions of remorse in reference to the murder. In relation to the charge of serious assault, Justice Coldrey noted that Ms Olden’s guilty plea could be understood as evidence of some remorse as it meant that the victim did not have to give evidence or undergo a cross examination (“Olden” per Coldrey, J. at paragraph 42).

In the case of Ms Russell, Mrs Kien and the defendant in “RH McL”, the presiding judges made no comments about the expression or absence of guilt or remorse. It was unclear whether the women themselves had not expressed guilt or that the judges had not considered it important to comment on during sentencing.

In summary, the expression of remorse was noted in the sentencing comments for three of the six cases examined.

A ‘dangerous’ woman

Of the six cases, only one defendant, Ms Talj, was categorised as a ‘dangerous’ woman. The other women were defined as having committed serious criminal acts, but were not specifically identified as ‘dangerous’.

Justice Coldrey acknowledged the role of substances and previous experiences of violence on the choices of Ms Olden to murder a male acquaintance and to
participate in a gang assault on another woman prisoner. The judge commented that the crimes were extremely serious without a mitigating excuse and that he had a responsibility to deter others:

I have remarked on a number of occasions that the courts have a duty, through the imposition of appropriate sentences, to uphold the sanctity of human life and to deter persons who, by resorting to violence, seek to destroy such life ("Olden" per Coldrey, J. at paragraph 22).

The judge also referred to earlier criminal and violent behaviour perpetrated by Ms Olden and noted that they could be linked to Ms Olden’s lifestyle but were not in any way comparable to the murder and serious assault charges.

In the case of PB, Justice Cummins commented that she had been a victim of circumstance, had been “locked into a situation of loyalty”, had no previous convictions and was not guilty of a major crime:

… one does not impose a suspended sentence of imprisonment unless otherwise a sentence of imprisonment is appropriate, and that is not appropriate with her ("McLeod" per Cummins, J. at paragraph 35).

I would suggest that Justice Cummins felt PB did not need rehabilitation because of the lack of “serious criminality”. This appears to reflect the process whereby the Judge rendered PB harmless.

The presiding judges made no comment as to the ‘dangerous’ or otherwise behaviour of Mrs Kien, Ms Russell or the defendant in “RH McL”.

While all the judges commented on the criminal nature of the violence perpetrated by the women, most did not comment on nor did they construct the women as essentially ‘dangerous’. Of the six women studied for this section of the research, Ms Talj was the only woman who was constructed as dangerous, based it seems on evidence that Ms Talj had actively participated in the planning, implementation and attempted cover-up of the murder. In reviewing the comments from Justice Cummins, it appears that the judge clearly viewed Ms Talj actions as reflective of a ‘dangerous’ woman ("Younan" per Cummins, J. at paragraphs 26 and 42). The decision of Justice Cummins was supported by the Victorian Supreme Court of
Appeals’ dismissal of Ms Talj’s appeal against the length of her sentence (R V Talj [2003] VSCA 87):

The offence of manslaughter is obviously a serious offence and the offending by the appellant involved a high degree of criminality on her part (“Talj” per Chernov, J. at paragraph 2).

An added factor was her “cold” demeanour in court, though the judge did accept evidence that her demeanour was the result of earlier experiences of violence and not evidence of “anti-social” tendencies.

This led me to consider Australian research that explores which women are likely to be defined as dangerous and, as a consequence, receive a longer prison sentence. Polk (1993), after analysing the sentencing outcomes for women found guilty of homicide in Victoria, suggested that the courts appeared to respond more severely to women engaged in what he defined as “predatory” crimes that replicated masculine behaviour. In cases where women were not convicted of perpetrating predatory or masculine crimes and when their victim was a child, Polk suggested that it was more likely that women would not be imprisoned:

A large percentage of women convicted of homicide (most often in the form of manslaughter) were likely to receive some form of non-custodial sentence, a disposition rarely handed down to male defendants convicted of homicide. This was especially notable in cases where the victim of the homicide was a child (Polk 1993: 160).

This led me to consider Australian research that explores which women are likely to be defined as dangerous, and as a consequence, receive a longer prison sentence. Polk compared the Victorian courts' response to women who engaged in what he defined as confrontational masculine violence with those women who killed their children, specifically those who committed infanticide. Polk concluded that:

What these findings suggest is that there is a specific arena within which the process works to render women killers ‘harmless’, that domain being focused on violence that is connected with the woman’s role within the family as either mother or wife (1993: 161).

Polk’s conclusion raises the question as to whether women are punished more or less severely depending on the identity of their victim. This issue links to debates about women who have killed their husband (who was the perpetrator of earlier
violence), their child, an acquaintance or a stranger. Polk (1993) reflected on Allen’s (1987a) earlier analysis of how women who perpetrate violence were ‘rendered harmless’ within the British Justice system. Allen argued that when women were convicted of perpetrating serious violence, the Courts usually “impose non-custodial sentences” (1987a: 82). Allen did not distinguish between sentences for women who perpetrated infanticide or domestic homicide. On the basis of his research Polk suggested that the process of rendering women harmless depended on the nature of the crime, the circumstances surrounding the crime and the relationship between the woman and her victim. To recap, the suggestion from both Polk and Allen is that some women are ‘rendered harmless’ when they enact violence against their children while they are in their role as mothers in the private realm of the family home. This conclusion is highlighted by the recent Victorian Law Reform Commission’s (VLRC) (2004b) recommendation that the crime of infanticide be retained and extended.

A further question arises as to whether women receive more or less severe sentences when they are a sole perpetrator or a member of a group of offenders who, for example, commit murder. It is difficult to make comparisons because of the differences in individual circumstances and there is little Australian research that compares the sentencing outcomes in such cases. Farrington and Morris (1983) in their analysis of British sentencing outcomes concluded that women who participated in a crime with other co-offenders received more severe sentences than women who were sole offenders.

A ‘mad’ woman

In four of the six cases, the judges considered a possible link between women’s violence and evidence of a psychological disorder. However, none of the defendants were defined as criminally insane.

In relation to Mrs Kien, Justice Cummins accepted expert evidence that the crime had been committed while Mrs Kien was experiencing a psychiatric episode. The judge accepted that, while the psychiatric illness was a key factor in the perpetration of the murder, the illness was not so severe as to require imprisonment within a psychiatric institution (“Che Kien” per Cummins, J. at paragraph 29). This delineation is important because, if an offender is diagnosed as mentally impaired, a judge has the right to order a defendant to be placed in a secure psychiatric hospital and undergo treatment.
In relation to Ms Talj’s crime, Justice Cummins noted that Ms Talj and her co-offenders had not suffered any psychiatric disorders (“Younan” per Cummins, J. at paragraph 34). It is interesting to note that Justice Cummins sought an explanation for Ms Talj’s demeanour, which had been described by the prosecution as including “swaggering pride”. Justice Cummins queried whether her “cold” behaviour could have been read as symptomatic of an anti-social personality disorder. Instead, the judge accepted expert evidence that the behaviour was evidence of a psychological defence mechanism resulting from earlier experiences of violence.

I am persuaded by Mr Cummins evidence that your apparent coldness in the comments that you made that I have quoted and in your demeanour to the Homicide officers under interview, is not a signification of psychopathy or anti-social personality disorder (“Younan” per Cummins, J. at paragraph 44).

Justice Coldrey accepted expert evidence that Ms Olden had experienced a number of psychiatric disorders along with high levels of anger and rage linked to earlier experiences of sexual assault:

This triggered feelings of anger and rage in you as you believed that agreement had been reached that he would not behave in that way any more. You stated that your memory from there was blurred but at that point you attacked and killed the deceased (“Olden” per Coldrey, J. at paragraph 31).

Justice Coldrey accepted the psychiatric report which suggested that Ms Olden’s violence emerged from a combination of factors including her previous experiences of violence, numerous psychiatric disorders and substance use.

In relation to the case of Ms Russell, the Senior Member noted that evidence had been tendered as to the applicant’s low intellectual functioning, although this was not defined as an intellectual disability or pathology (“Russell” per Preuss, SM. p. 6).

In the cases of the defendant in “RH McL” and PB, the two judges made no comment as to the nature of the defendants’ state of mind.

In summary, the presiding judges made some comments in relation to the psychological state of mind for four of the six women. In the cases of Ms Olden and Mrs Kien, evidence was accepted of psychological disturbances which may have influenced their decision to perpetrate violence, while not rendering the defendants
'criminally insane'. Ms Talj was noted as behaving in a manner which could be understood as symptomatic of a psychological disorder, however the judge accepted evidence that one reason for her behaviour could be her earlier experiences of violence. Ms Russell was noted as having a limited intellectual capacity, but there was no evidence tendered of a psychological disorder. The psychological well-being of both Bumpstead and the un-named defendant in “RH McL” was not discussed by either judge.

Rehabilitation

Of the six cases, Ms Olden’s case was the only case where the judge commented on both Ms Olden’s expressed wish for rehabilitation and his own hope that the defendant would engage in rehabilitation (“Olden” per Coldrey, J. at paragraph 39). The judge did not make any recommendations as to how Ms Olden’s sentence could assist her chances of rehabilitation.

The issue of rehabilitation was not discussed during the sentencing of the five other cases. In the case of PB, the judge asked her to sign an order to “be of good behaviour” (“McLeod” per Cummins, J. at paragraph 38). This decision appears to demonstrate that Judge Cummins viewed PB as ‘harmless’ and not requiring rehabilitation.

In reference to Mrs Kien, Justice Cummins noted that because of her advanced age, Mrs Kien would probably “die in prison” and rehabilitation was not discussed (“Che Kien” per Cummins, J. at paragraph 28).

When discussing Ms Talj’s situation, Justice Cummins recommended that she receive intensive support in the prison system. However, this suggestion appeared to relate to Ms Talj’s difficult life experiences and was not explicitly linked to the issue of rehabilitation (“Younan” per Cummins, J. at paragraph 52).

Neither Judge Batt nor Senior Member Preuss commented on the rehabilitation prospects of the defendant in “RH McL” or Ms Russell prior to pronouncing sentence.

In summary, while prospects for rehabilitation were considered by four of the judges, only one judge named this issue in their sentencing comments.
Relationships with children

Women’s identity as mothers and their relationships with their children are specific markers of feminine identity; consequently, are worth discussing further. In 1988 the ALRC recommended that the courts use a ‘special treatment’ approach when sentencing women, specifically women with children:

The gender of the offender should not, in itself, be a matter relevant to sentencing; that is, an offender should not be treated differently simply because of his or her sex. This does not mean, however, that problems of particular relevance to female offenders should be ignored. A factor which should carry considerable weight in the sentencing decision is being the mother of a young child. Only in exceptional circumstances, which constitute a real concern for the safety of others, should such a parent be imprisoned (ALRC 1988: Section 228).

It is interesting to question whether these recommendations are reflected in the general sentencing outcomes for women. Further research on this issue would be useful.

Four of the six women had children. In the specific cases of Ms Russell and the defendant in “RH McL”, the safety and rights of the child victims were important considerations prior to sentencing. In the cases of Ms Kien and Ms Olden, the impact of incarceration on the maternal relationship between the women and their children was considered relevant during sentencing.

In the case of maternal physical assault, Senior Member Preuss considered Ms Russell’s parenting skills. Child protection workers presented a range of evidence including attempts at family reunification, the degree of support provided in relation to “parenting skills and anger management”, measurements of “change” demonstrated by the mother, the mother’s “ambivalence” about her relationship with her daughter, the negative influence of previous experiences of violence on the mother, the daughter’s own positive or negative experience of contact with the mother, and conflicting evidence of physical and verbal assaults perpetrated by Ms Russell against her daughter.

The child protection workers presented conflicting recommendations to the tribunal in relation to questions as to the level of danger Ms Russell posed to her daughter and her ability to resume fulltime care. The conflicting recommendations appeared to reflect a range of views amongst workers, including particular socially constructed
and gendered beliefs as to the rights of a mother to be with her child, denial of evidence of physical assaults, disbelief that a mother would actively hurt her child, confusion as to the nature and presentation of maternal ambivalence, and the active prioritisation of the rights of a mother above the rights of a child. Senior Member Preuss concluded that:

I am not satisfied the applicant is capable of caring full time for Y on a permanent basis or that she will be capable of doing so in the future. ... In June 1993, she told Ms Bolding that she had wanted to kill Y. In November 1994 she committed a serious assault on Y. ... It is also relevant, in my view, that the applicant has shown ambivalence about having Y returned to her full time care (“Russell” per Preuss, SM. p. 13).

The Senior member ordered that the defendant could have “unsupervised access to Y once per month for six hours” (“Russell” per Preuss, SM. p. 1).

In the case of the defendant in “RH McL”, the victims were the daughters of the defendant and the judge accepted that the children were not safe to continue living with their mother.

Justice Coldrey supported Ms Olden’s request to engage in rehabilitation and suggested that it might enable her to renew her maternal responsibilities (“Olden” per Coldrey, J. at paragraph 39).

Justice Cummins noted that Mrs Kien had received support from her adoptive daughters, but no further mention was made of Mrs Kien’s relationship with her daughters prior to sentencing.

The defendant in “Rh McL” was imprisoned for her participation in the sexual assaults on her daughters and, while Ms Russell was not imprisoned for her assaults on her daughter, she was not permitted to resume fulltime care.

The two cases of Ms Russell and the ‘applicant’s wife’ demonstrate that, although the court accepted undisputed evidence that the two women had committed serious assaults against their children, the judges did not appear to view, nor respond to, the women as active perpetrators of violence.
The apparent disjunction between women’s actions and the view of women’s behaviour by judges could reflect prevailing social ‘truths’ about women and mothering and the role of the state in relation to the protection of children. These truths were also reflected in the child protection workers recommendations to the court in relation to Ms Russell, as discussed above. They include the view that mothers ‘own’ their children, ‘know what is best’ for their children, that women’s rights and needs are more important than the rights and needs of children and that women have the right to punish or discipline their children as they see fit. These truths may also intersect with the court’s acceptance that women experience major emotional and social stresses in their roles as primary caregivers of children. It is possible that mothers who perpetrate serious assaults on their children may receive different sentencing outcomes from women who perpetrate similar assaults against other victims. This issue would also benefit from further research.

In relation to the state intervening to protect children, from my own professional experience and after reviewing anecdotal evidence from other workers, the policy and practices of the Victorian child protection system appears to have changed over time in response to changing views of for example, the rights of children and appropriate parenting practices. I was unable to detect a consistent and coherent response by the Victorian child protection system to women and children in relation to maternal sexual and physical assaults.93

Summary

The Victorian criminal justice system has a major influence on the lives of women found guilty of perpetrating violent crimes. In this chapter I described the key principles underpinning the criminal justice system itself, sentencing, and definitions of offending behaviour. In addition, I explored the influence of bias, specifically gender bias, on the sentencing of women found guilty of perpetrating violent crimes. I focused the majority of the chapter on an analysis of the sentencing comments from three judges in relation to six women found guilty of perpetrating similar crimes to those committed by the seven women who participated in the study.

93 The following example illustrates some of the difficulties with the government’s approach to child protection. In 2004 I was subpoenaed to give evidence against a Department of Human Services recommendation that three children, who were living with their grandmother, be returned to their mother. The opposition to the DHS recommendation was based on evidence of child sexual abuse perpetrated by the mother’s partner, along with evidence that the mother had physically assaulted the children. The DHS recommendation that the children be returned to their mother was supported by the court. A day after the decision was made the eldest child, an eleven year old girl, attempted suicide.
I am unable to provide definitive conclusions from a small sample as I did not compare the sentencing outcomes for men or provide a control group. However, I did find that the three judges took a range of factors into consideration when passing sentence and that these factors are set down in the “Sentencing Act” and, therefore, would also apply when passing sentence on men found guilty of similar crimes. In the six cases, I could not see any clear evidence that gender bias negatively influenced sentencing outcomes.

I present an analysis of the specific sentencing comments in relation to Rita, Kimberley, Rhiannon and Andi in the following chapter. In addition, I also discuss women’s experiences, and worker’s views, of incarceration and rehabilitation.
Chapter Seven

Punishment and rehabilitation

Some women, a small number, have been involved in raping other women. There is an increase in violence at DP [Deer Park], that didn’t happen to the same degree at Fairlea. Violence is happening on a daily basis at DP. I think it has a lot to do with the management of the prison. ... Women who are in prison for child sexual assault, at Fairlea, were never bashed like this. There have been stabbings and pouring of boiling water over women (Sally: 3, emphasis in original).

This chapter continues the previous discussion of women’s experience of the criminal justice system, focusing specifically on the experiences of the women offenders and workers who participated in the study. The chapter begins with an examination of the sentencing comments made by the presiding judges in the Victorian County and Supreme Courts in relation to the criminal trials of Rita, Kimberley, Rhiannon and Andi who were found guilty of murder, manslaughter, accessory to murder after the fact, stalking and making bomb threats. As discussed in Chapter Two, because of issues of confidentiality I am unable to include specific case details, provide verbatim quotes from the judges or comment on the gender of the judges. This is followed by a presentation of women’s experiences in the MMWCC, the Victorian women’s prison, renamed the Dame Phyliss Frost Centre (DPFC).

I also discuss key themes raised by both women offenders and workers in relation to community and prison-based rehabilitation and support programs. This section includes feedback from professionals who work with women offenders in the prison system. The issue of women perpetrating violence against others has particular resonance for such workers. Many practitioners who work with women are themselves women. These workers often draw on feminist analyses of gendered power relations and violence along with feminist principles of practice. In addition,
workers themselves have a range of personal and practice responses to women offenders. The theories, practice principles and personal responses influence how workers plan, implement and deliver rehabilitation programs and support services to women offenders.

**Sentencing**

I began this study with the assumption that I would discover gender bias in judges and the criminal justice system itself, and that this bias would result in women offenders receiving inappropriately lengthy or severe sentencing outcomes. This assumption has not been realised in the cases of the six other women whose cases I examined in the previous chapter, or for four of the seven women who participated in the study. After analysing the sentencing comments I found that judges considered the individual circumstances of each woman offender and, given the seriousness of the crimes, delivered what appear to be reasonable sentences. However, I only examined ten cases in total and I did not engage in a comparable study of male offenders found guilty of similar crimes. In addition, my definition of ‘reasonable’ is based on my own subjective interpretations. Therefore, I am unable to offer a more definitive conclusion on the role of gender bias in the sentencing outcomes for all women found guilty of these types of violent crimes.

The following section analyses the sentencing comments delivered by the presiding judges in the cases of Andi, Kimberley, Rita and Rhiannon. As the four women were white, Anglo-Saxon and English speaking, the often invisible privileges of whiteness, English language proficiency and Anglo-Saxon cultural heritage would have intersected with their membership of subordinated categories including female and working-class, along with their limited education and employment histories. It is possible that all six women who participated in the research may have had experiences of both privilege and discrimination within the criminal justice system (Wildman and Davis 1996).

I used the same general themes from the previous chapter to analyse the judges' sentencing comments. These include: credibility; agency; personal, familial and social circumstances; relationships with co-offenders; the role of substances; expressions of guilt and remorse; the notion of a ‘dangerous’ woman; a ‘mad’ woman; rehabilitation; and maternal responsibilities.
Credibility

The credibility of the women emerged as a recurring, but minor theme in the judges sentencing comments. Judges questioned the credibility and trustworthiness of three defendants, Rita, Rhiannon and Kimberley. At the beginning of the investigations the three women pleaded not guilty, however, two women changed their plea during the legal process. This change may have increased the judges’ attention to issues relating to their credibility as witnesses. In Rhiannon’s case, the judge said that Rhiannon had constructed a fictitious account of the disappearance and later murder of the victim when questioned by police. In addition, the judge highlighted Rhiannon’s calm demeanour when interviewed by police as to the whereabouts of the victim. The interview was videotaped and shown to the court as part of the prosecution case. The judge noted that Kimberley had consistently lied to the police and appeared self-possessed. The judge commented that Rita had actively lied to the police about both the location of the crime and the whereabouts of the victim. In this case the judge noted that it was not possible to determine whether the lies were due to Rita’s concern that a female co-offender may assault her for giving evidence to the Crown or other unknown factors.

In contrast, the judge appeared to accept that Andi’s criminal behaviour was the result of her psychological disorder. As a result, questions as to Andi’s credibility as an individual agent who had formed intent and committed a crime did not appear in the sentencing comments. I assumed that the judge believed Andi’s mental illness and her guilty plea meant that questions as to her credibility were not relevant to sentencing.

It appears that the judges viewed the ability of women defendants to be calm and self possessed while being interviewed by police and when giving evidence under oath as significant factors to be considered at sentencing. This suggests that judges may also hold the view that women who maintain a calm demeanour while being investigated and on trial for serious violent offences are possibly ‘abnormal’.94

94 In contrast, it may be assumed that a ‘normal’ man on trial for murder would not be emotional or irrational.
Agency

Common definitions and interpretations of male violence make a distinction between ‘crimes of passion’ and a planned and organised ‘cold-blooded’ crime. It is not clear whether such distinctions are commonly made between women who perpetrate violence as a result of a ‘loss of control’ and those who plan their violent attack. I had assumed that judges would hand down a heavier sentence to a woman convicted of a planned assault as compared to a woman convicted of a crime perpetrated in a moment of perceived ‘high emotion’.

Three judges used evidence of premeditation and planning, along with the use of lies to hide the crime, as evidence of serious criminality. The judges commented extensively on the individual agency of Rhiannon, Kimberley and Rita. They noted that in these cases the defendants were clearly in control of their lives and their actions. They concluded that such agency demonstrated that the women were active participants in the enactment of the crime. One judge noted that Kimberley had acted in a co-leadership role and had assisted the main co-offender with the planning and execution of the offence and development of an alibi. Both judges noted that Rita and Rhiannon had also assisted in the concealment of the crimes and the construction of alibis.

The fourth defendant, Andi, was described as suffering from a range of psychological disorders and being of limited intelligence. However, the judge acknowledged that Andi had the capacity to form intent and enact agency. The judge noted that Andi had experienced psychological difficulties that led to the enacting of the crimes. He/she acknowledged that although Andi was not committing premeditated offences, she had continued to perpetrate similar and increasingly more serious crimes. Because of this, the judge felt he/she needed to hand down a sentence that would punish and deter Andi and also reassure the community. It was not clear whether the judge viewed Andi’s psychological disorder as a primary reason for her criminal behaviour.

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95 This distinction has been observed in analyses of cases of domestic homicide, domestic violence and sexual assault perpetrated by men (Graycar and Morgan 2002; Scutt 1991, 1995, 1997; Stubbs 1994).
96 Kirkwood (2000) noted that the courts viewed evidence of planning as a major issue during Heather Osland’s trial and consequent appeal.
Personal, familial and social circumstances

The four judges accepted evidence that most of the women defendants had difficult personal lives and had experienced violence. One judge noted that Rhiannon had experienced previous trauma and that such experiences may have led to her using illicit drugs. One judge noted that Kimberley’s offending behaviour may have been linked to earlier experiences of abuse. The judge in Andi’s case noted evidence from experts that Andi’s offending behaviour may have resulted from earlier neglect by Andi’s mother and could be understood as an appeal for attention from her mother and help from external support agencies. The judge noted that Rita had no negative life circumstances that appeared to contribute to her involvement in the crime. This view of Rita’s life is different to the information Rita shared during our interview when she talked of her experiences of severe childhood abuse perpetrated by both parents. It is possible that this information was not shared with the court during Rita’s trial. All of the judges concluded that, although women had previous experiences of violence or trauma, these experiences had not caused them to perpetrate the crimes.

Relationship with co-offender/s

Kimberley, Rita and Rhiannon were incarcerated for crimes that were also committed by both male and female co-offenders. In two cases there were two types of co-offenders. The first was a primary co-offender who was the main perpetrator of the crime and who received a more severe sentence. The second were other people who played a minor role in the planning, perpetration and concealment of the crime.

In Rhiannon and Kimberley’s cases, the judges noted that both women shared a relationship with the primary co-defendants. In these cases no evidence was submitted to the court that either woman had participated in the crime because of fears for her own safety. In Rita’s case the judge noted that she may have been influenced by the primary co-offender, another woman, but did not conclude that Rita had acted out of fear of possible retribution. The judge noted that the primary co-offender had initiated the plan and that Rita had agreed to participate.

The judge described the other co-offenders involved in Kimberley’s case as secondary helpers during the planning and enactment of the crimes. The use of this term suggests that the judge believed the co-offenders did not develop the intention to commit the crime nor did they contribute to the planning of the crime. The co-
offenders were also described as being emotionally dependent on the primary co-offender. In addition, the judge noted that Kimberley had threatened her co-offenders to ensure that they did not disclose any information about the crime, her role and the role of the primary co-offender. The judge also noted that the co-offenders had pleaded guilty in the early stages of the investigation and had shown remorse.

Two judges commented that, except for the actions of the primary perpetrators, they considered Rita and Kimberley’s criminal behaviour as more serious than the criminal acts of the minor co-offenders. These views were reflected in the substantial length of the sentences when compared to the lesser sentences given to the minor co-offenders. In relation to Kimberley’s case, this view was also supported by the decision and comments made by a judge from the Court of Appeal after Kimberley unsuccessfully appealed against her ten year sentence.

When reviewing the issue of women’s agency and the role of co-offenders, it is possible that the three judges viewed violence perpetrated by a woman who is part of a group of male offenders as evidence of more ‘masculine’ and therefore more ‘dangerous’ criminal activity than a woman who perpetrated violence as a sole offender (Polk 1993). Rita and Kimberley were part of a group of other men and women who perpetrated the murder and manslaughter. The two women, although they did not actually commit the murders, received equivalent sentences to other women convicted of similar crimes.

Role of substances
Questions are often raised as to whether women are seen as less responsible for crimes perpetrated while they are under the influence of drugs or alcohol. In one case the judge noted that Rhiannon had been a heroin addict, but concluded that the consumption of illegal substances had not played a role in the perpetration of the offence.

In Kimberley’s case, the judge noted that she had taken illicit drugs on the night of the offence, however, the judge also commented that as neither the defence nor the prosecution highlighted the issue during the trial, presumably it was not relevant. Kimberley commented on the influence of speed on her perception of her own strength before she physically assaulted the victim. Workers also talked about the
influence amphetamines can have on an offender’s feelings of physical power and invincibility. They suggested that such feelings may influence someone’s choice to perpetrate violent crimes.

In Kimberley and Rhiannon’s cases, each judge commended the attempts they were making to stop their drug use and seek drug rehabilitation. In relation to Rita and Andi, the two judges noted that they had not used any illegal drugs leading up to, or at the time of, the offences. They concluded that drugs had not played a role in the enactment of the crimes.

The judges highlighted the fact that illegal drugs did not play a significant part in the choices and actions of the four defendants. These cases contrast with some defence explanations and anecdotal evidence from workers suggesting that women’s violence could be caused, or exacerbated by, poly drug use, especially amphetamines.

**Expressions of guilt and remorse**

Pleading guilty to a crime and demonstrating ‘remorse’ is one of the principles to be considered by judges when sentencing (“Sentencing Act” Part 2, 5 2e). Two judges noted evidence that admissions of guilt and expressions of remorse occurred once the defendants had entered the criminal justice system. In Rita’s case the judge noted that at the beginning of the investigation she chose not to cooperate with the police and did not accept an offer of indemnity from the police in return for voluntarily giving evidence to the prosecution. In addition, Rita offered to plead guilty prior to the trial commencing. However, once the trial began she changed her plea to “not guilty”. As the trial continued, Rita made admissions about her own contribution to the crime; however, the judge did not comment on whether she/he viewed such admissions as evidence of guilt and remorse. This suggests that Rita’s view of her own actions and contribution to the crime changed over the course of the police investigation and trial. In addition, she may have received specific advice from her lawyer(s).

The judge in Kimberley’s case noted that she pleaded ‘not guilty’ at an earlier hearing, but changed her plea at the trial. One of the appeal judges noted that it was possible that Kimberley could have received a longer sentence if she had pleaded not guilty.
In Rhiannon's case the judge compared the actions of a male minor co-offender with her actions. The judge commented that the co-offender had confessed to the crime, expressed remorse, fully cooperated with the police and demonstrated concern about the fate of the victim. The judge contrasted these acts with those of Rhiannon who had not behaved in the same way. However, the judge made no explicit reference as to whether he/she believed Rhiannon should have demonstrated similar behaviour.

Andi had pleaded guilty at the beginning of the trial. The judge made no comment in relation to this plea when sentencing.

These examples illustrate similar issues to those raised in the earlier discussion on women’s credibility and trustworthiness. At the conclusion of three of the four cases, the women defendants had pleaded guilty to the charges. The judges noted that their guilty pleas saved members of the victims' families from having to give evidence in court and also saved the public expense of conducting trials. In relation to feelings of remorse, such feelings were noted when expressed; however, there was little evidence that the judges viewed such feelings as a significant reason to reduce the sentence.

A ‘dangerous’ woman

The view that a woman is dangerous and poses a threat to the community may influence sentencing outcomes (“Sentencing Act”, Part 2, 5 1e). In Rita’s case, the judge noted that it was difficult to understand why she had participated in the murder of the victim when she did not have a criminal background. The judge accepted that Rita was not motivated by negative feelings towards the victim, but rather that her decision was based on care for her friend who was the victim’s girlfriend. The judge noted that it was difficult to understand how Rita could believe that the ‘problem’ would be solved by murder and concluded that he/she did not believe Rita posed any particular danger to the community. Although the judge ruled that she should serve a lengthy prison sentence, Rita was not described as dangerous by the judge.

In Rhiannon’s case the judge commented that a key consideration when sentencing was the reported enjoyment Rhiannon had experienced while committing parts of the crime she was charged with. In addition, the judge noted that Rhiannon had
perpetrated other criminal behaviour against the victim that added to the suffering of the family of the victim.

The judge noted the serious nature of the crime Kimberley had committed. In addition, she/he commented on Kimberley’s active role in planning and participating in the assaults on the victim and suggested her role was more significant than the role played by the minor co-offenders. In addition, the judge noted that a major reason for the commission of the crime was Kimberley’s expressed desire to punish the victim.

The length of Rhiannon and Kimberley’s sentences, along with the rejection of Kimberley’s appeal against her sentence, demonstrates that the judges viewed their crimes as extremely serious. However, they noted other factors they believed contributed to the two women’s participation in the murder and manslaughter of the victims. These other factors appeared to mitigate against specific findings that the women were ‘dangerous’.

The judge in Andi’s case accepted that her criminal behaviour was linked to a psychological disorder and did not, therefore, define her as ‘dangerous’ and Andi was placed on a community based order. In a later hearing the judge accepted evidence that Andi’s behaviour was pathological, but when sentencing decided that the protection of the community was a priority and sentenced her to prison. The sentencing decision appeared to reflect the judge’s view that, although it was appropriate for Andi to be imprisoned, she was not considered a ‘dangerous’ criminal.

The different responses noted above support my understanding of the role of judges when sentencing women found guilty of serious criminal violence. That is, judges will examine the cause, motive, behaviour and life circumstances of individual women found guilty of violent crimes and consider relevant sentencing principles. However judges may also consider whether women are defined as dangerous, whether they were part of a group of primarily male co-offenders, whether there was evidence of pre-meditation and planning, the nature of the relationship between the defendant and the victim, the severity and ‘masculine’ nature of the crime, and whether women had demonstrated intention, individual agency, guilt and remorse.
A ‘mad’ woman

The judges commented that all the women had experienced mental health issues. In Kimberley, Rita and Rhinannon’s cases they noted previous and current mental health diagnoses including bi-polar disorder, reactive agitated depression, impulse control disorder, obsessive-compulsive disorder, separation anxiety disorder and oppositional defiant disorder. However, the judges concluded that the three women had no psychological disorders when they committed their crimes.

The judge accepted that Andi was suffering from a range of psychiatric disorders that raised the issue of a defence based on mental impairment due to psychiatric illness. When sentencing Andi, the judge contrasted violence as a result of a psychological disorder with intentional criminal violence. Andi’s case highlights other sentencing outcomes where a woman may be diagnosed as more ‘dangerous’ to the community or themselves because of a psychiatric disorder and sentenced to a secure psychiatric unit. This contrasts with other situations when a woman may be rendered harmless as a result of her psychiatric disorder. In such cases, the disorder may result in a woman being defined as being unable to form the intention to enact the crime. The links between women’s mental health and criminal violence were discussed previously in Chapter One.

In summary, three judges found three of the four women defendants mentally well at the time of the offence. There was no clear evidence that the judges considered a causal link between their use of violence and their psychiatric diagnoses. The judge accepted that Andi’s behaviour was linked to a psychiatric disorder.

Rehabilitation

The possibility that the offender may engage in rehabilitation and ultimately change their behaviour is a key principle considered by judges when sentencing (“Sentencing Act” Part 2, 5 1c). In Rita and Kimberley’s cases, the presiding judges commented on what they felt were the women’s significant prospects for rehabilitation. The judges noted that both Kimberley and Rita had no prior convictions and accepted evidence as to their character and conduct while on remand (“Sentencing Act” Part 2, 6a and b). The judge noted that Andi had a record of immediately re-offending on her release from prison and also while on community based orders. In Rhiannon’s case, the judge noted that Rhiannon had a good record of drug rehabilitation, but he/she did not mention any other form of community-based rehabilitation.
The four cases demonstrate that the judges considered the need for, and chances of, rehabilitation for the women they were sentencing. They commented favourably on those women who they believed were capable of, and interested in, engaging in rehabilitative activities.

**Relationships with children**

As women are usually the primary caregivers of their children, it is useful to explore whether the judges considered women’s maternal responsibilities when sentencing. Three judges commented that they had taken into consideration the reality that imprisonment would necessitate Rita, Kimberley and Rhiannon separating from their children. Two judges noted that as a result of this consideration the sentence was lighter than would have otherwise been the case. At the time of our meetings, Andi did not have children.

The judge in Rhiannon’s case commented on previous evidence that she had failed to attend a protective hearing at the Children’s Court. The Court was hearing an application by the DHS to place Rhiannon’s two younger children into the care of the state. The court approved the application and the children were removed from Rhiannon’s care.

In summary, for the three women who had children, the judges did consider the possible negative impact of imprisonment on women’s relationships with their children. It is significant that this issue was the only identified factor that resulted in two judges imposing a lighter sentence for two women.

**Summary of key themes**

The themes emerged from an analysis of the sentencing comments made by the presiding judges when sentencing Andi, Rita, Kimberley and Rhiannon. I suggest that the comments appear to reflect a number of socially accepted norms and beliefs about respect for life, the rights of others, the nature of violence, family and intimate relationships and friendship. Judges noted that the women engaged in unprovoked violent assaults on victims, lied to both the police and members of the court, betrayed their friends, actively participated in the planning, enactment and concealment of the crimes, and developed alibi’s for co-offenders and themselves. I suggest judges would normally consider such issues when sentencing men.
Judges queried some of the behaviours demonstrated by women, for example, that a woman had enjoyed perpetrating violence, a woman’s apparently calm demeanour when charged with a violent offence, and their apparent lack of remorse. I would argue, however, that judges might also highlight these issues when demonstrated in the case of a male offender. I did not find any examples of judges commenting negatively on the crimes perpetrated by an offender, because of her gender. I found the judges considered a range of factors when considering the sentence including the sentencing principles, evidence of pre-meditation and planning, women’s individual circumstances and social context, women’s family history, and the role of drugs and co-offenders. Although my conclusion is drawn from a small sample, I believe that the qualitative evidence is significant and poses a challenge to broad assumptions that due to gender bias, the criminal justice system overtly disadvantages women found guilty of perpetrating violent crimes.

There were two cases where gender bias worked to women’s advantage; where women had maternal responsibilities. In these cases the judges commented that they gave the women lesser sentences because of concerns for the well-being of their children and concerns that the children were also being punished.

**Punishment: Experiences of prison**

An extensive body of research critically examines women’s experience of prison and the criminal justice system (Carlen 1998; Carrington 1993; Cook and Davis 1999; Davis and Cook 2000; FCLC and VCOSS 2005; George 1993, 2000; George and Kilroy 2004; Howe 1994; Kirkwood 2000; Mullen 2001; Sommers 1995; Vandeleur 2001). Mullen (2000), writing about the Victorian prison system, commented “prisons and jails are intended to be punishing and they provide hard and unforgiving environments which often amplify distress and disorder” (2001: 36).

Concluding their submission to the Equal Opportunity Commission, the FCLC and VCOSS argued that:

> Ultimately, it is our view that the entire nature of women’s imprisonment needs to be reviewed in light of alternative methods of appropriately addressing women’s offending behaviours. The outcome of a systemic review should not be to expand the scope of imprisonment through increasing the number of prisons or beds for women,
but rather that the State of Victoria should utilise its vast capacity to create systemic change and alternatives for women other than prison (2005: 4).97

Six of the seven women who participated in the study were sent to prison as punishment for their violent offences. The following discussion focuses specifically on the experiences of these women. In addition, I include pertinent comments from practitioners who participated in the research. A number of themes emerged which are discussed under the following headings: maternal responsibilities; psychiatric illness and medication; self harm; drug use and misuse; a sense of safety; violence in prison; and systemic abuse.

Maternal responsibilities

Of the 247 Victorian women incarcerated in the DPFC in 2002, approximately 74 percent had children and eighty percent of those were sole parents (Department of Justice 2002: 29; George cited in Vandeleur 2001: 4).98 Rita, Kimberley and Rhiannon were separated from their children as a result of their prison sentences and they commented on the difficulties they and their children experienced as a result of this separation. The impact of imprisonment on women and their children is commonly acknowledged in the criminal justice system and researchers have noted that it is rare that such considerations would not be included in the deliberations of the sentencing judge (Miller-Warke 2000).

While women’s mothering responsibilities and their relationships with children may be considered by judges when sentencing, it has been noted that such considerations seem absent once women enter the prison system. Butler (1994) completed a study on twenty women who had been released from prison in New South Wales and concluded that “they are ‘de-maternalised’ from the beginning of the arrest process” (1994: 24). Miller-Warke (2000) noted that a prison environment is often not a suitable environment for women to meet with their children and that prison policies are often inadequate to meet the needs of women and their children. Miller-Warke cited other Australian research which suggests that often prison staff take the view that family visits are a privilege for women in prison (Farrell 1998 cited in Miller-Warke 2000: 8).

97 At the time of writing the outcome of the submission was unknown.
98 The FCLC and VCOSS submission noted the difficulties in finding statistics on the number of prisoners with dependant children (2005: 13).
An added difficulty is that in the main, women are the primary care givers of their children. This raises the problem of the care and housing of children while women are incarcerated. Some workers have argued that young children should remain with their mothers, however this view is contested. Miller-Warke commented that prison is the least suitable environment for the rearing of young children and suggested that “children then ‘wear’ the punishment” (2000: 8).

**Psychiatric illnesses and medication regimes**

Kimberley, Rhiannon and Andi had been diagnosed and treated for a range of psychiatric illnesses, primarily personality disorders. Kimberley talked about her experience of medication while in prison and her desire to lessen the levels of medication. A recent survey of prisoner’s mental health identified that “84.5% of women in prison had a mental disorder (including a drug and alcohol related disorder) compared with 19.1% of women in the community” (Tye 2002 cited in FCLC and VCOSS 2005: 5–6).

It is clearly established and accepted that many women prisoners suffer from major mental health issues that are not adequately addressed by the criminal justice system. Researchers have described the links between women’s offending, mental health issues and substance use including prescription medicines (Carlen 1998; Easteal 1992; FCLC and VCOSS 2005; Kilroy 2000; Shaw 2000). Many researchers have noted that the majority of women prisoners have had earlier experiences of child sexual, physical and emotional assault along with adult experiences of domestic violence and sexual assault (Department of Justice 2003c; FCLC and VCOSS 2005; Miller-Warke 2000; Mullen 2001). Women’s experiences of childhood and adult trauma may result in feelings of depression or anxiety that are often treated with medication while in prison. The Department of Justice noted that women prisoners were more likely to have a mental illness than men and more likely to have attempted suicide (2003c).

There are two connected issues for many women incarcerated in prison. Firstly, are the real difficulties many women experience when seeking treatment for mental illness in prison. Secondly, is the apparent willingness of the criminal justice system to accept that women offenders have psychiatric disorders. The different psychiatric diagnoses noted for Rhiannon, Rita and Kimberley are detailed in the Diagnostic and Statistical Manual of Mental Disorders IV revised version (DSM IVR) (American
Psychiatric Association 1994). Ussher (1991, 1997) argued that many of the criteria used in the DSM IVR are highly gender specific and reflect traditional constructions of ‘abnormal’ feminine behaviour and therefore by default ‘normal’ feminine behaviour.

Maden (1997) referred to the “psychiatrization” of female offenders, where women are more often diagnosed as suffering from a range of psychiatric disorders in comparison to male offenders, whose mental health may not be scrutinised to the same degree. Adele, a worker, suggested that many women who engage in criminal behaviour are wrongly diagnosed with psychiatric disorders:

*I would like to know how many women who demonstrate violent behaviours have been diagnosed with a borderline personality disorder* (Adele: 8).

It is worth noting that some women may perpetrate violence as a result of a psychiatric disorder but, because of the serious nature of the violence, they may be imprisoned in the mainstream prison system. Miller-Warke (2000) commented on the range of systemic factors in prisons which, when combined, do not create conducive environments for the therapeutic treatment of psychiatric illnesses. Martin (1999), a Melbourne researcher, cited a worker who said “a number of women are in prison who just shouldn’t be there” (cited in Martin 1999: 22). At the MMWCC, women who had perpetrated violence against other women prisoners would be placed in the Management Unit. However, this placement may fail to address the possible psychiatric cause of their violence.

In 1999 the DHS completed an audit on the level of prescription drug use by women prisoners in the MMWCC when the private contractor managed the prison. The audit found that between 87–98 percent of women were on prescription medication and the majority were anti-psychotic and anti-depressant drugs (cited in George 2000: 6, footnote 20). The over use of prescription medication has been named as a serious problem for women prisoners (Davis and Cook 2001; FCLC and VCOSS 2005; George 2000; Vandeleur 2001). It is possible that the use of prescription medication is a cheaper way to ‘manage’ women prisoners than the provision of long term, high-quality counselling, drug rehabilitation or other therapeutic interventions. A former prisoner commented that:

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99 The Department of Justice (Vic) (2003c) completed a survey of prisoner health and reported on drug use, but did not audit women’s use of prescription medication.
Even if they have never been on psych medication before, they put them on to keep them stoned so they just do their jail time quietly and they are not a hassle (cited in Shiel and Hughes 2005: 6).

In relation to the use of medication to manage women, the FCLC and VCOSS noted that “we do not have information on chemical restraint of women prisoners but our anecdotal evidence indicates higher rates of chemical restraint relative to men” (2005: 15).

From my discussions with workers and women prisoners, it appeared that the criminal justice system had few available and appropriate resources for women who may experience psychiatric disorders which could contribute to their violent behaviour.

**Self harm**

Researchers have argued that incarceration increases both the incidence of self-harming behaviours and the severity of the injuries (Coid et al. 1992; Davis and Cook 2001; Vandeleur 2001). Davis and Cook commented that:

> … self-harm among women prisoners has been linked to poor self-esteem, feelings of powerlessness and despair, and trauma resulting from previous experiences of abuse (Davis and Cook 2001).

Researchers have demonstrated that self-harming behaviour meets a number of needs for women, specifically it offers them a way of maintaining control over their body. This issue is exacerbated when women are incarcerated as, through the act of imprisonment they lose control over nearly every aspect of their lives.

Most of the women who participated in the study disclosed that they had previously, and were currently engaged, in self-harming behaviours while in prison and three had also attempted suicide. Rhiannon talked about her own suicide attempts:

> I've tried to commit suicide three times while I've been in custody because I just couldn't cope any longer, I couldn't deal with [victims] death or anything like that (Rhiannon: 9).

The possible relationship between women's use of self harming behaviours and their violence against others would benefit from further research.
Drug use
Recent research suggests that up to eighty percent of prisoners in the DPFC have a history of drug and alcohol addiction including the use of multiple substances (Davis and Cook 2001, Department of Justice 2003c; FCLC and VCOSS 2005). Davis and Cook also noted a range of other issues which influence women's use of, and withdrawal from, addictive drugs while they are in prison (2001). These issues include the absence of harm minimisation programs; difficulties in finding and participating in methadone programs; difficulties in accessing drug and alcohol counselling; the overuse of prescription drugs; lack of basic information on the side effects of prescribed medication; and lack of access to non-drug based treatments including psychological counselling (Davis and Cook 2000, 2001).

Two women were engaged in drug rehabilitation while incarcerated in prison. Kimberley stated that:

_The only good thing to come out of it is that I've given up drugs over it, even though it was only marijuana, I've given that up, and speed, though that was never a problem_ (Kimberley: 8).

Indi commented on the possible links between women’s experience of addiction, drug use, specifically amphetamines, and their violent offences (Indi: 17). This is a significant issue for both men and women offenders, however, further examination is outside the scope of this study.

A sense of ‘safety’ and familiarity
I found it interesting that some women experienced prison as a “safe” place. Andi and Kimberley noted that prison provided some “time out” from their everyday world. Andi commented that while living in the community she missed prison and also that prison provided a number of things for her. These included time to herself away from her family, a sense of security because of the “high fences” and a sense that she “deserved punishment” (Andi, second meeting: 9). Andi also described A2 [a unit in the prison] as her “home for a long time” (Andi, second meeting: 10). Kimberley also commented that it was “a bit of a holiday” (Kimberley: 8).

The experience of prison as a safe and familiar place appears to contrast with Rhiannon’s account of how she attempted to commit suicide three times while in
custody. In addition, Andi and Kimberley’s comments contrast with their later observations about the violence perpetrated by some women against other women prisoners.

**Violence in women’s prisons**

I suggest that there are two contradictory views of women’s prisons in the community. First are movie and media images of women’s prisons as places of violence. Second are some community perceptions that women in prison do ‘easy time’. Research and women’s own accounts tell us that some women perpetrate physical and sexual assaults against other prisoners. This reality means that women incarcerated for minor crimes may be victims of violent assaults perpetrated by other women. Armytage (2000) when commenting on the management of women’s prisons in Victoria, concluded that:

> Meeting the emotional needs of women as well as managing the increasing violence within the female population, is a complex and potentially contradictory task. … Increasingly violence is becoming common in the female prisoner population (2000: 10).

The FCLC and VCOSS submission stated that the review of the management of the MMWCC in 2000 came about because the prison operators had defaulted on contract obligations relating to levels of self harm and violence in the prison (2005: 2–3).

Both Kimberley and Rhiannon had been placed in the protection unit of the MMWCC because they had experienced physical assaults perpetrated by other women in the prison. Kimberley explained that the assaults against her were due to some people’s belief that she had “lagged” or “dubbed” in her partner (main co-offender):

> Jail’s not easy. I mean, I was shitting myself before I first got here. Thinking ‘oh shit’. You know, you hear about jail and you know, all these rapes and stuff. And it does happen, that’s the thing, but I mean, I can look after myself too, if I have to (Kimberley: 18).

Kimberley’s comment contrasts with her earlier statement that prison is a bit of a “holiday”, however, perhaps this contradiction is part of the reality of Kimberley’s life. It is also worth noting that Kimberley had heard about rapes and other assaults that occurred in prison while she was still living in the community.
Rhiannon suggested that she was assaulted so that she would “know that they were better than me” (Rhiannon: 7). Rhiannon also said that it was like the “law of the jungle” and that “only the strong survive” prison (Rhiannon: 7).

Andi and Jody also talked about women’s use of violence in the prison. Andi suggested that some women might be assaulted because other women “didn’t like the crime they committed”, that women had “lagged on someone”, or that they had “done something to the wrong person” (Andi: 6).

Jody described “jail politics” and the role of jealousy:

*They’ve always got an excuse. This girl has done this or that, but you know someone could just not like you and that’s it. Story turns into a .. you know what it is. Jail politics. Somebody could just decide they don’t like you and you’re in the shit. You can get killed just because someone has decided they don’t like you* (Jody: 10).

Community workers who work with women prisoners were also very concerned about what they described as the notable increase in violence perpetrated by women against other women in the prison:

*A was bashed and stabbed by B’s friends, nearly died, because you don’t lag. It seems so male, so brutal* (Terri: 2).

*Women who have been in the prison system for a long time, commented that they never did this in Fairlea, ‘we never raped anyone’ and now there are rapes in the women’s prison* (Terri: 2).

*The culture of solidarity amongst women is disappearing. Older women, long term prisoners, have said that they are scared shitless of the violence* (Sally: 3).

*I don’t know why women are choosing to rape. I think it might be about the fact that they have been allowed to do everything else. This is the next thing. In the last twelve months the sexual violence has been really apparent. They have bashed and bashed for one and a half years and got away with it. So, now that has meant that the violence has escalated* (Sally: 4).

*At Fairlea, there were two women in protection. Within a week of the women moving into the prison at DP, protection was overcrowded. One third of the prison population is either in management or protection* (Sally: 5).

*A new culture, girls are starting to say ‘fuck it’, going in anyway (ex-prisoner, community organisation, 24 August 1999: 3).*
Specific cases of violence in the DPFC include the following two cases. Ms Olden, along with four other prisoners, pleaded guilty to the assault of another prisoner who had been imprisoned for child sexual assault (R v Olden [2001] VSC 119). Mrs Azzopardi was remanded in the Protective Unit at DPFC in July 2003, prior to her trial for the murder of her five week old daughter. The defence barrister reported that when Mrs Azzopardi was transferred to the prison other women prisoners yelled threats through the fence, including “Child killer. You’re dead. We’re going to kill you” (quoted in Gregory 2003: 8). It was also reported that while on remand Mrs Azzopardi was subjected to continued abuse by other prisoners (Berry 2004: 3).

These two examples illustrate the possibility that other prisoners may specifically target women who have been convicted of certain crimes against children. This issue has been noted in relation to men convicted of child sex crimes, though less commonly in relation to men who have killed children.\textsuperscript{100}

The chaotic and violent situations described by women and workers appear to sit in stark contrast to the broad community assumption that prison is disciplined and predictable. As a consequence little priority appears to have been given to the creation of a prison environment and management system that reduces stress for women prisoners. The high levels of violence and assaults perpetrated by women against other prisoners at the MMWCC along with anecdotal evidence from workers suggests that the physical surroundings, management and other infra-structure actually heighten stress amongst prisoners and may contribute to the levels of violence. In addition is the reality of overcrowding in the prison. As noted by Corrections Victoria (2004), the DPFC was originally built for 170 prisoners and yet, since opening, up to 260 women have been incarcerated at one time.

The fact that the prison was taken out of the control of the private contractor and returned to public management in 2000 also appears to support this conclusion; however, such factors were not explicitly stated in the review which preceded the change (Kirby, Roche and Greaves 2000). As the handover occurred after the research interviews were completed, I am unable to comment further on women’s experiences of the MMWCC once the management had changed. Commenting on violence in the DPFC, Brendan Money, the General Manager of the prison, was quoted as saying:

\textsuperscript{100} See Sabo, Kupers and London (2001) for further discussion on the construction of masculinity in American men’s prisons.
When this was a private prison, it had 160 women and forty of them were in protection. We've got about 260 women and fourteen are in protection (cited in Munro 2005a: 12).

This comment suggests that, since the prison has been returned to government management, the numbers of women prisoners who required protection because of assaults perpetrated by other prisoners had been reduced.

**Secondary abuse**

Women and workers described situations where women prisoners experienced what is often termed 'secondary abuse'. Secondary abuse refers to prison conditions and management practices that result in negative physical and psychological health outcomes for prisoners (Davis and Cook 2001; Ruback and Carr 1991). Australian and British researchers have argued that various state governments have neglected the legitimate human rights and needs of women prisoners (FCLC and VCOSS 2005; George and Kilroy 2004; Lloyd 1995). Prison regimes that include regular strip searches, intrusive procedures during drug screenings, the presence of male prison officers during medical examinations and strip searches, and close surveillance during contact visits with partners, children and other family members can be regarded as forms of secondary abuse.

Jody, a research participant, described how frustrated women prisoners were with the lack of organisation at the MMWCC and, for example, the limited information they received about the welfare of their children:

> They're unorganised at Deer Park. … They're just totally unorganised and that means the girls get aggravated and upset (Jody: 24).

Indi, a worker, commented on the difficulties for women prisoners because of intrusive prison procedures:

> I think the whole thing of some of the situations that happen in women's prisons are pretty frightful for some women. Like strip searches can just bring on the most terrible anguish for female prisoners who have been sexually abused and particularly when there may be a male officer present when they are strip searched (Indi: 17–18).

Researchers have noted links between intrusive prison management practices including excessive methods of controlling and restraining women and the
challenging behaviour perpetrated by women prisoners (Davis and Cook 2001; FCLC and VCOSS 2005).

Surviving prison

I found it useful to explore the ways women prisoners themselves ‘survive’ prison. Andi described how she had learnt to:

… keep my mouth shut. It’s like in jail, you got to keep your mouth shut because otherwise you’ll get a beating (Andi, second meeting: 6).

Kimberley spoke of needing to “look after number one in here” (Kimberley: 8). The prevailing view that the only way to survive prison is to look out for yourself appears to be a response to the high level of chaos and violence described previously.

Mel, a worker, described how women had to become tough to survive prison (Mel: 2), and other workers described the abusive nature of the prison environment:

In prison, there are no normal boundaries. It’s an abusive world (worker, group meeting, 24 August 1999: 1).

Belle, who had worked extensively in the male prison system compared this experience with her experience at the MMWCC:

Well I saw a lot more within the women’s prison than I did in the men’s prison and some of the women prisoners seemed so unprepared to let their guard down. It was almost like they had to look the violent part so that they were protected, maybe (Belle: 8).

Sally, a worker, suggested that often women deliberately do not talk about their feelings as a strategy to survive prison. One result of a decision not to engage in counselling is that some workers may believe that women aren’t displaying appropriate feminine responses, i.e: showing their emotions. Workers assessment that women aren’t engaging in rehabilitation, may negatively impact on their applications for parole or a review of their security classification (Sally: 6).

The feedback from both women and workers suggests that the prison environment contributes to women’s behaviour and that as a result some women may become more violent and in greater need of ‘management’. Women’s behaviour may then perpetuate a prison system that is primarily focused on the management and
punishment of individual women. This focus may reduce the available resources, energy and commitment of prison management to the provision of rehabilitation programs.

**Rehabilitation programs**

While in prison, women are entitled to access rehabilitation programs. However, earlier statements by both women prisoners and workers demonstrate their belief that the MMWCC viewed the containment and management of women prisoners as more important than their rehabilitation. This outcome reflects the perceived primary purpose of prison. As Cameron (2001) commented:

> The examination of data indicates that women can benefit from drug rehabilitation, vocational training and relevant employment experience, although it is very hard to rehabilitate a person in a prison environment (2001: 5).

Indi spoke about the inherent paradox of seeking to provide rehabilitation programs for women in prison:

> Then you are trying to work with them to reconstruct. In fact not really reconstruct, to initially construct an intact personality that will respect other people’s privacy and rights in an environment where that isn’t happening for them (Indi: 16).

This paradox centred on the difficulty of trying to instil in women prisoners a respect for the rights of victims while acknowledging that women are living in an environment where their own rights are not being respected, indeed sometimes those rights are ignored or actively abused (FCLC and VCOSS 2005).

Indi did suggest that a period of incarceration can create emotional and physical space for women to begin to address some of their family, personal or social issues.

> I think the other thing is you are working with a very complex population. Because so much has happened to them and there are so many issues for example there are likely to be drug issues, family issues, a lot of history, a lot of relationships that have not worked out. A lot of relationship issues going on within the prison setting themselves, plus all that sort of infantilising effects of being in prison. So it is a difficult environment to work in (Indi: 2).
The criminal justice and human service systems do have a range of prison and post release community based programs which offer women prisoners support that can be described as ‘rehabilitative’. The services include prison based counselling and health services, post prison support programs, drug and alcohol programs, anger management, family support, housing, employment, education and income support. The programs may focus on individual psychological and physiological issues including previous drug addiction or experiences of violence.

Neither women offenders themselves nor workers discussed their participation in rehabilitation programs in great detail during our interviews. This may reflect the nature of the questions I asked during our interviews. Most of the women did talk about ‘my worker’ and commented on the usefulness of much of the work they had done with their workers. Kimberley and Rhiannon commented on the benefit of counselling support while in prison, however, they both noted that it was difficult to build trusting relationships with workers because of the rapid turnover of staff.

Practitioners commented on the failure of the criminal justice system to adequately address the causes of women’s violence. They also talked about the need for specific programs for women, more resources for program development, more training for workers and good supervision and de-briefing. Workers highlighted the difficulties they experienced working in programs that use theoretical analyses of men’s violence to make sense of women’s use of violence. In addition they talked about the complexity of using cognitive behavioural therapy programs developed for male adult and adolescent violent offenders, with adult and adolescent women offenders (Birgen and McLachlan 2004). Practitioners expressed concern that such programs often fail to address the discursive, structural, familial, emotional and cultural factors which may underpin women’s use of violence. Indi commented:

*I think that working with violent women you have to look deeply, not just look at the violence, look at where it came from, look at the sort of culture and their minds around it. Don’t just go for ‘ok, we’ll look at the triggers and we will work out [an]other strategy’. That’s just far too simple* (Indi: 18).

**Practitioners’ experiences**

The majority of practitioners who participated in the study worked in prison or community-based rehabilitation or support programs. The following section of this chapter will describe the issues raised by workers when reflecting on their work. The
issues include: workers’ own fears of women who are violent; their own use of power and capacity to perpetrate violence; the ‘denial’ of women’s violence; the reality that some women can be both victims and perpetrators of violence; power relationships between women and workers; and lastly, the presence of contradictions, silences and inconsistencies in a traditional feminist analysis of violence.

**Fear of women who are violent**

Workers expressed a number of fears relating to women’s violence, including fears that women may assault workers themselves, and that workers may ‘lose’ women if they challenge them about their own violence against their children. Workers also talked about their concerns about working with women sex offenders. The following discussion explores these three fears and concludes with a brief discussion on secondary, or vicarious trauma.

Scourfield (2003) reviewed statistics in the British child protection system and concluded that women perpetrate most acts of violence against women workers (O’Hagan and Dillenburger 1995 cited in Scourfield 2003: 95). Similar statistics for Victoria are not available. However, a number of women workers who participated in this study commented on their fear of some of the women they worked with:

> I mean it is really strange that some of my clients are tiny but they are still frightening. They are still tough looking (Indi: 16).

> And yes I was intimidated because she is a lot bigger than me and a lot taller than me and sometimes. And the mental anguish she had in her, I think she would have been physically quite powerful. So, yeah, I never felt, I didn’t feel all that comfortable with her (Belle: 6).

> I think I’m going lightly with women, the woman who is the ‘conspire to murder’, maybe it’s a reflection of my own stuff – it’s too big. This woman is very strong, powerful, she’d bore straight through you (Kaye: 2).

> Yeah, got a woman who is fairly aggressive, a DHS client whose kids are in care. I had to breach her husband [report him for a breach of parole conditions] and she physically threatened me at court (Mel: 2).

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101 I had a couple of experiences when working in the sexual assault and child protection systems which illustrate this point. When I was a third year student social worker on placement at a women’s sexual assault service, one of my first service users was a woman with a reputation for assaulting workers. I vividly remember my feelings of anxiety when meeting her for the first time and these feelings were heightened whenever she would stand up and walk around the room. When I was a child protection worker, a thirteen year old girl tried to strangle me with my car safety belt while I was driving her from her home to a residential unit.
Chapter Seven: Punishment and rehabilitation

Worked with women who experienced out of control rage, black rage. … One woman who killed someone, stabbed them, was entrenched in violence. Women and men who are violent, scare me the same (worker, group meeting, 11 May 1999: 2).

As a child protection worker, because of the mandated role, means that they [parents] can view you as threatening, therefore they respond in that way (worker, group meeting, 11 May 1999: 2).

Evi, a worker, described her own fears when listening to women talk about their own use of violence.

I am very mindful of my own fears around violence. It is worth asking the question as to whether I might inhibit people talking about their violence. I might ask and hear about their fantasies about committing violence, but I don’t hear about their actions. … It raises questions for me about what I bring to it. If I am not able to manage anger, what happens to my work with a woman who might be very angry (Evi: 2).

It is interesting that Evi appeared to conflate women’s anger with their violence. As noted in Chapter Five, women offenders themselves rarely named feelings of anger as the reason for their acts of violence.

Workers acknowledged the need to “critically challenge” women about their behaviour and choices.102 This form of challenge could include critical questions as to a woman’s choice about the form of assault or injury they perpetrated, the choice of victim, location of the assault and the specific words or ‘script’ they used to describe the events or injuries to investigating officers.

Still need to make women accountable for their behaviour. Still need to make women take responsibility (worker, group meeting, 21 June 1999).

How do we name women’s behaviour, when there are other voices saying you should be supporting her. And if you do name, acknowledge the abuse, confront women with their behaviour, they leave and you’ve lost them (worker, group meeting, 24 February 1999).

There is the possibility that because of the fear of ‘losing’ women, workers may not challenge women or take action in relation to their assaults on their children. Also a worker may fear that a woman may physically assault them if they challenge them. Kaye acknowledged that she may have gone “lightly” with one woman because of

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102 See Cavanagh and Lewis (1996: 98-103) for further discussion of the use of “critical engagement” with male offenders.
her own fears about the consequences (Kaye: 2). As a practitioner, I would not continue with a one to one counselling session or a particular topic of discussion if I believed I was at risk of assault.

A couple of practitioners acknowledged their own difficulties in thinking about and working with women who had perpetrated sexual assault:

I make a distinction between sex offenders and women who perpetrate physical abuse. I find women sex offenders, something very confronting for me, my beliefs and my values. I don’t want to attempt to explore that, it’s just a gut reaction (Terri: 3).

Few women are convicted of sexual offending. The ones I’ve worked with, I found really difficult. One was part of a paedophile ring, but who also offended independently. The other was a stalker. These women present a very different client group. Really hard to not let my personal views interfere. … I think it’s all about my expectations of women, roles, values, socialisation. I need to work through these issues still (Adele: 3).

As discussed in Chapter Two, I had a similar response to Sam, a research participant who was an adolescent sex offender.

The majority of the anti-violence literature also suggests that secondary or vicarious trauma is a commonly accepted experience for many workers in the violence sector (Figley and Kleber 1995). However, the practitioners who participated in the study did not comment on whether they had experienced ‘secondary trauma’ as a result of their own work with victims and perpetrators of extreme violence. Workers described how they managed the effects of their work through a number of strategies including supervision, de-briefing and professional development. Indi commented:

I find it quite surprising actually that I don’t find it more stressful because when I sort of think about it, think about what I have heard, the material is very confronting and very nasty and very unpleasant. But I don’t wake up worrying about it, I don’t really bring it home. I don’t know why that is. … But I think I really try to get into their boots and I think that is what helps me not find it as unpleasant (Indi: 10).

Indi’s strategy of getting in the “boots” of women to reduce the unpleasantness of the stories of their violence is interesting and suggests that focusing on the individual humanity of a woman will increase a worker’s understanding of her life and choices.
However, it may also reduce a worker's capacity to focus on her choice to use violence.

**The capacity for violence**

Many practitioners commented on their own capacity for violence and the perceived or real similarities between themselves and the women they worked with. The following quotes from six workers illustrate this:

> *Always the potential to engage in violence, anyone could do it* (Kaye, 2).

> *I’ve certainly had feelings of wanting to hit, road rage. I’m sick of people doing this to me, one day I’m going to turn around and snot them and feel so good about it* (worker, group meeting, 24 August 1999: 1).

> *I remember when my first child was crying, crying, I was shaking the pram. Reminds me how thin the line is, how abuse, slapping a child a little bit differently, there I could be* (Mel: 1).

> *And I remember having babies, thinking ‘my god, you little shits’. You know when you really haven’t slept for weeks. And you can think really violent things, but we have been taught that you can’t, can’t be violent* (Belle: 3).

> *You know, like I was quite against smacking children, but then I did smack mine probably five times each. And even as I say this to you, it is really hard to say that to you, because, but it’s a fact* (Belle: 4).

> *That socialisation, [the view] that we are passive, we are not violent, is a real myth. Because we are all products of society. Gee whiz, there are times when I feel violent* (Belle: 6).

> *These are elements in your own life where you can completely understand their feeling and with some particular areas of work that’s fairly uncomfortable for people. … Certainly working with women I think you can understand them* (Indi: 8).

> *I recognise that women have the potential to be violent. Think that I have the potential to be violent but I make a conscious choice not to be* (worker, first group meeting, 25 May 1999: 3).

The workers agreed that they had the potential to be violent and one worker commented specifically on her choice not to perpetrate violence. The suggestion that individual women chose to perpetrate violence is significant as many other workers argued that women offenders do not consciously chose to enact violent crimes.
The reluctance to address women’s violence

As discussed previously in Chapter One, some feminists have been reluctant to explore women’s offending behaviour, especially women’s use of violence. One outcome of this reluctance is the limited nature of a feminist analysis of, and practice responses to, women’s violence.

Belle commented on the ‘normality’ of violence perpetrated by men and how women’s violence was so ‘abnormal’. In addition she suggested that there was an automatic bias towards women that may disadvantage men:

But what shocks you is how quickly you’ll believe a woman before you will believe the bloke (Belle: 1).

The gender bias noted by Belle was also noticed by other workers:

I can easily accept women, what they are saying and what they might have done, where I wouldn’t accept that behaviour from a man, or the choices that he might have made. I’ve definitely got a bias towards how I see women (worker, group meeting, 21 June 1999: 3).

Evi also raised, but did not answer the question, as to whether she had a “gendered” response to women who perpetrate violence. In other words, did she respond different to women than to men?:

And also, the question of whether my reaction is gendered? Wonder if my behaviour would be different with men (Evi: 2).

Belle reflected on her own denial of the severe violence committed by two women friends:

She visited me two hours before he was killed and I, I got so freaked out that I would get … ummm … called into court as a witness, I didn’t want to go. Isn’t this weird. I didn’t want to go because I didn’t want to disclose her anger that I thought when she came to my place, she was ready to kill (Belle: 7).

I had a really good friend who had a daughter and I used to visit her, like daily. And I remember, she was, every time she would change that baby’s nappy, she would start masturbating, like really rubbing her a lot. I look back on that now and think ‘wow’. Because if a male changed a child’s nappy and did that, we would be going ‘sexual assault, sexual assault’, and yet, you know (Belle: 9).
Other workers highlighted the influence of their own beliefs and values on how they responded to women who had perpetrated violence:

*I’m remembering a young woman, who I really enjoyed working with, therefore I don’t think of her behaviour as violence. When you know and like the women, you find yourself minimising their violence* (worker, group meeting, 11 May 1999: 4).

*It flies in the face of your own values, you can’t divorce it like we can with male offenders* (worker, group meeting, 15 September 1999: 1).

Workers differed as to whether they viewed women’s violence as more or less serious than men’s violence. Nat suggested that many workers viewed women’s violence as more serious than men’s violence:

*I think the differences may therefore be that women who perpetrate that violence are acting out of the gender specific expectation or socialised expectation of women and so … a woman who is as violent as a man is violent, is worse. … It may be that the perspective of a woman’s violence is, ‘My God, how terrible, they’re supposed to be demure and at home and they’re doing this, isn’t that terrible?’ … People are more horrified by that because they expected less and so therefore it’s out of role, whereas in actual fact it mightn’t be* (Nat: 14–15).

I found it interesting that a critical examination of the personal, theoretical and professional difficulties for women practitioners when working with women offenders has not been a significant part of traditional feminist research and social work practice. The limited nature of theoretical frameworks and practice strategies has meant that individual workers have struggled to find their own ways of understanding women’s violence and develop a range of theoretical and practice strategies to assist them in this process. These strategies will be discussed in the following chapter.

**Understanding women who are both victims and perpetrators**

Workers also described a number of difficult challenges when seeking to reconcile two very different roles. The first is the role of advocating and supporting women who are victims of violence. The second is protecting vulnerable children and other family members. Workers described how the two roles sometimes conflict and the difficulties they face when responding to women and children.
Many workers acknowledged that some women, after escaping from domestic violence, may perpetrate assaults against their children. A number of workers used specific examples to illustrate this issue:

> It was really difficult because there wasn’t a lot of ways that I could deal directly with her violence and I think it was really difficult for me to go to the organisation that was supporting her [as a victim of domestic violence] and say ‘hey, but she’s been really violent to her child’ (Belle: 1).

> Woman accessed [service] as a victim of sexual assault but also disclosed that she was perpetrating very serious physical assaults against her male partner. Male partner was violent towards the woman but maintained that she was more violent towards him. The woman also disclosed that she had sexually assaulted her brother when she was thirteen and he was eleven. The woman saw this as the cause of the current violence at home. The sessions ended and the issues within the family were unresolved. I was really concerned about the safety of their two children. I felt like I hadn’t done a good job with them and believed that there were issues within the immediate family but that no-one wanted to hear them (worker, group meeting, 11 May 1999: 1).

Another worker commented on the difficulties she faced when working with a woman who was assaulting her children:

> When I was working, one woman had been abused by her partner and then she in turn was abusive to her children. When we talked about it, she just said ‘I have to do it, it’s the only way to make them obey, I have to do it, I have to do it’. She wasn’t really open to what I had to say (worker, group meeting, 24 August 1999: 2).

A group of workers described how they did not know how to respond to women who were members of a domestic violence survivors group, after they began to describe their own violent behaviour:

> Women identifying their own violence when looking at indicators within a domestic violence situation. Them saying ‘I do that too’. In this setting, women also identify their potential for violence and worry about hurting others (worker, group meeting, 24 February 1999: 1).

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103 On re-reading the transcript, given the comment from the mother that she believed her current use of violence against her husband was linked to her earlier sexual violence against her brother, I assumed that the worker was suggesting that no-one in the child protection and family violence sectors wanted to talk about the woman assaulting her husband and the possibility that she might sexually assault her children.
In these examples it appears that the women themselves were more able to name their own violence than the workers.\textsuperscript{104}

In my experience workers might find themselves supporting women and children who are living in complex and chaotic family situations, where women may be assaulting their children, and the children may be assaulting their siblings and/or assaulting their mothers. The problems for workers included the difficulty of ascertaining who is the primary victim and whose needs should be prioritised. In addition it is difficult for workers to build and continue a counselling relationship with a woman about her own victim experiences while still challenging her parenting and naming the rights of her children.

Workers may also be providing counselling to children who, during the course of counselling, disclose current and/or past experiences of violence perpetrated by their mother, who may also be receiving counselling support at the same organisation. These difficult situations are exacerbated by the apparent contradictions in current theoretical analyses of women’s violence, the often unacknowledged power relationships between women and workers, and the broad assumption that mothers are automatically safe and nurturing carers.

This issue emerged during earlier discussions with Joan and Sam in Chapter Four in relation to their own experiences of violence and their assaults on children.

**Power relationships between women**

Many feminist researchers have described the influence of patriarchal thinking on human service workers when monitoring and regulating the behaviour of women who may be defined as neglectful or ‘bad’ mothers (Eichenbaum and Orbach 1983; Featherstone 1999). Scourfield (2003) explored how a range of discourses, including a feminist analysis of patriarchy, has influenced the child protection system in Britain and discussed how women and men who were statutory workers “gazed” upon, controlled and regulated ‘mothering’ and ‘femininity’ using old patriarchal notions of ‘normal’ femininity. In relation to child protection Wise (1995) acknowledged that this work is difficult:

\textsuperscript{104} I had a similar experience in 1996 when working with Indigenous women students. I used the example of domestic violence to illustrate a feminist analysis of gender power relations and two women students disclosed their own use of violence against their partners. I felt extremely unsure about how I could locate their actions in the feminist analysis of violence I had so confidently expounded.
This kind of work is about the use of power and control and it does deal with conflicting needs where some people’s rights have to be prioritised over others: and it is in dealing with power in these situations that a feminist analysis is urgently needed (116).

There are numerous women’s organisations that emerged from the second wave feminist movement which provide services for women and children including women’s refugees, Centres Against Sexual Assault (CASAs) and domestic violence services. These organisations have clear philosophical commitments to feminism and draw on a feminist analysis of gendered power relations to inform their policies and practices. Wise (1995) argued that workers who work in feminist services and describe themselves as feminists have been loath to address the power relationships that exist between themselves and the women they work with. Wise named the “hierarchies of vulnerability” that women, their children and dependant family members exist within, and suggested that feminism should develop new analyses to address such issues.

Wise also argued that workers should begin with an acknowledgement of their own power and use such power to protect the rights of vulnerable others (1995). Featherstone (1997b) concluded that it would also be helpful if workers acknowledged their possible ambivalence towards women who may be victims of violence themselves, but who may have also perpetrated violence (188–98).

**Feminist theory and practice**

Many practitioners commented that they currently use what could be regarded as a limited feminist theoretical analysis of male violence, along with a range of analogous practice strategies that may not be appropriate when working with women who perpetrate violence. Workers acknowledged that these theoretical frameworks and practice strategies fail to incorporate and respond to the realities and contradictions of some women’s lives (Best and Maynes 1997; Featherstone 2004; Kelly 1996; Wise 1990, 1995). Workers are aware of and concerned about this paradox, but because of the absence of well developed and widely accepted alternatives, continue to use flawed frameworks and limited practice strategies.

*How to fit this in feminist theory? That's where I get stuck. I don't know what we can do with all this? We need to tackle it. But what the answer is, I've got no idea* (Sally: 5).
It raises more questions than it's answering. But I do think that the whole thing of aggression does up to a point transcend gender. I mean women kill children; they kill babies (Goff: 22).

The issue remains as to how workers can incorporate a critical analysis of women’s use of violence within an analysis of the oppression and marginalisation that characterises many women's lives. As Terri noted:

Women are firstly probably blamed, then block it off with drugs, resort to doing crime, the crimes get bigger, bigger. Then the crimes get concentrated on by the system, because they are about money and property and the other stuff, the pain gets forgotten (Terri: 4).

I would never deny that there is a choice within some women’s behaviour. A real choice is not an option. Options are not available. Choices have to be real. The women I see at DP haven’t got any choices. They don’t have choices and this is because of all sorts of factors. They don’t have any money, they don’t have access to housing, they have limited or reduced family support, society doesn’t support extended family or friends looking after children—so there are less choices for women with kids (Sally: 2).

I wonder if it is a cry for help. For one woman, she probably could have done the same thing in the privacy of her own home, but she hit her son in a shopping centre, where someone saw and called the police. I think it is worth exploring why, ‘why did you hit him in public?’ Maybe it is so bloody out of control that women think ‘if I do this, someone will come in and take control’. Some women will say ‘thank god I’m in prison, because I’m able to get myself together’. That absolutely terrifies me, how bad women’s lives are, if for them, it is better for them to be in prison. All control is taken away from them (Sally: 3).

In the end, we have personal choices, but it is very easy to say we have personal choices, but when we don’t know we do have choices. But if someone hasn’t been exposed to the notion of personal choices, it’s a fragile concept. That is the whole argument of ‘your own free will’ and then drugs play a huge role in that (Terri: 3).

When women are abused as a child, growing up, it does terrible damage. When violence is inflicted on them, it destroys part of their being, it’s actually damaged (worker, group meeting, 24 August 1999: 1).

Terri described how, over the years, she had moved to a more realistic understanding of what she is able to contribute to the lives of women:

When I started the job, I had an emotional belief that I could change women’s lives, realised that if any difference happens, it is so tiny, who am I, to think that I am going
to change a woman’s own life. Twenty years of addiction, twenty years of abuse, twenty years of institutionalisation (Terri: 1).

Contrasting Sally and Terri’s points, Nat argued for an approach that acknowledges the influence of patriarchy on women’s lives but also incorporated notions of individual choice and responsibility.

But to put a blanket across all female perpetrators of violence to say that their violence is as a result of being colonised by men or their violence is a reaction to the patriarchy, whereas men, it’s not. I’m not convinced by that. Not all men are responsible for the violence of some men. … So in the same way, it seems to me to be ridiculous to assume that all women, if they act in a violent way, are the direct victims of the broader patriarchy because they’ve got some choices as well (Nat: 5–6).

The reality that some women perpetrate violence continues to pose a dilemma for practitioners. The broad policy and practice issues noted by both women offenders and workers will be discussed in the following chapter.

Summary

The chapter explored the issues of punishment and rehabilitation for women offenders. I focused specifically on the sentencing comments made by the presiding judges for four of the women who participated in the research. The presiding judges did not appear to impose unexpectedly severe or lengthy sentences on women due to their gender. The only identified example of gender bias was in relation to women’s maternal responsibilities and this bias had positive outcomes for two women who received a lesser sentence. I also discussed women and workers experiences of prison and rehabilitation programs, focusing specifically on the apparent contradictions in a system established to punish women for their offences while also providing opportunities for rehabilitation.

Women’s use of violence poses major challenges for feminist theorists and practitioners who use feminist frameworks and practice strategies. These challenges will be explored in greater detail in the following chapter, which presents current government policy on women’s offending behaviour and suggests some useful practical strategies when working with women offenders.
Chapter Eight

Practice and policy issues

Violence is the responsibility of everybody in the community, it’s the media, organisations, systems. It’s too easy to blame the people, the perpetrator. It’s everybody (Terri: 4).

The previous chapters have documented the experiences of both women offenders and the workers who work with them. This chapter presents the key challenges for government and practitioners working in the human service sector when responding to women offenders. These challenges emerge in part as a result of the historical separation between funding and program delivery for violent offenders and victims of violence. The majority of human service organisations have developed programs primarily for women who are victims of male violence. Such organisations have developed programs which support women to heal from experiences of trauma, seek justice and rebuild their lives. Consequently many organisations do not have protocols or have not developed programs to respond to women who may be both victims and perpetrators of violence. In addition, the majority of workers employed in human service organisations have usually been trained to focus on victim rights, social justice, empowerment and advocacy. Therefore many workers may face a range of ethical and practical challenges when working with a woman who is a victim of violence, but who has also perpetrated criminal assault.

This chapter presents an overview of current Victorian government policy frameworks and programs in relation to women prisoners and offenders. It would seem that the government continues to focus on imprisoning and treating individual women as the ‘problem’ rather than engaging in structural and social reforms. As a result of these priorities, most organisations find themselves focusing their energies on working with individual women. Consequently I describe a number of practice strategies identified
by women participants, workers and me. The chapter concludes with a short discussion on the need for social change.

The chapter does not provide definitive answers to the questions and challenges experienced by practitioners and organisations when working with women who perpetrate violence. However, I hope the discussion will contribute to current debates on policy directions, resource allocation and the development of appropriate practice strategies.

**Policy implications**

The Victorian government has a number of policy initiatives and specific committees that oversee correctional programs, along with targeted programs designed to respond to women offenders and prisoners (Department of Justice 2004c). In specific reference to the needs of young women offenders, the government has reviewed the “Children and Young Person’s Act” and is planning to amend the legislation along with the *Community Services Act 1970* (Vic) in 2005.\(^{105}\)

In October 2000 the Victorian government supported an independent investigation into the management and operation of Victoria’s private prisons (Kirby, Roche and Greaves 2000). As a result of the review the privately run MMWCC was returned to public management and renamed the Dame Phyllis Frost Centre. In 2003 the Victorian government established a Corrections Inspectorate. The Inspectorate monitors the performance of the public and private prisons in Victoria, conducts investigations and manages the official visitors scheme. The Government has developed a Long Term Corrections Management Strategy and the Women’s Correctional Policy, which will be released in late 2005 (Munro 2005: 12).\(^{106}\) In addition, the government has developed the ‘Better pathways: An integrated response to women’s offending and re-offending’ project. The new project, which has not yet been finalised, will focus on improving outcomes for women while in prison and post-release. They also established the Women’s Correctional Services Advisory Committee which is chaired by the Parliamentary Secretary for Justice who reports directly to the Minister for Corrections. The role of the Committee is to inform the state government about the development of and later implementation of the Women’s Correctional Policy.

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\(^{105}\) At the time of writing the amendments had not been introduced to the Victorian Parliament.  
\(^{106}\) At the time of writing the policies had not been released to the public.
Along with these specific policies and programs for women prisoners, the state government has policies and strategies for women throughout a range of state departments including Health, Human Services, Education, Employment and Training. Specific examples include the Women’s Safety Strategy 2002–06 (Office of Women’s Policy 2002) and the Women's Health Strategy 2002–06 (Department of Health 2002).

After reviewing these and other policy initiatives, it appears that the Victorian government is maintaining an individualist analysis of women who perpetrate violence and, consequently, an essentially forensic mental health and traditional law and order response to such women. Current examples that illustrate this include the Victorian government’s 2004/2005 budget announcement that it will spend $19.7 million “to address growth inside female prisons” over the next four years (Department of Justice 2004a: 1). The government appears committed to either extending the existing prison or building a new women’s prison. In addition, there are suggestions to develop a privatised juvenile justice facility in Victoria, calls for tougher sentences for indictable crimes and planning for a new secure in-patient forensic mental health facility.

Workers commented on problematic aspects of the policy and funding directions of the Victorian government along with a number of changes in service delivery. As a result of competitive tendering many Victorian human services have been contracted out to the commercial sector, which has resulted in a loss of public accountability and scrutiny. Practitioners working in the human service and criminal justice systems reported an increase in their direct service targets and a reduction in resources available for public advocacy activities. These activities include community development and education projects, critical examinations of governmental policy and programs along with critical analysis of the structural causes of violence (FitzRoy 1999a; Hancock 1999).107 Public advocacy and social change activities are an

107 It is interesting to note that in 2003 Peter Costello, the Federal Treasurer, circulated the ‘Charities Bill 2003: A bill for an Act to define charities and charitable purpose, and for related purposes’. The Bill would change the current definitions of charitable organisations which may also change Federal tax legislation on who is eligible to receive ‘charitable tax status’. Charitable tax status enables non-profit organisations to receive donations and engage in fundraising. If organisations are not able to receive donations, it may limit their activities, including advocacy activities. The stated rationale for this change was that charitable organisations should not engage in public advocacy activities on political issues. Examples of the political issues cited by government spokespeople during the public discussion included refugee, indigenous and prisoner rights. At the time of writing, the Federal government had not passed the bill.
integral component of feminist practice in the sexual assault, women’s health and
domestic violence fields (People Together 1998; Weeks 1994). It appears, however,
that the Federal government may be seeking to control the public advocacy activities
of some non-government organisations on particular sensitive issues.

I suggest that most government policy on women offenders mirrors current
responses to male perpetrators of violence. Policies primarily focus on the
imprisonment and management of individual prisoners, while not paying attention to
the structural and discursive causes of violence. As has often been suggested,
individual workers can make a significant difference to the lives of individual women.
However I argue that short term and individualist responses do not address the
structural and ideological causes of violence or protect others from future violence.
I suggest that government policies and programs should incorporate both proactive
structural reforms and comprehensive support programs for women (FitzRoy 2001).

Practice strategies

Practitioners and women offenders who participated in the research described a
number of useful practice strategies when working with individual women, which I
have summarised in this chapter. Some strategies are familiar components of social
work, welfare and counselling courses, and many workers currently use these
strategies in their work with male and female offenders and victims of violence. Best
and Maynes (1997) described the challenge for workers who sometimes have to
work with women who have committed hideous crimes.

Perhaps being witness to the inner worlds of those mothers who act out their
phantasies and abuse their children falls into the category of the ‘unthinkable’ (134).

While Terri, a worker, commented:

[That there are] no magic formulas to do any of this. Need to try out programs, give
people lots of different chances (Terri: 4).

The discussion explores suggestions under the following headings: attention to
context; address internal belief systems; address previous experiences of violence;
the role of empathy; respond to different needs of women and children; cognitive
behavioural approaches; individual and group work; establish clear boundaries;
similarities between male and female offenders; seeing the whole person; and, lastly, good practice.

**Attention to context**

All the practitioners commented on the importance of learning about the offending woman’s familial, cultural and social environment. While many workers sought to work with individual women in the context of their current situation, the policies and practices of many organisations appeared to focus primarily on the behaviour of an individual woman and tended to ignore the possible influence of her context.

Workers commented on the need for culturally appropriate services and programs, specifically in relation to women offenders from refugee communities who may also be survivors of torture and trauma. Adele raised the issue of cultural diversity and suggested that it would be useful for organisations to explore diverse definitions of ‘normal’ child rearing practices, and the possible influence of pre-migration experiences of torture and trauma on women’s parenting:

*These women present with culturally specific needs that agencies can’t respond to. This issue may happen with African immigrants, for example, Somalian, Eriterian women being done for violence. I think this really reflects some of the difficulties about defining what is culturally acceptable in our community, previous experiences of violence in their home country and what is acceptable in their communities* (Adele: 8).

Throughout the thesis I have worked from the position that a woman’s context informs her individual choice to perpetrate violence. As a consequence I believe policy makers and practitioners have a responsibility to include considerations about women’s context when developing and delivering programs.

**Address internal belief systems**

Workers described the importance of having a clear understanding of a woman’s internal belief system and how such beliefs resonated or conflicted with the dominant beliefs of her community, family and society. We know that some women who had difficult childhood experiences may have low self esteem and confused beliefs about ‘normal’ relationships, femininity and the use of violence in families. These beliefs may influence women’s choices and restrict their capacity to change their violent behaviour.
Workers described how they used the well-researched body of feminist theory and practice to challenge and re-frame negative internal beliefs that may have resulted from women’s experiences of sexual and physical violence perpetrated by adult men. However, workers found it difficult to confront and re-frame some of women’s internal belief systems, including views on the ownership of children and their use of violence to control children. I assumed workers found this difficult because we have not yet developed a comprehensive and accepted body of feminist theory and practice which would assist workers when challenging the internal beliefs of women who perpetrate violence.

Identifying and changing long held internal beliefs takes time and highly skilled practitioners. However, many organisations do not have the resources to employ highly qualified staff or provide free, long term and intensive counselling to women offenders.

**Address previous experiences of violence**

The majority of workers believed they needed to start with an offender’s victim experiences prior to focusing on her offending behaviour. Workers suggested that, until women acknowledged and healed from their earlier experiences of violence, they would be unable to take responsibility for their own violence. Goff commented that:

*But you can't bypass the stage of acknowledging what it felt like to be a neglected or abused child, at the hands of someone who was supposed to be your mother* (Goff: 9).

Workers used a number of different strategies to make links between women’s experiences of violence and their own use of violence. Indi suggested that encouraging people to see themselves as they were when they were children could lead to discussions about what parts of their current life they do have control over now they are adults (Indi: 13).

Belle described how she deliberately engaged with a woman about her childhood which opened up a conversation about the impact of her own offending behaviour on her children:
She would just freeze up as soon as you start mentioning the offending behaviour. The only way that I found, that we could find a place to discuss or to get her to even think about behaviour, was like looking at those other issues. … I would actually start to personalise things with her. ‘Did that ever happen to you, were you ever made to do that?’ Or whatever and then it would start. She would start herself (Belle: 8).

Indi said that she felt most women offenders believed no-one else had experienced similar pain which led to feelings of isolation and alienation. Indi noted that a sense of alienation can result in the belief that the normal social rules about how people treat each other do not apply to themselves (Indi: 6). However, it is worth remembering that most female victim/survivors of childhood and adult violence who may have similar feelings of alienation and isolation do not perpetrate violence against others.

As discussed previously, there is a complex link between women’s offending behaviour and their own experience of violence, and I believe this relationship needs to be explored further with women themselves. However I am mindful of earlier comments from workers that women would disengage from counselling if challenged about their assaults on their children, and workers also feared that women may physically assault them if challenged. While acknowledging these fears, I believe challenging women about their violence is an essential part of good practice. Not to challenge women may leave children at risk of further violence and also result in the worker colluding with a woman about her own violence. These issues have been addressed elsewhere in relation to strategies for working with male perpetrators and these could be adapted for women (Cavanagh and Lewis 1996; Hearn 1998).

The role of empathy

Research on working with male offenders suggests that offenders need to understand and support the rights of others, including their victims, as a precursor to changing their violent behaviour (Beckett 1994; Cavanagh and Lewis 1996; Hearn 1998). In my study workers described the difficulties they experienced with women offenders when trying to engender empathetic feelings for their victims. As Indi commented:

I think that not attributing rights and values and care and concern is sort of all pervasive, really all pervasive. So they don’t even have to do it in order to be violent, that’s already sort of done (Indi: 16).
Indi’s point highlights the need for long term therapeutic work with women to address these internal belief systems.

Workers also suggested that offenders should take responsibility for their own violence, before looking at the rights of others and working towards developing feelings of empathy. Indi concluded that:

I’ve found the whole issue of empathy for victims is much touted in the research but I really think that it is the last thing to come rather than the first thing to come (Indi: 5).

I think then it’s much easier to get them to work on being truly responsible for their own behaviour. Then to start to feel empathy (Indi: 5).

One worker gave the following graphic example of a woman who had very little empathy for, and was actually angry with her daughter for having the safe childhood that she herself had been denied:

I had a mother whose daughter has reached the age she was when she was sexually assaulted, she’s really angry with her daughter for having a healthy safe life. She said ‘At her age, I was sucking his cock’ (worker, group meeting, 11 May 1999: 3).

And a woman ex-prisoner commented on how it is possible that you can get used to hurting someone else:

Maybe once you do it, punch someone, it’s not so hard to do it again, punch someone, stab someone, stab happy (service user, organisational meeting, 24 August 1999: 2).

I support the general view that to help women change their behaviour, they need to develop an understanding of the rights of victims and develop empathy for their experiences of pain and suffering. A decision as to when a worker engages in this type of work with an offender will clearly depend on the individual circumstances of each case. It may also depend on whether a woman is engaging in counselling voluntarily or as part of a court order.

Respond to the different needs of women and their victims

Workers also acknowledged the difficulties they experienced when working with women in family support services, specifically feeling caught between responding to a woman’s legitimate needs, challenging her violence and protecting her children. Workers talked about the general assumption in human service organisations that
women’s and children’s needs are the same. They described the difficulties they experienced in trying to prioritise these often competing needs. They suggested that organisations need to clearly distinguish between the needs of women and the needs of their children and develop diverse strategies to respond to these different needs. Nat commented that workers should ensure that the needs and rights of victims were a primary component of the work with women offenders. Nat also highlighted the difficult issue for organisations in determining who is the primary victim and whose needs have priority:

*I don’t know how ethically a person could justify working with a perpetrator unless they had the interest and the best interest of the victim of that abuse in mind* (Nat: 12).

Workers talked about their difficulties when working with women who actively neglected and disregarded the rights and needs of their children. As Belle commented:

*Yeah, more the neglect. I know that I’ve seen kids coming in here [correctional services] that are really hungry … but then I am thinking, what is all the hidden violence, what’s all the little weeny things that we haven’t discussed that are in fact really really big* (Belle: 6).

Organisations need to ensure that women who have perpetrated violence receive an appropriate response along with their victims. The nature and form of this ‘appropriate’ response would need to be developed by workers and organisations. Victorian legislation clearly defines criminal assault along with the rights of victims and many organisations support women in relation to their experience of violence perpetrated by their male partners or adolescent sons. However I suggest that many workers and organisations often do not apply these laws when responding to women who have perpetrated violence against their own children. Workers described situations when they, and others, ignored women assaulting their children while living in a women’s refuge. Clearly ignoring women’s violence is problematic. Alternative practice strategies to assist workers include the allocation of different workers to work with a mother and her child/ren and the inclusion of specific questions about the safety of children and other vulnerable family members at the intake and assessment stage.
Cognitive behavioural approaches

As discussed in Chapter Five, many practitioners, and some women, drew on behavioural psychology to help them understand violence and to develop different responses to particular triggers. As Goff commented:

*It's really like retraining, like childhood retraining. ... So you can't say 'it just happened'. It's like on a scale of nought to ten. At what point does it 'just happen'*(Goff: 20).

Indi used cognitive behavioural approaches while acknowledging that a woman’s behaviour is linked to her cultural and social history.

*Really standard relapse prevention stuff and a lot of work on other ways of dealing with it* (Indi: 14).

Behavioural approaches are useful as they encourage us to observe and change some of the ways we respond to different situations. However, behaviourism, by definition, primarily focuses attention on the individual, while not addressing the bodily, familial, cultural or social factors that influence an individual's choices. I suggest that workers need to use a range of approaches.

Individual and group work

Most workers worked with women individually and agreed that, given the complexity and sensitivity of the issues, it was better to work with women on their own. Kaye said that, while she was inexperienced in working with women offenders, she thought that workers should engage with individuals at a deep emotional level:

*I don't think we do enough engaging with people in their heart* (Kaye: 2).

Indi also suggested that group work could be very effective in ‘normalising’ women’s responses to their own life experiences:

*The advantage of working individually with people is you can tailor it to their issues, the disadvantage of working individually with people is that they don't get the benefit of seeing how their responses and their problems and the way they have been living their lives is not so idiosyncratic and odd as they have come to believe because they tend to think of themselves as extremely bizarre* (Indi: 3).

Some workers reviewed groups for male offenders and suggested that unless the group is closely monitored, group work with male offenders can also ‘normalise’
offending behaviour and some members may even use the group to learn other ways to commit further crimes, though this was not raised in relation to group work with women offenders.

It is clear that women offenders need and benefit from both individual counselling and group work. However the demand for free, long term, in-depth and high quality counselling is largely unmet. A joint approach is sometimes used in counselling programs for child and adolescent sex offenders. However, providing both individual and group counselling is resource intensive. Workers and women also commented on the difficulties of providing individual and group work when there is a high turnover of staff. This point raises the need for organisations that work with women offenders to pay attention to the recruitment, training, support and retention of skilled and experienced staff.

**Establish clear boundaries**

Workers described how many of the women they worked with had blurry physical and psychological boundaries. They suggested that these blurry boundaries were the result of earlier experiences of violence. As a consequence some women had very little understanding about appropriate behaviour between mothers and their children or the power relationships between themselves and their children.

Sam described her positive experience of workers who treated her with respect and provided clear feedback about acceptable and unacceptable behaviour (Sam, second meeting: 6). Nat talked about the importance of workers establishing and maintaining clear boundaries between themselves and their clients in order to create a safe space for both the client and worker:

> What seems to work is establishing somewhere where there's consistency in limits so that in a sense the external world provides the security and the safety that they themselves don't internally have, and then later on they go and take it on themselves (Nat: 10).

Terri also described the need for women to be able to trust their worker.

> Women need support, role models, people who have compassion, being able to show people emotional support, holding women. Women respond to that. Why do we try to pathologise them. They need to be able to trust (Terri: 4).
Nat suggested that a directive and prescriptive approach that describes very clear boundaries and the consequences when boundaries are breached is sometimes viewed as contrary to a traditional feminist counselling approach. Second wave feminist theory informed the development of feminist counselling practice that prioritised the creation of an equal relationship between the counsellor and the woman. In my experience, this model of practice has changed over the past fifteen years; however, some feminist organisations still appear to deny the unequal power relationship between women and workers. While challenging for some feminist practitioners and organisations, this very real power differential can be used in a positive way to set clear boundaries between women offenders and workers.

Sam talked about the importance of having clear boundaries between the worker and herself and her fears about what would happen when she left the program.

*I suppose, [worker] offered me boundaries, control and restraints and [that’s] what I needed. And I suppose, a semi-respect as well, that I was a person* (Sam, first meeting: 8).

*You know, if I was to tell [worker] this and this and this, she would do that, that and that. Just basically rules and guidelines that I could stick by* (Sam, second meeting: 5).

*And when I came out of that, it was just like, there was sort of no sort boundaries, structure and I've just gone 'holy shit'. I mean yeah, I was on this community based order, but …* (Sam, second meeting: 6).

As described by Sam, often women and workers may be forced to work together because of a court order or prison program. This often may work against the approach described by Terri and can create tensions for both the worker and woman.

There is also a contradiction between an idealised feminist counselling model which suggests that counsellors should offer unconditional belief, support and care to women. This is not possible, as workers are human and no one can guarantee unconditional belief and support (Wise 1990). I suggest that some offenders might use a philosophical framework of unconditional support and belief, along with particular strategies, to encourage workers to collude with them in minimising their culpability for their violence. The issue of unconditional belief was discussed previously in Chapters One and Two.
Sam, Nat and Terri all talked about creating a safe space to support women, but differed as to how you would create this space. Clearly this process depends on the circumstances and people involved. I believe good work between a counsellor and woman offender can occur with the combination of clear boundaries between workers and women and unambiguous messages about the consequences of criminal behaviour and the importance of the human rights of others.

**Similarities between male and female offenders**

Most workers commented on the similarities between the offending behaviour of men and women, and approached their work with both male and female offenders from a similar perspective and used related strategies.

*The impression that I've got, say working with women who have committed sex offences, they think about targets in the same way, they groom those targets in the same way, they avoid disclosure in the same way, they have the same kind of thinking areas in terms of what they tell themselves, they make the same kind of cognitive shifts over a period of time from being Jill Bloggs, reasonable person, to being sex offender (Nat: 6).*

*So in terms of minimising, both men and women seem to be able to report on their violence but they don’t understand or don’t acknowledge the harm (Indi: 6–7).*

Workers also discussed the similarities between the life experiences of men and women who had perpetrated violence. They included earlier experiences of violence, and a lack of support, resources and education. Belle commented that:

*I started forgetting I guess at some stages that I was in a room with a male because the same issues were coming up (Belle: 1).*

However, other workers raised concerns about the wholesale transfer of rehabilitation programs originally designed for men to women offenders, and I share some of these concerns. There is a specific social, discursive, cultural, political and gendered context that informs men and women’s experience of their own individual subjectivity including their masculine and feminine selves. This context means there are major differences in how men and women experience their worlds and, consequently, why they choose to perpetrate violence. A detailed examination of these differences is outside the scope of this study. However, given the current discussion on practical and programmatic issues for women offenders, it is useful to briefly explore this issue further.
Most prison and community-based rehabilitation and therapeutic programs are designed for men. Some aspects of these programs may be relevant for women, including developing empathy for the human rights of others, education about physical and legal boundaries between the self and others, and the development of appropriate strategies to respond to cognitive triggers or learnt cues.

However, I suggest that the theoretical framework and therapeutic basis of many men’s programs are not suitable for use with women because they do not acknowledge the very different social contexts of men and women. Instead of using programs based on an analysis of men’s use of violence, I suggest that we need to go back and develop programs specifically for women. These programs need to be informed by a critical analysis of women’s use of violence, drawing on critical feminist, postmodern and psychoanalytic theory. This body of theory would provide an alternative theoretical framework for making sense of women’s experiences, their lives, their use of violence and the experiences of their victims.

Many of the programs for men are based on insights from victims of men’s violence. This well established body of mainly feminist research is used in the training of practitioners who work with men, and in the development of therapeutic and group programs with male offenders. I believe we need to engage in research with people who are the victims of women’s violence and draw on these experiences to inform an evolving theoretical framework and new therapeutic and rehabilitation programs for women offenders. This issue is particularly relevant for young girls, adolescents and adult women found guilty of incest or sexual assault (Brown, Hull, and Panesis 1984; Family Sexual Abuse Project of the St Paul Foundation 1987; Welldon 1988, 1996; Wolfe 1985).

**Seeing the whole person**

Good practice assumes that the worker will work with the whole person, looking at the broader social context of their life, and not just focus on their offending behaviour. Nat described the importance of seeing an offender as someone who has the capacity to make different choices:

*An abuser is not a monster and the abuse of that perpetrator isn’t the total person, is not the whole of them. … I think if you say someone is innately bad, well, where the hell will they go from there? There’s nowhere to go* (Nat: 12–13).
Workers described the need to set realistic goals for women and develop programs that maximise achievements, build on strengths, and increase self esteem. Adele believed that many women do not receive the support they need to help them meet the sometimes unrealistic expectations of workers:

*Sometimes I worry that we have unrealistic expectations of what women will do and in what time frame. Sometimes [I] worry that we set women up to fail* (Adele: 6).

Having talked with workers and observed current programs for women offenders, it is clear to me that the focus is primarily on women’s offending behaviour. This reflects the primary purpose of the criminal justice system to punish offenders; however, it may mean there are missed opportunities for rehabilitation.

**Good practice**

Andi, Sam and Rhiannon made some useful suggestions to improve how workers respond to women and relevant government policies. They suggested that workers should receive specific training and have opportunities for regular professional development. Andi and Rhiannon both commented on the need for experienced counsellors who are able to provide long term counselling:

- You have to keep telling your story to different people?
- Yeah.
- And no-one ever really gets to know you?

*They do for about a month and then they take off again* (Andi: 9).

*I think we need more one on one counselling. I think we need a permanent psychologist. I don’t know, just people being available for women to talk to. Just when they are feeling down just to sit down and listen and hear what the other person has to say so they can least get it off their chest and not keep it buried inside* (Rhiannon: 11).

Rhiannon talked about the importance of workers who are able to listen to and empathise with women:

*One of the best things people can do is listen and try to place themselves in the other persons’ shoes and see how they would’ve reacted put in that position* (Rhiannon: 9).
Rhiannon also highlighted the need for supportive accommodation and outreach services for women on their release from prison:

*I just think that there needs to be more outreach workers available to women when they are released from prison. More places set up for them to go to. A lot of people don't have places to go to. … Where social workers are or psychologists are so that women can maintain a normal lifestyle rather than go back to old habits because if they're not taught new habits they don't know any better so they will just revert back to the old ones. Because I believe people only behave in the way they know how and if they are not given choices and they don't know how to make choices* (Rhiannon: 10).

Rhiannon, Sam and Andi described the need for counsellors who are available over a long period of time and who are experienced in working with women who have perpetrated serious violent crimes. They suggested that workers should ideally offer a continuity of care and be trained so that they can provide clear information as to relevant psychiatric diagnoses, medication regimes and the side effects of medication. Illustrating this point, Andi described how many workers had difficulties diagnosing the cause of her behaviour. She also commented on the difficulties she experienced when mental health workers made the wrong diagnosis and administered unsuccessful medical treatments (Andi: 6–7). They also reiterated the importance of providing good outreach services and supports, including housing and counselling, for women when they leave prison.

Most of the women I interviewed were resigned about the failings of the criminal justice and human services systems and did not suggest even minor changes.

I am aware that it is often very difficult for organisations providing crisis counselling and advocacy to find time and resources to document the experiences of women who access their services. A useful strategy may be to develop partnerships with local universities or research centres. This may help organisations to complete useful research while also enable the sharing of knowledge and skills across sectors.

### Social change

A number of workers stated that many men and women use violence to meet some basic needs, including trying to achieve a sense of personal power and control. They argued that fundamental social change is required to reduce the disadvantage,
oppression and victimisation that leaves some members of our community with unmet personal, familial, social or economic needs. Workers suggested that a structural approach that addressed the causes of crime might result in women not resorting to violent crime. Many researchers have documented the links between economic and social stresses, drug use and criminal activity, the disruption to parent/child bonding, and consequent child abuse and neglect. Weatherburn and Lind argued that structural changes would be far more effective as a long-term strategy to address crime than changes to law enforcement and sentencing (1998).

Workers also suggested that the criminal justice and human service systems should change how they respond to individual women offenders, though they acknowledged that such changes are not easily achieved. Many talked about the need to address the “culture of violence” (Indi: 3), the social and economic disadvantages experienced by many women, and noted the need for “fences at the top of the cliff rather than ambulances at the bottom” (Indi: 17). Workers argued for more support for children at school, for families and for mothers (Indi: 7).

Workers also commented on the need to respond appropriately to individual women who had been incarcerated and who may move in and out of prison and the mental health sector. Terri mirrored the earlier suggestions made by Sam, Rhiannon and Andi and commented that:

There aren’t many support systems when they get out. We need services that have conceptual understandings, that are aware of issues facing women: drugs, offending behaviour, health issues, issues that are addressed not at a correctional level (Terri: 4).

Workers discussed the need for additional resources for long-term therapeutic work with offenders and for anger management training for women. They also commented on the need for programs that help women cope with stress or difficult life situations. They talked about their own need for additional training, supervision and de-briefing. A couple of workers expressed the need for specialised training and specific treatment programs for adolescent and adult women sex offenders.

Summary

The chapter presented information on current Victorian government policy and program directions, and briefly outlined my concerns with such policies. My key
Concern derives from the government’s primary focus on individual women who are defined as the problem. This focus fails to make the government and community responsible for the social and discursive context which informs women’s, like men’s, use of violence. Neither does it encourage governments to develop programs that seek social change or provide appropriate resources to implement such programs.

I outlined some of the practical strategies suggested by women themselves and workers when working with women offenders. Most of the suggestions are not radical or new. They reflect a common understanding of good practice in the human services sector and draw on general feminist models of practice. Women found guilty of violent offences need good support services to ensure that they are able to rebuild their lives and not reoffend. These services will only be provided when government policies reflect a critical understanding of the links between a woman’s social context and her individual behaviour. Workers need to be well supported in their daily work with offenders through the provision of training, supervision, debriefing and good informal support. In addition, organisations need to be adequately resourced to develop appropriate policy and practice responses, and respond to the needs of individual women and their children, while also engaging in public advocacy and social change activities.
Conclusion

To pursue promising ways of understanding our experience is not necessarily to see “truth” or power in an Enlightenment sense. Rather it entails a commitment to responsibility and a hope that there are others “out there” with whom conversation is possible (Flax 1990a: 223).

This study has explored the issue of women's use of criminal violence against their children, partners, friends and other family members. In this final chapter I reflect on what I have learnt. Some issues I had anticipated at the beginning. Others I had not anticipated and, indeed, found challenging.

When I first started to think about women's use of sexual violence against their children, in 1991, I believed women's violence was primarily caused by their earlier experiences of violence. Therefore patriarchy, hegemonic masculinity and men were the underpinning causes of women's use of violence. I did not believe that 'normal', everyday women would voluntarily choose to enact violence against others. I saw women who had perpetrated violence as abnormal and irretrievably damaged by earlier violence and therefore not fully responsible for their assaults on others. This position was in contrast to my feminist analysis of men who perpetrated violence. I held men responsible for their choices, dismissed any defence of the possible influence of earlier experiences of violence and argued that they should be severely punished for their criminal assaults on others.

I formulated six questions at the beginning of the study. The questions focused primarily on how women's violence was constructed. However, throughout the study, after talking with women themselves, workers and reading relevant literature, I found myself moving away from my initial focus on women's violence. Instead I was led to explore the influence of dominant power relationships between particular groups of people on a woman's choice to perpetrate violence and accept our human potential for violence per se. From this new position, I began to explore how dominant and constructed accounts of ‘true’ masculinity and femininity contribute to dominant
analyses of violence. I believe that these very specific accounts of what is violence and who perpetrates violence, along with constructed notions of what it is to be a ‘normal’ man or a woman, result in a number of problematic outcomes. At a fundamental level such accounts fail to address the discursive construction of a shared social fabric which includes the power relationships between people and the legitimisation of violence by some people against inferior ‘others’. They also ignore our shared human capacity for intentional violence. They ignore women’s real experience as both victims and offenders and deny the painful experiences of people who are victims of women’s violence. These accounts also continue to position gender categories as ‘naturally’ oppositional. In addition, they also perpetuate limited understandings of the causes of women’s use of violence and therefore inform flawed strategies to respond to women’s and, consequently, men’s use of violence.

The study also challenged me in relation to my own response to women who had perpetrated violence. I found myself moving between a range of emotional states and theoretical explanations. Throughout the thesis I found it difficult to make sense of and accept women’s choices. I found it impossible to fit their ‘choices’ into my original feminist analysis of what it was to be a ‘woman’. In addition I did not agree with what they had done to others. However, I also found myself drawn to their accounts of emotional difficulties and I responded sympathetically to accounts of their child and adulthood experiences of violence and oppression. My fluctuating and often contradictory analysis of women’s violence and my changing responses to women themselves initially bothered me. I wanted to be able to unconditionally support the women who participated in the study. I also wanted to arrive at a clear and simple explanation for women’s violence that would confirm a feminist analysis of male violence. This did not happen during the study nor has it happened as I draw the study to a close.

There are a number of key intersecting findings from the study that I would like to briefly restate.

As a good starting point, it is clear that gendered interpretations of violence per se influence our understandings of and responses to women who have perpetrated violence. Therefore, although the violent act itself is not gendered, our interpretation of the act is explicitly gendered. I believe we have invested in a social ‘truth’ that violence is fundamentally masculine, and therefore not part of ‘normal’ femininity. This belief is reflected in research, theoretical explanations and community debates.
However women can be violent and these women, while statistically unusual, are not pathological or abnormal. Clearly, women’s choices to perpetrate violence, like the choices of men, are informed by constructed hierarchical power relationships between themselves and others.

I believe that, while a feminist theoretical framework is helpful for theorising gender power relationships, essentialist feminists need to expand this analysis and consider women’s capacity for violence along with the other power relationships between women and vulnerable others. Some feminists have assumed that women’s violence is different and, by implication, less serious, because it is not based on power differentials informed by gender. However, our social order also includes other kinds of hierarchical power relationships including those based on culture, sexual identity, age, ability, class and religion. Clearly, the social construction of particular groups of people as powerful and others less so is a fundamental factor influencing both men and women’s use of violence. Therefore, we need to critically dismantle hierarchical power relations between different groups of people, along with the oppositional relationship between a constructed masculinity and femininity.

This suggestion does not deny the reality that men perpetrate the majority of violent crime nor that men’s choice to perpetrate violence is informed by specific dominant ideologies. However, the study has clearly demonstrated that women also choose to perpetrate violence and, like men, their choice is also informed by ideology and their social context.

Clearly, traditional constructions of the feminine subject as essentially good and nurturing are flawed. The women in my study were active agents who did hurt, injure or kill people they purported to love and care for. Therefore, women’s subjective identity is not fixed. Instead, women can simultaneously experience oppression or discrimination while they can also actively hurt and oppress others. To accept that women actively choose to perpetrate violence to meet a range of needs, including the need for power and control or a desire for revenge, challenges the influential feminist view that women only ever act from a place of oppression. This reality requires us to critically examine current analyses of power and powerlessness along with domination and subordination.

In addition, the women who participated in the research authored specific accounts of their lives. Although their very acts of violence defined them as ‘unfeminine’, most of
the women actively sought to reduce the possible negative effects of their actions by presenting themselves as classically ‘feminine’ through constructing themselves as a ‘victim’. This strategy is frequently used by male offenders.

Through the study I discovered that, although some women have always acted in contradictory and challenging ways, we have not developed a detailed and nuanced understanding of these women’s lives and choices. A traditional response has been to actively ‘de-feminise’ a woman perpetrator, whereby she is stripped of her feminine characteristics and is therefore no longer recognisable as a ‘woman’ or allowed claim to particular feminine traits. This process ensures that our dominant constructions of femininity are maintained. The theoretical challenge posed by such women reminds us that many influential categories used to define women are inadequate ways of understanding and representing the reality of their lives.

My research indicates that generally our community compares women’s violence to men’s violence and that a woman’s acts are more likely to be constructed as violence when the act itself mirrors the violent behaviour of a man. This interpretation may be heightened by the behaviour of the woman defendant herself. However, when women themselves and their acts of violence do not fit into our constructed view of ‘real’ violence, then they are often not seen or responded to as offenders.

Consequently, I believe we need to be attentive to the different experiences of the victims of women’s violence, as distinct from the experiences of victims of men’s violence. Clearly the murder or assault of another person is the same behaviour whether a man or a woman is the perpetrator. However, for other crimes, for example, sexual assault, there are major differences in both the actual behaviour itself and some of the consequences for victims. Most people assume, and the sentencing outcomes demonstrate, that vaginal penetration by a penis is ‘real rape’ as compared to vaginal penetration by a finger. As women victim/survivors of maternal incest have disclosed, vaginal or anal rape perpetrated by their mothers was more psychologically traumatic than penile penetration perpetrated by their fathers, because of the shared biological and gendered identity and the psychological and physical relationship with their mothers.

For the women who participated in this study, there is a link between their own violence and their earlier experiences as victims of violence perpetrated by men. In thinking about this link, I was led to consider anecdotal evidence from workers and
recent Australian research which demonstrates that there has been an increase in the severity, intensity and frequency of the physical, sexual and psychological violence perpetrated by men against women and children (Mouzos and Makkai 2004).\textsuperscript{108} It is unclear whether this documented rise is because of a real increase in violent assaults against women, or an increase in women’s willingness to report violence perpetrated by men. It could reflect a combination of both. I believe it is useful to question whether the noted increase in the severity and nature of men’s assaults on women and children has, and will in the future, influence the number, level and seriousness of women’s assaults against vulnerable others.

The nature of the link between women’s experiences of violence perpetrated by men and their choice to enact violence themselves is still contested and would benefit from further research. However I believe that the use of behaviourist explanations such as the ‘cycle of violence’ theory poses a major theoretical paradox for feminists. Feminists have argued that, while experiences of violence may inform a man’s experience, he makes an active choice to perpetrate violence and he will deliberately choose both his victim and the location of the assault. Logic dictates that feminism cannot use essentialist and individualist explanations to theorise women’s violence while denying men the use of such accounts. Instead, I suggest that we examine more closely the influence of previous experiences of trauma on both men’s and women’s choices to perpetrate violence.

Accepting that men’s and women’s violence is both “individually willed” and “socially constructed” (Dankworth and Rausch, 2000: 937), I believe we have a responsibility to look at the social context in which women perpetrate violence. Many social commentators have noted a global shift away from the peace and civil rights movements of the 1960s and 1970s along with a return to a neo-conservative politics. In this global context, violence is publicly acknowledged and actively used by different nation states as a legitimate strategy to achieve particular outcomes. This issue can be illustrated by the controversy about the United States government’s use of torture to extract information from suspects in relation to terrorist activities. Commentators suggest that, as a consequence of a more neo-conservative global political environment, there appears to be denial at a heads of government level of the economic, cultural, religious, ideological and socio/political factors which influence people’s access to, for example, housing, employment and

\textsuperscript{108}Mouzos and Makkai (2004) noted that in 2004 Australian women reported a fifty percent increase in levels of male violence since the ABS ‘Women’s Safety Survey’ was completed in 1996.
Conclusion

income. As a consequence, many people experience poverty, homelessness and unemployment along with the associated emotional experiences of alienation, isolation and discrimination. These structural factors and individual experiences may all combine to inform an individual’s choice to perpetrate violence. Many international governments appear to be neglecting to critically engage with the structural causes of social problems that contribute to individual acts of violence. This issue can be demonstrated through current international debates about the exact causes of terrorism and the most appropriate strategies to address this particular form of violence.

In addition, commentators have documented a general societal shift away from exploring one’s relationship with, and responsibility to, the broader community to a singular focus on the ‘individual’ and the family. The prioritisation of the rights of the individual and our immediate family over our responsibilities to others implicitly supports the historical patriarchal belief that some people are superior to, and therefore entitled to use violence against, inferior others. I suggest that the recent focus on the rights of the individual parallels the marginalisation of critical social analyses that emerged from the social change movements of the 1960s and 70s. In addition, it also sidelines demands for action to address the social factors that influence the lives of individuals. A neo-conservative discourse blames individuals for their difficulties and locates responsibility for any change with them. With this discourse regaining predominance, it is not surprising that in the majority of cases we pathologise individuals for their criminal violence and ignore the need for a critical examination of, and engagement with, other factors that may have contributed to their choice to use violence.

Historical accounts of femininity and masculinity and the nature of violence influence how government funded services are provided to women offenders. Current explanations for women’s violence focuses attention on individual pathology along with previous experiences of violence and individual circumstances. Such accounts result in women receiving high levels of medication, behaviour modification, isolation and psychological testing.

In addition due to both state and federal government policy and funding directions, most human service organisations and practitioners also view women primarily as victims of violence, not perpetrators. Therefore, organisations have clearly articulated mandates, policies and procedures to inform their work with women as
victims of violence. This focus is appropriate as the majority of perpetrators of violence are men, and women and children are very often their victims. However, while we still need to respond appropriately to women and children who are victims of male violence, the challenge for workers and organisations is to move away from oppositional accounts of masculinity and femininity and acknowledge a shared human capacity to perpetrate violence. This shift will necessitate a change in the development and delivery of services and programs.

**Recommendations**

In coming to the end of the study, I would like to make five recommendations. The recommendations include the need to learn from victims and offenders, expand our theoretical analysis of violence, amend government policy, develop and deliver different services and programs to women offenders, and expand public advocacy and community education campaigns.

Firstly, we need to create safe spaces for victims to tell us their stories. These stories will assist us to make sense of women’s violence. Feminist researchers have learnt through family violence research that it is often extremely difficult for children and other family members to disclose their experience of violence when perpetrated by a parent or other family member. The findings of this study demonstrate that this reluctance to name and report violence is greater when the perpetrator is someone’s mother, sister, grandmother, wife or girlfriend. This reluctance is in turn influenced by the fact that there is a society belief that women, specifically mothers, are caring and nurturing and that, unless they are psychiatrically disturbed, they will not hurt their children. In addition, victims may believe that the police will not take seriously their statements of physical and sexual assaults perpetrated by women. We need to create safe spaces, ask different questions and provide reassurance to victims so that they are able to tell us about their experiences. If this occurs, then more people who have been hurt by women will begin to speak about their experiences and receive validation, support and resources for healing.

Secondly, workers need to create safe and appropriate spaces to talk to women more broadly about their lives and ask women sometimes difficult questions. Workers need to establish clear legal and practice boundaries that identify the rights of victims and the responsibilities of workers. Within this space, some women may feel able to disclose their difficulties and seek support and resources. Workers need
Conclusion

to ask different questions of the women, men, adolescents and children who access their services, listen carefully to the answers and explore the possible silences or contradictions in the answers. In this new theoretical and therapeutic space, workers may be able to move beyond traditionally constructed and fixed notions of women as ‘victims’ or ‘difficult’ and ‘dangerous’ women. Then workers will be able to see and respond to women as ‘individuals’ with the capacity to act in contradictory and challenging ways.

Thirdly, we need to move away from locating violence with the Y chromosome, i.e. with men, and instead need to critically examine our shared capacity for violence. Therefore we need to use these stories and experiences to broaden our theoretical analysis of the social context which informs an individuals use of violence.

Fourthly, we need to incorporate these experiences and theoretical understandings into the policies, programs and practices of human service organisations, along with professional training and supervision for workers. Practitioners and human service organisations should critically examine their current practice with women offenders, review their understandings of why women perpetrate violence and develop new ways of delivering services and programs to women and children. One practical example could be the provision of separate workers for women and their children. As a consequence of organisational and theoretical change, workers will have the protocols, theoretical and material resources they need to respond ethically to women who perpetrate violence. These changes would also result in the criminal justice system developing specific treatment programs for women offenders.

Lastly, some women, like some men, hurt others because they can, because they can get away with it, and because it meets some of their needs. Women, like men, have also learnt that some people are less important than others. Changing social beliefs takes time and energy. Therefore we need to invest in public advocacy and community educations programs that challenge, in order to change, deeply entrenched social and cultural belief systems. Our old hierarchical belief systems influence men’s and women’s choices to perpetrate violence against vulnerable others. While we continue to live in, and perpetuate, a cultural, ideological and political milieu which overtly and covertly supports the use of violence and positions some people as ‘inferior’ to others, individual men and women will continue to perpetrate violence. I believe that public advocacy and education campaigns with clear messages that everyone has equal human rights and that violence is illegal and
unacceptable will contribute to changing our current dominant ideology. It is this ideology that informs an individual's choice to hurt another person and consequently, this issue, although the most difficult to address, is also the most important.
MEMORANDUM

TO: Ma L FitzRoy
   Department of Social Science and Social Work
   RMIT City

FROM: Adrienne Patterson
   Secretary
   RMIT Human Research Ethics Committee

RE: Project No 17988 FitzRoy: Violent women: Making sense of women’s violence

At its meeting held on the 25th November 1998 the RMIT Human Research Ethics Committee considered the above named project. Following is an extract from the Minutes:

"It was noted that Meeting 9/98, which did not have a quorum, considered this proposal and recommended that the investigator submit further details concerning the project and amend the Plain Language Statement. Among the meeting’s recommendations was one that given names, only, or pseudonyms be used so that the researcher could not later be identified by any of the participants.

The Committee considered the amended documents submitted by the investigator.

The Committee reconsidered the need for use of given names only. This was seen as stereotyping and demonising the interviewees. It was also noted that anyone in custody would already have been fingerprinted for many months that it was unlikely that the investigator would be able to do in any way. Accordingly it was agreed to reverse the recommendation made at meeting 9/98 and not require the use of given names only.

It was agreed to approve the project subject to the investigator using full names as in any other research project. The following minor changes were also required:

With respect to the Background Information statement supplied by the investigator, the first sentence of the second paragraph should be omitted.

The complaints paragraph at the close of the Plain Language Statement should be amended to include the current phone number for the Secretary of the Human Research Ethics Committee: 9925 1745."
2.

The approval of this project is normally granted for a period of three years from the date of advice but this is conditional on the receipt of annual reports. If you expect your research to continue beyond three years, towards the end of that period you must apply for an extension of approval. Final Report, Annual Report and Application for Extension forms are on disk along with the HREC Application Form obtainable from your Faculty.

Please note that you should immediately report to the Committee in the event of any adverse effects on subjects, or unforeseen events which may affect the ethical acceptability of your project.

Adrienne Patterson
Secretary
RMIT Human Research Ethics Committee
17 DEC 1998

Ms Lee Fitzroy
Department of Social Science and Social Work
RMIT Bundoora Campus VIC 3083

Project no. 623/001

Dear Ms Fitzroy

Re: Department of Justice Research Ethics Committee consideration of the project entitled “Offending women: working with women sex offenders.”

The Department of Justice Research Ethics Committee further considered your application for approval for the above project at their December 8 1998 meeting.

In light of the further information received the Committee agreed to grant final approval.

Yours sincerely

[Signature]

Dr. [Name]
Secretary to the Research Ethics Committee

Ref: J/admin/eth_cons considered/98/approval/62301_a_1.doc

293
Appendix Two: Consent

RESEARCH PROJECT INVOLVING HUMAN SUBJECTS

Please note: This is a prescribed form. It is a requirement of the RMIT Human Research Ethics Committee.

SCHOOL OF SOCIAL SCIENCE AND PLANNING

FACULTY OF THE CONSTRUCTED ENVIRONMENT

Prescribed Consent Form For Persons Participating In Research Projects Involving Interviews, Questionnaires or Disclosure of Personal Information

Name of participant: ________________________________________________

Project Title: ‘Violent women: making sense of women’s violence’

Name of investigator(s): Lee FitzRoy Tel: (BH) (03) 9925 3234
Tel: (Hme) (03) 9484 5361

1. I consent to participate in the above project, the particulars of which - including details of interviews or questionnaires - have been explained to me and are appended hereto.

2. I authorise the investigator or his or her assistant to interview me or administer a questionnaire.

3. I acknowledge that:
(a) I have been informed that I am free to withdraw from the project at any time and to withdraw any unprocessed data previously supplied;

(b) The project is for the purpose of research and/or teaching and not for treatment.

(c) I have read and retained a copy of the Plain Language Statement, and agree to the general purpose, methods and demands of the study.
2.

(d) The project may not be of direct benefit to me.

(e) My involvement entails participation in an interview which will take approximately one to two hours.

(f) My anonymity is assured.

(g) Confidentiality is assured. However, should information of a confidential nature need to be disclosed for moral, clinical or legal reasons, I will be given an opportunity to negotiate the terms of this disclosure.

(h) The security of the data obtained is assured following completion of the study.

(i) The research data collected during the study may be published, and a report of the project outcomes will be provided to yourself. **Any data which may identify me will not be used.**

Signature: __________________________ Date: __________

(Participant)

Signature: __________________________ Date: __________

(Witness to signature)

*Where participant is under 18 years of age:*

I consent to the participation of __________________________ in
the above project.

Signature: ___________________________ Date: ____________

(Signature of parent or guardian)

Signature ___________________________ Date: ____________

(Witness to signature)

Participants should be given a photocopy of this consent form after it has been signed.

Any queries or complaints about your participation in this project may be directed to the Secretary, RMIT Human Research Ethics Committee, RMIT, GPO Box 2476 V, Melbourne, 3001. The telephone number is (03) 9925 1745.
Dear

Project title : "Violent women: making sense of women's violence"

My name is Lee FitzRoy and I am studying for my higher degree at the Royal Melbourne Institute of Technology University (RMIT). As part of my studies I am completing a research project under the supervision of Dr. Pavla Miller of RMIT.

You may be aware of this project from other women, workers within local agencies or from general conversations amongst women you know. I have included some background information which tells you a bit about who I am, a copy of some draft questions that I thought we might talk about and some more information about the research project.

The aim of the project is to explore the experiences of women who may have perpetrated or been convicted of using violence against other people. The violence may include physical, sexual, emotional, verbal or psychological violence, whilst the people may include children, men or other women.

I hope that in exploring and telling your stories, workers who read this research will develop a greater level of understanding and awareness of the issues. In developing a greater understanding, I also hope that workers will develop more skills and strategies for their work with yourself and other women.
In conducting this research, I will be based at RMIT at the city campus and I will offer to meet you in a location of your choice. The interview will be held at a time and place which is convenient to you. The interview will take appropriately 1 to 1 1/2 hours. I would like to tape the interview if that is okay with you. If you would rather I didn't tape the conversation, then I will take notes while we are talking.

A transcript of either the taped conversation or the notes will be sent back to you for checking. I will also send back a copy of the audio tape if you would like that. The tapes will be stored in my locked filing cabinet in my office at RMIT for a seven year period. If upon reading the transcript of the conversation, if you would like to alter any comments you made or meet again to talk about some other relevant issues, I would be happy to organise that.

Your participation in this research is entirely voluntary and if you agree to participate, you may withdraw your consent at any time in the research. This may include any time before or after the interview or during the interview itself.

Your participation in this research will be confidential, that is I will not reveal your name or family name in any of the research I do or write about. To assist me with this, I would hope that you could choose a name for yourself that I could use in the research.

However, within this commitment to protect your privacy, you need to know that I have an ethical responsibility to protect children and other adults from sexual violence. As the issues we will be discussing may include criminal offences, I have included the issue of limited confidentiality for you to consider. That is if you disclose specific details about a serious criminal offence, I will need to report this to the relevant authorities. This issue is included in the consent form for you to sign.

I will be writing up the conversations I have with women and including them in my PhD thesis. In addition though, I will be seeking to discuss some of the issues that come up during my research at conferences and workshops for workers. I will also try to have some of my findings published in relevant journals or books.
If you want to ask me any questions about this research you are more than welcome to call me at RMIT on the following telephone number (03) 9925 3234.

Should you have any complaints in relation to how this research is being conducted, please do not hesitate to contact the Secretary of the Human Research Ethics Committee at the following address.

The Secretary
Human Research Ethics Committee
RMIT
124 LaTrobe Street,
Melbourne, 3000
Tel. (03) 9925 2554

I very much look forward to meeting with you and thank you for your assistance.

Yours sincerely,

Lee FitzRoy
Dear

Project title: "Violent women: making sense of women's violence"

My name is Lee FitzRoy and I am studying for my higher degree at the Royal Melbourne Institute of Technology University (RMIT). As part of my studies I am completing a research project under the supervision of Dr. Pavla Miller of RMIT.

You may be aware of this project from workers within local agencies or from general conversations amongst women you know.

The aim of the research is to talk with women who have committed violence and through exploring their stories, develop a more complex understanding of their violent behaviour. Along with these conversations, I would very much like to talk with workers who are currently working with women who have made admissions or have been convicted of violence against children, other women or men. I believe in documenting the experiences, theoretical understandings and practice strategies of workers, I will come to a greater understanding of the issue of women's violent behaviour and also share this knowledge amongst other workers.

In conducting this research, I will be based at RMIT at the city campus and I will offer to meet you in a location of your choice. The interview will be held at a time and place which is convenient to you. The interview will take appropriately 1 to 1 1/2 hours. I would like to tape the interview if that is okay with you. If you would rather I didn't tape the conversation, then I will take notes while we are talking.

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any comments you made or meet again to talk about some other relevant issues, I would be happy to organise that.

Your participation in this research is entirely voluntary and if you agree to participate, you may withdraw your consent at any time in the research. This may include any time before or after the interview or during the interview itself.

Your participation in this research will be confidential, that is I will not reveal your name or the name of the organisation in which you work in any of the research I do or write about. To assist me with this, I would hope that you could choose a name for yourself that I could use in the research.

I will be writing up the conversations I have with workers for the PhD thesis. In addition though, I will be seeking to discuss some of the issues that come up during my research at conferences and workshops. I will also try to have some of my findings published in relevant journals or books.

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Yours sincerely,
Lee FitzRoy
Dear

Project title: "Violent women: making sense of women's violence"

My name is Lee FitzRoy and I am studying for my higher degree at the Royal Melbourne Institute of Technology University (RMIT). As part of my studies I am completing a research project under the supervision of Dr. Pavla Miller of RMIT.

You may be aware of this project from other women, workers within local agencies or from general conversations amongst women you know. I have included some background information which tells you a bit about who I am, a copy of some draft questions that I thought we might talk about and some more information about the research project.

The aim of the project is to explore the experiences of young women who may have perpetrated or been convicted of some form of violence against other people. These people may have included children, men or other young women.

I hope that in exploring and telling your stories, workers who read this research will develop a greater level of understanding and awareness of the issues. In developing a greater understanding, I also hope that workers will develop more skills and strategies for their work with yourself and other young women.

In conducting this research, I will be based at RMIT at the city campus and I will offer to meet you in a location of your choice. The interview will be held at a time and place which is convenient to you. The interview will take appropriately 1 to 1 1/2 hours. I would like to tape the interview if that is okay with you. If you would rather I didn't tape the conversation, then I will take notes while we are talking.
A transcript of either the taped conversation or the notes will be sent back to you for checking. I will also send back a copy of the audio tape if you would like that. The tapes will be stored in my locked filing cabinet in my office at RMIT for a seven year period. If upon reading the transcript of the conversation, if you would like to alter any comments you made or meet again to talk about some other relevant issues, I would be happy to organise that.

Your participation in this research is entirely voluntary and if you agree to participate, you may withdraw your consent at any time in the research. This may include any time before or after the interview or during the interview itself.

Your participation in this research is bound by confidentiality, that is I will not reveal your name or family name in any of the research I do or write about. To assist me with this, I would hope that you could choose a name for yourself that I could use in the research. However, within my commitment to protect your privacy if you participated in this research, I need to acknowledge that I have an ethical responsibility to protect children and other adults from criminal violence. As the issues we will be discussing may include criminal offences, I have included the issue of limited confidentiality for you to consider. As physical or sexual violence against children or adults is a criminal offence, I need to remind you that I would have an ethical obligation to report any disclosure of serious indictable criminal offences to the relevant authorities. This may include the police. This is just to let you know that I believe violence is a crime.

I will be writing up the conversations I have with women and including them in my PhD thesis. In addition though, I will be seeking to discuss some of the issues that come up during my research at conferences and workshops for workers. I will also try to have some of my findings published in relevant journals or books.

If you want to ask me any questions about this research you are more than welcome to call me at RMIT on the following telephone number (03) 9925 3234.
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124 LaTrobe Street,  
Melbourne, 3000  
Tel. (03) 9925 2554

I very much look forward to meeting with you and thank you for your assistance.

Yours sincerely,

Lee FitzRoy
Mothers

Dear

Project title: "Violent women: making sense of women's violence"

My name is Lee FitzRoy and I am studying for my higher degree at the Royal Melbourne Institute of Technology University (RMIT). As part of my studies I am completing a research project under the supervision of Dr. Pavla Miller of RMIT.

You may be aware of this project from other women, workers within local agencies or from general conversations amongst women you know. I have included some background information which tells you a bit about who I am, a copy of some draft questions that I thought we might talk about and some more information about the research project.

The aim of the project is to explore the experiences of women who may have perpetrated or been convicted of some violence offences against their own children. This violence may include physical, sexual or emotional violence against children.

I hope that in exploring and telling your stories, workers who read this research will develop a greater level of understanding and awareness of the issues. In developing a greater understanding, I also hope that workers will develop more skills and strategies for their work with yourself and other mothers.

In conducting this research, I will be based at RMIT at the city campus and I will offer to meet you in a location of your choice. The interview will be held at a time and place which is convenient to you. The interview will take appropriately 1 to 1 1/2 hours. I would like to tape the interview if that is okay with you. If you would rather I didn't tape the conversation, then I will take notes while we are talking.
Appendix Three

A transcript of either the taped conversation or the notes will be sent back to you for checking. I will also send back a copy of the audio tape if you would like that. The tapes will be stored in my locked filing cabinet in my office at RMIT for a seven year period. If upon reading the transcript of the conversation, if you would like to alter any comments you made or meet again to talk about some other relevant issues, I would be happy to organise that.

Your participation in this research is entirely voluntary and if you agree to participate, you may withdraw your consent at any time in the research. This may include any time before or after the interview or during the interview itself.

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I will be writing up the conversations I have with women and including them in my PhD thesis. In addition though, I will be seeking to discuss some of the issues that come up during my research at conferences and workshops for workers. I will also try to have some of my findings published in relevant journals or books.

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124 LaTrobe Street,  
Melbourne, 3000  
Tel. (03) 9925 2554

I very much look forward to meeting with you and thank you for your assistance.

Yours sincerely,

Lee FitzRoy
Focus groups for workers

Dear

Project title: "Violent women: making sense of women's violence"

My name is Lee FitzRoy and I am studying for my higher degree at the Royal Melbourne Institute of Technology University (RMIT). As part of my studies, I am completing a research project under the supervision of Dr. Pavla Miller of RMIT.

The aim of the project is to explore the issues of women and violence. Within this process, I am hoping to speak to a group of women about their ideas and thoughts on women and their use of violence. I am hoping that through this discussion with 'average' women, we can come to a more complex understanding of how women make sense of the world, of their own experiences, and how women think through such experiences.

You may be aware of this project from other women, workers within local agencies, or from general conversations amongst women you know. I have included some background information which tells you a bit about who I am, a copy of some draft questions that I thought we might talk about, and some more information about the research project.

In conducting this research, I will be based at RMIT at the city campus and I will offer to meet you in a location of your choice. The interview will be held at a time and place which is convenient to you. The interview will take appropriately 1 to 1 1/2 hours. I would like to tape the interview if that is okay with you. If you would rather I didn't tape the conversation, then I will take notes while we are talking.

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124 LaTrobe Street, 
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Tel. (03) 9925 2554

I very much look forward to meeting with you and thank you for your assistance.
Appendix Three

Yours sincerely,

Lee FitzRoy
Appendix Four: Interview questions

Women offenders

1. I would like you to tell me about yourself and your life. You may like to tell me as much or as little about yourself as you like.

   Possible prompts:
   - childhood experiences
   - adult experiences
   - past relationship with family
   - current relationship with family
   - relationship with your mother
   - past / current experiences of physical or sexual violence
   - relationships with men / women

2. Tell me about what happened that led you to be placed here - (in the Protection Unit of the Women's Prison or in the community corrections system).

3. Why do you think these things happened?

4. What have been some of the helpful or positive things that workers have offered you?

   These workers may include: lawyers, social workers and/or psychologists.

5. What have been some of the unhelpful or negative things that workers have done?

6. I am also interested in the systems that you may have come into contact with. These systems may include the child protection, criminal justice or corrections systems. Could you please tell me about your experiences within these systems.
7. Any other things that you would like to talk about in relation to the issue of women offenders?
Workers

1. Can you tell me about your professional background?

Prompts:
• Work history
• qualifications

2. Can you tell me about your work with women who commit violence?

3. I am really interested in how you make sense of the issue of women who perpetrate violence against either children, men or other women. Can you tell me why you think women perpetrate this form of violence.

4. I would also like to explore the issues that come up for you, when you work with women who commit violence against others.

5. Given the issues we have already talked about, I would like to explore some of the practice strategies that you use in your work.

6. What are some of the positive and negatives aspects of the systems and organisations that intervene with women offenders?

7. In what ways do you think these systems could be improved?

8. Any other things about violent women, that you would like to discuss?
Appendix Five: Glossary


**Abduction and related offences**
Acts intended to unlawfully deprive another person of their freedom of movement against that person’s will or against the will of any parent, guardian or other person having lawful custody or care of that person. This offence category is a Division of ASOC which includes the following Subdivisions: Abduction and kidnapping (051), and Deprivation of liberty/false imprisonment (052).

**Acquitted**
An outcome of criminal proceedings in which a court declares a not guilty verdict as a charge laid against a defendant has not been proven. This also includes a finding of not guilty on the grounds of insanity/unsoundness of mind at the time the defendant committed the offence.

**Acts intended to cause injury**
Acts, excluding homicide and related offences, which are intended to cause non-fatal injury or harm to another person and where there is no sexual or acquisitive element. This is a Division of ASOC which includes the following Subdivisions: Assault (021) and Other acts intended to cause injury (029).

**Charge**
An allegation laid before a court by the police or other prosecuting agency that a person or organisation has committed a criminal offence.

**Committal**
A preliminary hearing of a charge relating to an indictable offence which is conducted by a Magistrate in a Court of Summary Jurisdiction. The aim of this hearing is to decide whether there is sufficient evidence to warrant the defendant being committed to a Higher Criminal Court for trial or sentence.

**Committal plea**
The plea to a charge which is entered by a defendant at the end of committal proceedings in a Court of Summary Jurisdiction.

**Committed for sentence**
An outcome of a committal hearing where a defendant enters a guilty plea to all charges and is transferred to a Higher Criminal Court to be sentenced. This process is regarded as a method of finalisation for the Magistrates' Criminal Court and a method of initiation into a Higher Criminal Court level.

**Committed for trial**
An outcome of a committal hearing where a defendant enters a not guilty plea to at least one charge and is transferred to a Higher Criminal Court to stand trial. This process is regarded as a method of finalisation for the Magistrates’ Criminal Court and a method of initiation into a Higher Criminal Court level.

**Community Service Orders**
An order requiring a person to undertake a specified number of hours of unpaid work for the community.

**Community Supervision or Work Orders**
Non-custodial orders that require a person to perform work within the community or report to a person nominated by the court (for example a corrections officer). Examples of sentence types included in this category are: Community Service Orders, Probation Orders and Treatment Orders.

**County Court**
See Intermediate Court.

**Court of Summary Jurisdiction**
A Lower Court level (also referred to as Magistrates' Court, Local Court or Court of Petty Sessions) which deals with relatively less serious charges and has the most limited legal powers of all the state and territory court levels. A Court of Summary Jurisdiction is presided over by a Magistrate and has jurisdiction to try and sentence matters relating to summary offences. Under some circumstances, this court level may also deal with less serious indictable offences known as 'minor indictable' or 'triable either way' offences. Courts of Summary Jurisdiction are also responsible for conducting preliminary (committal) hearings for indictable offences.
Custody in a Correctional Institution
An order requiring a person to be detained within a facility built especially for the purpose of incarceration. Includes Life and Indeterminate Imprisonment, Imprisonment with Determined Term and Periodic Detention.

Custody in the Community
An order requiring a person to have restricted liberty for a specified period of time while living within the community. Includes Intensive Corrections Orders, Home Detention and Community Custody Centres.

Custodial Order
An order requiring a person to have restricted liberty for a specified period of time either through detainment in an institution/home or being subject to regular supervision while residing within the community. Includes Custody in a Correctional Institution, Custody in the Community and Suspended Sentences. Within this publication, reference has been made in some tables to 'custodial orders to be served' (i.e. custodial orders excluding fully suspended sentences). This concept was previously known as 'imprisonment' in the experimental tables of the 2000–01 Higher Criminal Courts publication.

Dangerous or negligent acts endangering persons
Dangerous or negligent acts which, though not intended to cause harm, actually or potentially, result in injury to oneself or another person. This is a Division of ASOC which includes the following Subdivisions: Dangerous or negligent operation of a vehicle (041) and Other dangerous or negligent acts endangering persons (049).

Defendant
A person or organisation against whom one or more criminal charges have been laid and which are heard together as the one unit of work by a court level. It should be noted that the Criminal Courts collection does not enumerate distinct persons or organisations. If a person or organisation is a defendant in a number of criminal cases active within the courts during the reference period, such a person or organisation will be counted more than once in this statistical collection.

Ex-officio
The laying of charges against a defendant directly in a Higher Criminal Court, by the
Director of Public Prosecutions or the Attorney-General. This process is regarded as a method of initiation into the Higher Criminal Courts.

Final plea
The last plea entered by a defendant in relation to a criminal charge that is laid against him/her in a court.

Fully suspended sentence
A custodial order which provides that all of the sentence not be served, subject to the person being of good behaviour for the length of the sentence.

Good Behaviour Bond/Recognisance Orders
An obligation, with or without sureties, aimed at securing the performance of some act by the person bound by the undertaking.

Guilty plea
The formal statement by a defendant admitting culpability in relation to a criminal charge. By pleading guilty, a defendant indicates to the court that they do not intend to contest the charge. If the guilty plea is accepted by the court, the charge will be considered to be proven.

Guilty verdict
An outcome of a trial in which a court determines that the criminal charge against a defendant has been proven.

Higher Criminal Court
The criminal jurisdiction of an Intermediate Court or Supreme Court.

Home Detention
An order in which a person serves part of a sentence of imprisonment at home or at another approved place that is not a correctional institution.

Homicide and related offences
The unlawful killing, attempted unlawful killing or conspiracy to kill another person. This is a Division of ASOC which includes the following Subdivisions: Murder (011), Conspiracies and attempts to murder (012), and Manslaughter and driving causing death(013).
Illicit drug offences
The possession, sale, dealing or trafficking, importing or exporting, manufacture or cultivation of drugs or other substances prohibited under legislation. This is a Division of ASOC which includes the following Subdivisions: Import or export illicit drugs (101), Deal or traffic in illicit drugs (102), Manufacture or cultivate illicit drugs (103), Possess and/or use illicit drugs (104) and Other illicit drug offences (109).

Imprisonment
See Custodial order.

Imprisonment with Determined Term
An order requiring a person to be detained for a specified period of time within a facility built especially for the purpose of incarceration.

Indictable offence
A serious criminal offence as defined by specific Commonwealth, state or territory legislation. Charges relating to indictable offences generally require a trial and/or sentence hearing in a Higher Criminal Court but under some circumstances, a defendant can elect to have these charges dealt with in a Court of Summary Jurisdiction.

Initial plea
The first plea entered by a defendant in relation to a criminal charge that is laid against him or her in a court. For charges that were committed to a Higher Criminal Court from a Court of Summary Jurisdiction, this corresponds to the plea at committal.

Intermediate Court
A Higher Court level (known either as the District Court or County Court) which has legal powers that are between those of the Court of Summary Jurisdiction and the Supreme Court and deals with the majority of cases involving serious criminal offences. An Intermediate Court is presided over by a Judge, and has original jurisdiction to hear trial and sentence matters relating to most indictable offences. In some states, the Intermediate Court may have appellate jurisdiction over decisions made in the Court of Summary Jurisdiction. Note: As Tasmania, the Northern Territory and the Australian Capital Territory do not have an Intermediate Court, all
indictable offences are heard in the Supreme Court.

**Jurisdiction**
The legal power or authority which may be exercised by a particular court level and within which the judgements or orders of the court can be enforced or executed. The criminal jurisdiction of a court includes the original and appellate jurisdictions. Each court level has its own defined jurisdictional limits and these vary across states and territories.

**Life and Indeterminate Imprisonment**
The most serious sentence of imprisonment.

Life. This does not necessarily mean that the person will be held in custody for the term of his/her natural life. In some states or territories a minimum time to serve in custody is specified by the court, while in others an administrative body such as a Parole Board makes this decision.

Indeterminate. Persons declared as habitual criminals, persons who are either permanently or temporarily deemed not responsible for their actions because of a mental disorder or intellectual disability and prisoners who are sentenced to imprisonment but have not had a release date set. The prisoner may be released, at any time, at the discretion of the administrative body within each jurisdiction responsible for making that decision.

**Magistrates' Criminal Court**
A Court of Summary Jurisdiction, which for the purposes of this collection includes only the adult criminal Magistrates' Court. Where used in this publication, the term 'Magistrates' Court' includes the Court of Petty Sessions. Of the six states and territories included in this publication, Victoria, Queensland, South Australia, Tasmania and the Northern Territory have Magistrates' Courts, while Western Australia has a Court of Petty Sessions. Excluded from this collection are the other Courts of Summary Jurisdiction, including Childrens' Courts, Electronic Courts and Drug Courts.

**Non-Custodial Orders**
Sentences imposed on an offender that do not involve custody. Includes Community Supervision or Work Orders, Monetary Orders and Other Non-Custodial Orders.
Not guilty plea
The formal statement by a defendant denying culpability in relation to a charge. This also includes 'no plea', 'plea reserved' and 'other defended plea'.

Not guilty verdict
See Acquitted.

Periodic Detention
Persons given periodic detention are in custody for two consecutive days in a week (e.g. weekends) and remain at liberty during the rest of the week.

Plea
The formal statement by, or on behalf of, the defendant in response to a criminal charge that has been laid in a court. The nature of this response indicates whether or not the defendant intends to contest that charge.

Probation Orders
An order which requires an offender to be released to the supervision of an authorised officer. Includes any order which requires an offender to report periodically to an authorised officer but does not include any period of restricted liberty. Excludes Intensive Supervision orders and Intensive Corrections Orders that contain periods of restricted liberty.

Sentence type
A penalty or punishment imposed by a court upon a defendant who is proven guilty of a criminal offence.

Sexual assault and related offences
Acts of a sexual nature against another person which are non-consensual or consent is proscribed. This offence category is a Division of ASOC which includes the following Subdivisions: Sexual assault (031) and Non-assaultive sexual offences (032).

Summary offence
A criminal offence which is regarded as less serious relative to an indictable offence as defined by specific Commonwealth, state or territory legislation (see Indictable offence). Charges relating to summary offences are generally dealt with by a Court of
Summary Jurisdiction and do not require a trial by jury in a Higher Criminal Court. In some states and territories, a defendant against whom summary charges are laid may be transferred to a Higher Criminal Court for sentencing, (e.g. if the Magistrate wants to impose a penalty which exceeds his/her jurisdictional powers).

**Supreme Court**
A Higher Court level which deals with the most serious criminal charges and has the greatest legal powers of all the state and territory court levels. A Supreme Court is presided over by a Judge, and has jurisdiction to hear trial and sentence matters relating to all indictable offences. In states which have an Intermediate Court, the Supreme Court is usually reserved to deal with the most serious indictable offences, such as murder. The Supreme Court may also have appellate jurisdiction over decisions made in a Court of Summary Jurisdiction or the Intermediate Court.

**Suspended Sentence**
A custodial order which provides that all or part of the sentence not be served, subject to the person being of good behaviour for the length of the suspended part.

**Trial**
The examination of, and decision on, a matter of law or fact by a court. Where a defendant enters a not guilty plea or other defended plea in the committal proceedings, they are committed to a Higher Criminal Court for trial. In the Higher Criminal Courts, trials are usually conducted before a Judge and jury whereby the Judge rules on questions of law and the jury is responsible for determining whether or not the defendant is guilty. Some states and territories also allow for a trial before a Judge alone in the Higher Criminal Courts.

**Unfit to plead**
An outcome of court proceedings in which a court determines that a defendant's mental status is such that he/she is unfit to plead in relation to the charge against him/her. For the purposes of this collection, this process is regarded as a non-adjudicated method of finalisation.

**Unlawful entry with intent/burglary, break and enter**
The unlawful entry of a structure with the intent to commit an offence where the entry is either forced or unforced. This is a Division of ASOC which includes burglary and break and enter offences (071).
Appendix Five

**Weapons and explosives offences**
Offences relating to weapons or explosives which are either prohibited or legalised/regulated by legislation. This is a Division of ASOC which includes the following Subdivisions: Prohibited weapons/explosives offences (111) and regulated weapons/explosives offences (112).

**Withdrawn by prosecution**
The formal withdrawal of charges by the prosecution (e.g. police, Director of Public Prosecutions, Attorney-General). This includes Nolle Prosequi and No True Bill.
Appendix Six: Legal definitions

Offences against the person (adults)

Division 1 of the Victorian Crimes Act 1958: Offences against the Person

Section (1) (a) Homicide is defined as someone intentionally causing the death of another by an act of violence. Penalty: Level 1 imprisonment (life) or (b) imprisonment for such other term as is fixed by the Court.

Section (1) 3A Manslaughter. Unintentional killing in the course of a crime of violence. Penalty: Level 1 imprisonment (life) or imprisonment for 10 years shall be liable to be convicted of murder as though he had killed that person intentionally.

Section (1) (16): Causing serious injury

A person, who without lawful excuse, intentionally causes serious injury to another person, is guilty of an indictable offence.

Penalty: Level 3 imprisonment (20 years maximum).

Victorian Crimes Act 1958, Division 1, Section (1) (31): Assault.

A person who:

assaults or threatens to assault another person with intent to commit an indictable offence. Penalty: Level 6 imprisonment (5 years maximum).

‘Assault’ means the direct or indirect application of force by a person to the body of, or to clothing or equipment worn by, another person where the application of force – is

(a) without lawful excuse; and

(b) without intent to inflict or being reckless as to the infliction of bodily injury, pain, discomfort, damage, insult or deprivation of liberty, -

and results in the infliction of any such consequence (whether or not the consequences inflicted is the consequence intended or foreseen).

Section (1) (20): Threats to kill

A person who, without lawful excuse, makes to another person a threat to: kill that other person, or any other person –
(a) intending that the other person would fear the threat would be carried out; or
(b) being reckless as to whether or not that other person would fear the threat would be carried out –
is guilty of an indictable offence.
Penalty: Level 5 imprisonment (10 years maximum).

Section (1) (21): Threats to inflict serious injury.
A person who, without lawful excuse, make a threat to inflict serious injury on another person.
Penalty: Level 6 imprisonment (5 years imprisonment maximum).

**Sexual assaults against children**
The Victorian *Crimes Act 1958*, Section (16) (44) (1), (2) and (4) and the *Crimes (Sexual Offences) Act 1991* Section (44) defines Incest as:

(1) A person must not take part in an act of sexual penetration with a person whom he or she knows to be his or her child or other linear descendant or his or her step-child; or the step child of his or her defacto spouse’ (*Crimes (Sexual Offences) Act 1991* 8B, Section 44(1) (2)).
Penalty: Imprisonment for 20 years.

In addition the *Crimes (Sexual Offences) Act 1991* Section (44) comments that:

(4) A person must not take part in an act of sexual penetration with a person whom he or she knows to be his or her sister, half-sister, brother or half-brother. Penalty: Imprisonment for 7 years.

(5) Consent is not a defence to a charge under this section

**Physical assaults against children**
Section 63 (a) – (d) of the “Children and Young Persons Act”, identifies a number of grounds which, if proven, are justification for the government taking action to protect children. These include: when a child has been abandoned; where the parents are dead or incapacitated; or where a child has suffered or is likely to suffer 'significant harm' as a result of physical injury or sexual abuse (“Children and Young Persons Act”, Section 33).

**Emotional abuse**
The “Children and Young Persons Act” states that a child is in need of protection when:

The child has suffered, or is likely to suffer, emotional or psychological harm of such a kind that the child’s emotional or intellectual development is, or is likely to be, significantly damaged and the child’s parents have not protected, or are unlikely to protect, the child from harm of that type (Section 63[e] 33).
Appendix Seven: Participating organisations

Organisations that participated in the focus group discussions in 1999 included: Anglicare, the Preston Creative Living Centre, Housing Outreach Service, Legal Aid Victoria, Southern Family Life, Eastern Centre Against Sexual Assault (ECASA), Caraniche Drug and Alcohol Counselling Service, Southport Community Health Centre, Melbourne Metropolitan Women’s Correction Centre, Community Corrections Services, Children’s Protection Society and the Young Women’s Project.
Appendix Eight: Sentencing guidelines

Extract from the *Sentencing Act, 1991* (Vic).

(1) (a) to punish the offender to an extent in a manner which is just in all of the circumstances; or

(b) to deter the offender or other persons from committing offences of the same or a similar character; or

(c) to establish conditions within which it is considered by the court that rehabilitation of the offender may be facilitated; or

(d) to manifest the denunciation by the court of the type of conduct in which the offender engaged; or

(e) to protect the community from the offender; or

(f) a combination of two or more of these purposes.

(2) In sentencing an offender, a court must have regard to: –

(a) the maximum penalty prescribed for the offence; and

(b) current sentencing practices; and

(c) the nature and gravity of the offence; and

(d) the offenders culpability and degree of responsibility for the offence; and

(da) the personal circumstances of any victim of the offence; and

(db) any injury, loss or damage resulting directly from the offence; and

(e) whether the offender pleaded guilty to the offence and, if so, the stage in the proceedings at which the offender did so, or indicated an intention to do so; and

(f) the offender's previous character; and

(g) the presence of any aggravating or mitigating factor concerning the offender or any other relevant circumstances.

(6) Factors to be considered in determining offender's character.

(h) the number, seriousness, date, relevance and nature of previous findings of guilt or convictions of the offender; and

(i) the general reputation of the offender; and

(j) any significant contributions made by the offender to the community.

(The “Sentencing Act”, Section 5, Part 2).
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