

6th Annual Indigenous Family Violence Prevention Forum

Mackay

May 11-13, 2009

Are Indigenous perpetrators homogeneous?

Stephen Hagan
University of Southern Queensland

Are Indigenous perpetrators homogeneous?

I'd like to commence my presentation by acknowledging the traditional owners of the land we are meeting on today – the Yuibera People - and to pay my respects to Elders, past and present.

I also wish to publicly declare that I do not condone acts of violence against women and children – I have never and will never commit an act of violence; physical or mental, on women or children.

Further, I encourage all Indigenous men to follow suit in making similar pledges of unqualified support of women and children, prior to making any public address, in much the same manner as I have this morning.

Additionally I acknowledge my wife Rhonda – a beautiful Ma:Mu woman from Innisfail in North Queensland – and our children Stephen Junior and Jayde, for their love and continued support of my political and social endeavours. I would not have achieved the success I've enjoyed in recent years without their unquestionable support.

The 1999 photograph of my family, displayed in the PowerPoint slide above, is a constant reminder to me of the exact year I reprioritised my personal and family goals. It was the year I discerned myself to the critical proactive role I needed to play in support for my immediate family as opposed to the untenable desire of always attempting to satisfy my extended family and friends' shallow expectations.

This process was quite painful in its infancy as I stopped lending money to family and friends – most of which was not returned in full, if at all - and I declined requests from them to bunk down for the night at my residence when visiting from out of town.

Whilst my actions initially put me off side with disgruntled relatives and long standing acquaintances, it nevertheless gave me complete confidence in my ability to provide uncompromising safety and financial security for my family – not to mention an increase in quality time alone with them.

I chose not to have people, men in particular in town on business, sleeping under the same roof as my young children, principally because I wasn't fully cognisant of their past inclinations around children. I'd never be able to live with myself if I allowed someone to stay the night – and, to later find he abused my trust by wandering into one of my children's rooms with the intent of violating their innocence.

Today I sleep soundly knowing they; Stephen 16 and Jayde 13, are safe in their beds without a worry in the world of devious intrusions from within.

The only disturbance I hear today in my house comes often in the morning when my son argues with his mother and sister for the use of their latest Joh Bailey Travel Hair Straightener because his GHD IV Styler doesn't work as effectively.

Sadly, however, the same cannot be said of other Indigenous parents sleeping soundly in their homes at night. For them the colossal weight of community expectation is often so great that

they inevitably succumb to the pestering of visitors seeking free accommodation under the same roof for the night – and often longer.

It is in fact this very issue of overcrowding of Indigenous homes – a position that did not raise any notable attention in the past – that today has been identified as one of the chief reasons for the high incidents of sexual abuse of children as articulated in *The Little Children are Sacred Report (Report of the Northern Territory Board of Inquiry into the Protection of Aboriginal Children From Sexual Abuse 2007; McIntyre 2007)*.

Besides making assertive statements placing my home off bounds for visitors and declining requests for financial loans from family and friends – I've also given up drinking alcohol and all forms of gambling, during the same period, as a personal goal to be an even greater role model than I previously was for my children.

In making reference to my past unhealthy social practices I have, in effect, prefaced this paper by touching on the more pertinent causal effects of this forum's theme on family violence, if left unchecked; overcrowding, drinking and gambling.

I hope my frank admissions today might inspire some of you who still engage in those hazardous pastimes to re-evaluate your personal and professional goals.

The provocative title of my paper today: *Are Indigenous perpetrators homogeneous*, has been expressively calculated to challenge societal positioning on the hideous scourge of family violence that has afflicted Indigenous communities throughout the nation.

The vexed question posed by my title will no doubt have shaped an array of emotions from those of you who have studied the agenda for this auspicious forum: from outrage for my audaciousness of proposing a notion that potentially links all Indigenous men as perpetrators of violence against women and their children – to intrigue at the prospective scope of my considerations of a topic that is often placed in the too-hard basket by political leaders; Indigenous and non-Indigenous.

I've chosen to approach this topic by appraising those at the coal face of family violence: the victims, perpetrators, the judiciary and medical personnel.

In order to cover the considerable task I've taken on, I'd like to start by offering disparate analysis by experts of the topic in question.

Alexander (cited in Baldry, Bratel & Breckenridge 2006, p. 185) sees domestic violence, interchangeably with family violence, as an 'actual or threatened violence in a domestic or family context where an adolescent or adult family member, partner or ex-partner attempts to physically, sexually, psychologically or economically dominate or harm other adult family member(s).'

Prominent Indigenous academic Sonia Smallacombe refers to the term violence in a generic sense: "It covers sexual violence including incest, physical violence, emotional violence and self harm. It also includes women who commit violence on men, children and other women" (Smallacombe 2004, p. 47).

Sonia's definition draws light on an often overlooked occurrence of women being placed in the sinister position of the perpetrators of violence. The assault may be a provoked response by the woman that may in fact constitute a defensible criminal claim of retaliation – whilst on an ascending scale of severity, when an assault case refers to harming their child, sibling or intimate male or female partner, then the perpetrator may very well embody a troubled woman in need of psychiatric assistance for a mental condition.

Nevertheless it is important for all practitioners of family violence to remain impartial on the culpability of offenders under investigation – irrespective of their gender.

However, statistics clearly show that offenders in most family violence situations are predominantly men (McIntyre 2007)

Bevan and Higgins (2002, p. 225) argue that the basic premise of theories concerning the intergenerational transmission of abuse is that being a victim of physical abuse, or witnessing the abuse of other family members teaches boys to become violent.

They identified a few interrelated theoretical mechanisms that may be at work: identification with the aggressor, vicarious reinforcement, and positive reinforcement of aggression.

Identification with the Aggressor

This view posits that those exposed to family aggression later act aggressively toward their own family members if they identify with the aggressor.

Individuals are more likely to act aggressively if they have been exposed to violence in the family of origin and have also identified with the aggressor than if there has been exposure to aggression in the family of origin, but no identification with the aggressor (MacEwen, 1994)

Observational Learning (Vicarious Reinforcement)

The basic premise of this view is that physical aggression between family members provides a likely model for the learning of aggressive behavior, as well as for the appropriateness of such behavior within the family (Bandura, 1973; Kalmuss, 1984). Thus, intergenerational transmission of violence stems primarily from principles of modeling (Doumas *et al*, 1994).

Positive Reinforcement

This line of reasoning suggests that a violent father may positively reinforce early signs of violent behavior not only by exposing individuals to violence, but by teaching approval for the use of violence (Gelles, 1972). As a result, children may conclude that physical violence is sometimes a necessary and effective strategy for achieving behavioral change in family and intimate relationships (Simons *et al*, 1998) (Bevan & Higgins 2002, p. 225).

In August 2006 I wrote an article in my Koori Mail column; Hagan's View, titled *Glad, sad or bad father* (Hagan 2006, p. 21), after a conversation I had with a social contact who claimed to be a product of intergenerational violence and who now has grave concerns for his son after he violently assaulted his partner.

My friend provided a sobering account of the events that unfolded in the early hours of that morning: everyone else in the small rural township was fast asleep, except perhaps the residents in the immediate neighbourhood of his son's rented housing commission home who heard the unmistakable plea from his daughter-in-law for the beating to stop, but sadly there

was no manly or neighbourly intervention forthcoming. And you guessed it, dozens of body blows later a couple of car loads of police arrive and the son stops the one-sided fight and surrenders without a struggle - strange that!

I was told that several days later the entire unsavoury incident was dismissed by family and friends as if it never took place. My friend used a throw away line of "it happens in every second household in the street on most pay nights: a consequence of a long day of heavy drinking and unsuccessful punting on the pub Tab and gambling on the pokies".

I gathered that on this night someone had to wear the blame for his son's past and present failures and of course the wasting of irreplaceable money; potentially food, rent and car payments, on gambling.

I often wonder why perpetrators of domestic violence don't take their frustrations out on someone in the pub and spare their loved ones at home the indignity of being violated: too high risk I guess - the other fellow might hit back and, worse still, hit a lot harder.

The only reminder of that night, black eyes and swollen lips, were conveniently hidden from public glare as the ashamed victim confined herself indoors and took no visitors. It's a pity a child's memory isn't as forgetful as the convenience of condoning adults.

As I heard this depressing, but not unfamiliar story, I could tell my friend was concerned that the next generation in his patrilineal line not venture down that same path. Only time will tell if the offending son will mend his violent ways and become a more loving nurturing father and save what little respect his son might still have of him.

I asked my friend where he thought it had all gone astray in his family.

"Stephen - no one taught my generation how to be a good father."

It's been almost three years since I've had that discussion and I'm not sure if my friend's son has mended his ways or not. I am aware however that my friend moved on to another job in another city and sadly it wasn't the only thing he left behind. His wife and her children from her first marriage did not leave with him and today I understand they're still estranged.

Although men's groups are growing steadily around the nation with the goal of assisting other men, like my old friend, with addressing issues of intergenerational violence – I'm afraid they still lag behind their female counterparts nationally and globally at setting strategic goals.

In 1995 in Beijing, delegates to the fourth World Conference on Women adopted the Platform for Action – an agenda for women's empowerment, which stands as a milestone for their advancement in the twenty-first century. The goals for the Platform for Action were linked to twelve critical areas of concern, both focussing on equal rights for women and empowering them.

Twelve Critical Areas of Concern for Women

- 1. Poverty eradication.** Provide equal access to affordable housing, land, natural resources, credit and other services.
- 2. Education.** Close the gender gap in both primary and secondary education by 2005.

3. **Health.** Strengthen health services to reduce maternal mortality ratio.
4. **Violence.** Take legal and social measures to prevent violence and eliminate trafficking in women.
5. **Armed contacts.** Increase women's participation in conflict resolution.
6. **Economic disparity.** Ensure equal pay and treatment; provide equal access to resources, employment, markets and trade for women.
7. **Power-sharing.** Achieve gender balance in government bodies and women's equal participation in power structures.
8. **Institutions.** Integrate gender perspective in all legislation, public policies, programmes and projects.
9. **Human rights.** Encourage ratification and promote implementation of international human rights treaties.
10. **Mass media.** Ensure women's access to information, and eliminate gender stereotyping in the media.
11. **Environment.** Involve women in environmental decision- making and integrate gender concerns in sustainable development policies.
12. **Girl child.** Ensure that girls have equal access to education and health care, and develop a positive self-image. (Becka & Dorao-Moris 2005, p. 13)

I often wonder whether the lack of effort or desire, on the part of political figures and bureaucrats, especially women, to adequately address the plight of Indigenous women is premised in the scope of the broad goals set out in the Platform for Action, seen above, that women are attempting to address.

It is indeed a challenging task for women of influence to prioritise the 12 Critical Areas of Concern for Women identified by the fourth World Conference on Women delegates in Beijing in 1995.

But in category 4 that refers specifically to **violence** – that is precisely what this forum is seeking and that is to focus the spotlight not only on women and violence but more exclusively on Indigenous women and violence.

Therein resides our collective challenge from this forum.

So how do we commit Ministers Machlin and Plebersek to prioritise Indigenous women's needs above competing interests from other women's issues?

One thing that I could say categorically is that women's lobby groups are attempting all means of action to get into the Ministers' ear to have their causes heard and adequately resourced.

On International Women's Day in 2003, United Nations Secretary General Kofi Anan said: "There is no time to lose if we are to reach the Millenium Development Goals (MDGs) by the target date of 2015. Only by investing in the world's women can we expect to get there" (Becka & Dorao-Moris 2005, p. 10).

Although on the international stage issues such as trafficking in women (sex trade) and honour killings (Becka & Dorao-Moris 2005) in various parts of the world consume political attention on this debate – there are however relevant sections of the United Nations Declaration on the Elimination of Violence against Women, 1993, that assists Indigenous women and their supporters in the area of family violence.

Larsen (2001, p. 124) makes special mention of Article 2 and Article 4 of the Declaration on the Elimination of Violence against Women, noting article 2 that ‘refers to violence occurring with the family and Article 4 that requires States to punish acts of violence against women perpetrated by the State or by a private person(s)’.

Article 4 of the declaration is worthy of considered praise in relation to recent debates over customary law, as it refers to ‘custom, tradition or religion cannot be used as a justification to avoid eliminating violence against women’ (Larsen & Petersen 2001, p. 124).

Several years ago I became embroiled in a customary law controversy when I publicly called for an appeal on the leniency of sentencing an elder for an unlawful sexual assault of a Northern Territory 14-year-old girl in my Koori Mail column, *Hagan’s View*.

In particular I criticised the farcical and offensively lenient one month sentence handed down by Northern Territory Chief Justice Brian Martin to the 55-year-old Aboriginal Elder for his hideous crime.

The court heard the elder was promised the girl when she was four, and became angry when he heard she had struck up a friendship with an 18-year-old man in June 2004. He beat her with a boomerang, then took her to his remote out-station - where he lived with his first wife - and forced her to have anal sex.

On sentencing the elder on August 11, 2005, Chief Justice Martin took into account the fact the girl was the man’s promised wife under Ngarinaman law. He said he was satisfied the man believed the sexual assault was acceptable because the girl had been promised to him and had reached the age of 14 (Hagan 2005a, p. 21) .

I noted in my article how obtuse Chief Justice Martin’s ruling was when statutory law states that it is a criminal offence to have a sex with anyone under the age of 16.

I made this observation as I felt Chief Justice Martin’s excuse to down grade this abhorrent sexual assault on a child to the status of a minor crime, because it was done under Aboriginal lore, in fact makes a mockery of western law.

In my article I also made mention of various cases sited in [*A Fatal Conjunction - Two Laws Two Cultures*](#) by Joan Kimm, which also addressed leniency of judicial decisions involving Indigenous sexual assaults on Indigenous victims.

In 1969, a 13-year-old girl from the Yirrkala people was belted when she refused to become the third wife of a 42-year-old man. Kimm recounts that the defendant's defence was that "unless Yirrkala Aborigines were given immunity from European law, the heart would be torn out of their society". The judge accepted that, described the assault as a "storm in a teacup" and recorded no conviction (Kimm 2004, pp. 69-70) .

In a 1974 Northern Territory case, an 18-year-old Aboriginal man pleaded guilty to having sex with a 10-year-old girl - another case of promised marriage. The judge

said: "I do not regard this offence as seriously as if both participants were white ... [because] social customs appear to be different." (Kimm 2004, p. 64)

Two years ago when a 50-year-old Aboriginal man was prosecuted for raping a 15-year-old girl, the man used the magic formula in court: "but it's Aboriginal custom - my culture". The judge said the girl "knew what was expected of her" and jailed the man for 24 hours. Though this decision was overturned on appeal, the fact is that educated people, such as judges, have long been excusing indigenous violence (Kimm 2004, p. 72).

These appalling examples highlighted by Kimm clearly demonstrates that Indigenous traditional mores have been conveniently misinterpreted and misused by some Indigenous men, with tainted intent, who have an inflated view of themselves and their standing in their community. It was never a culture trait to wilfully violate the innocence of our children and it never will be. Those who do so should feel the full weight of western law and not an expediently diluted version of traditional lore.

At an Indigenous family violence forum in Canberra hosted by Ministers Machlin and Plebersek in February this year, which included today's attendees Dorinda Cox, Shirley Slann and myself, the collective plea from women nationally that they just: 'want the violence to stop' reverberated unambiguously around the corridors of Parliament House.

Bess Nungarrayi Price (Hagan 2009, p. 21), a prominent Yuendumu representative at the forum spoke of the "scars that decorate my body" as evidence of the personal anguish she has had to endure.

Bess' sombre words of her granddaughter's fateful stabbing by her ex-husband augments the travesty of the lawless scourge that has been allowed to fester throughout Central Australia, still resonates with me to this day: "The ambulance took an hour to get to her while it waited for a police escort. She could have been saved, if it had got there earlier"(Hagan 2009, p. 21)

You really have to stop and ask yourself the question: "Is this really happening in an affluent country like Australia?"

Or more specifically the question: "Are crimes as heinous as that described by Bess inconsequential if perpetrators and victims are both Indigenous?"

And why are our people so quick to produce and use a knife to settle a disagreement?

A study of the 1550 stab injury admissions to Alice Springs Hospital (Jacob, Boseto & Ollapallil 2007, p. 621) during a 7-year period (July 1998 to June 2005) is quite disturbing.

The study identified thirty-two patients were dead before arrival, and there were only three deaths in the hospital during the period of study.

The most unique demographic feature was that 99.99% of stab admissions to the Alice Springs Hospital were Aborigines, 53% were women and the most common location of injury was in town camps and homes.

The mean age of this population was 31 years, and the average length of stay in hospital was 3 days.

The most common site of the stab injuries was the thigh with a total of 605 (38%). Stab injuries to the abdomen were significantly low with 68 (<1%). Twenty-one per cent (332) presented 24 h to 10 days after stabbing. Another 21% (335) absconded before the completion of treatment. Of the victims, 31% (481) were under the influence of alcohol. Twenty per cent (311) of the patients presented with repeat stabbings during the study period.

Authors of the report; Jacob, Boseto and Ollapallil made mention of the fact that traditional punishment is still practiced in Central Australia and thus explains the high number of thigh injuries. A particular pattern of traditional stab injuries was also noted by them; medial thigh to kill, posterior thigh to permanently disable and lateral thigh to punish. Rampant alcoholism and social and family breakdown are thought to be significant contributors to the high incidence of violence in Alice Springs. There were only five firearm traumas during this period, two were self-inflicted and three were accidental.(Jacob, Boseto & Ollapallil 2007, pp. 621-5)

The sad part of this debate on family violence is the fact that statistics, such as the one produced of four police divisions with the highest rates of recorded offences in Queensland, is that many areas through the rest of Queensland and in fact the nation are overlooked when funding is quantified at every state and federal budget, simply because most Indigenous family violence crimes are simply not reported.

To conclude my paper today I'd like to leave you with another story I wrote in my Koori Mail column, Hagan's View, in November 2005 titled *A violence-free wish for Christmas* (Hagan 2005b, p. 21)

I recently had a conversation with an Indigenous friend I hadn't seen since high school who gave me an uncomfortable account of her past 30 tumultuous years of unsuccessful and painful relationships. Not that I particularly wanted to hear of such sadness but she found me to be a good listener and left no stone unturned to acquaint me with her depressing journey.

She told me she tolerated the first 15 years of hell at the hands of her unstable high school sweetheart before finding the courage to leave while she still had her sanity. She said she forgave him for the first assault as she justified the loss of his job as perhaps a passable excuse for the unanticipated violent outburst. "But I'm not quite sure why I stayed with him even when he continued assaulting me a couple of times a week, every week of the year, after all-day drinking sessions with his mates", she said.

She said her children knew when he was drinking and left to visit friends for the night to be out of harm's way. I noticed a deep sadness in her eyes when she recalled how she fearfully waited alone at home cowering in her lounge room chair for him to arrive and commence his usual verbal abuse: "You're a useless so and so". And then she momentarily cringed when

describing the physical pounding which was still as vivid in her mind as if she was describing an episode from the past 24 hours.

Her minimalist approach to telling the shortened version of the prolonged abuse inadvertently drew my attention to her unsightly facial scars, a permanent reminder of that violent era, which ran a centimetre in length across both eye brows.

Continuing her story she explained, “I never sought protection from friends at their home especially after my first experience that resulted in him tracking me down in our small community”. She added, “After a forced entry into the house, he beat me in front of my dear friends and then bashed them as well”.

She emotionally informed me that the next day her children would routinely return home to get dressed for school and attempt to patch her wounds while their inebriated father slept soundly sprawled across blood-spattered sheets on the double bed in their rented Aboriginal housing company house.

My friend told me her next partner, a non-Indigenous man, never once assaulted her physically but the years spent with him were just as traumatic. She recounted the verbal abuse and incredibly selfish mind games he played with her, remarking, “His name calling and questioning my worth as a human being still echoes in my head, and gives me migraines when I think about it today, even though I’ve had no contact with him for over a year”. She made a peculiar comparison to her first abusive partner by saying that he was at least decent to her and their children when he was sober for a couple of days. “But”, she continued “the same could not be said of my second drop-kick partner who was full on with the mind games 24-7”.

My friend took some delight in saying, with a toothless grin, that she was now living alone. She concluded ashamedly by revealing “my sons became teenage statistics in the prison system and my daughters had children to a couple of no-hopers whilst still children themselves”. Only time will tell whether the vicious cycle of violence will be continued into the next generation of this unlucky family whose only mistake their loving mother made was an extremely poor choice of partners.

And to answer the question posed by my title; *Are Indigenous perpetrators homogeneous* – the answer is a resounding no. But there are intolerable and dangerously high numbers of Indigenous men and women around the nation – in remote, rural and urban areas - who need to give up the grog and or drugs and or gambling and or their insanely jealous conspiracy theories for the sake of their family and their long term physical and mental well being.

I sincerely hope The National Plan to Reduce Violence against Women report (Government 2009), released last month will provide adequate resources to help the most vulnerable members of our community: Indigenous women and their children who are victims of family violence, including my old school friend and thousands of other Indigenous women and their children around this nation who suffer from such abuse – and that victims can benefit by finding peace and happiness, in a violent free and loving home environment, in this affluent country.

And if you get no satisfaction from the government in addressing your personal or community predicaments – do what we are best at in times of crisis and look out for and protect each other.

Because I have every confidence in my son Stephen looking out for his sister – as he did in this photograph on the first day she entered this world all those thirteen and half years ago.

Thank You

ENDNOTE XI

Baldry, E, Bratel, J & Breckenridge, J 2006, 'Domestic Violence and Children with Disabilities: Working Towards Enhancing Social Work Practice', *Australian Social Work*, vol. 59, no. 2, pp. 185-97.

Becka, M & Dorao-Moris, M 2005, 'EMPOWERING WOMEN', *UN Chronicle*, vol. 42, no. 2, pp. 10-3.

Bevan, E & Higgins, DJ 2002, 'Is Domestic Violence Learned? The Contribution of Five Forms of Child Maltreatment to Men's Violence and Adjustment', *Journal of Family Violence*, vol. 17, no. 3, pp. 223-45.

Government, A 2009, *The National Plan to Reduce Violence against Women: Immediate Governments Actions.*, Commonwealth of Australia, Canberra.

Hagan, S 2005a, 'No place for child abuse', *Koori Mail*, September 7, 2005.

---- 2005b, 'A violence-free wish for Christmas', *Koori Mail*, November 30, 2005.

---- 2006, 'Glad, sad or bad fathers?', *Koori Mail*, August 30, 2006.

---- 2009, 'She just wanted the violence to stop', *The Koori Mail*, February 11, 2009.

Jacob, AO, Boseto, F & Ollapallil, J 2007, 'EPIDEMIC OF STAB INJURIES: AN ALICE SPRINGS DILEMMA', *ANZ Journal of Surgery*, vol. 77, no. 8, pp. 621-5.

Kimm, J 2004, *A fatal conjunction : two laws two cultures*, Federation Press, Annandale, NSW.

Larsen, A-C & Petersen, A 2001, 'Rethinking responses to 'domestic violence' in Australian indigenous communities', *Journal of Social Welfare & Family Law*, vol. 23, no. 2, pp. 121-34.

McIntyre, G 2007, 'AN IMBALANCE OF CONSTITUTIONAL POWER AND HUMAN RIGHTS: THE 2007 FEDERAL INTERVENTION IN THE NORTHERN TERRITORY', *James Cook University Law Review*, no. 14, pp. 81-113.

Report of the Northern Territory Board of Inquiry into the Protection of Aboriginal Children From Sexual Abuse, 2007, Northern Territory Government, <http://www.nt.gov.au/dcm/inquirysaac/pdf/bipacsa_final_report.pdf>.

Smallacombe, S 2004, 'Speaking Positions on Indigenous Violence', *Hecate*, vol. 30, no. 1, pp. 47-55.