Aboriginal family and Youth Violence

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Introduction

In recent years the issue of violence in Australian Indigenous communities has received considerable public and official attention, almost equalling that previously accorded to Aboriginal deaths in custody in the early 1990s.

This paper is based on a number of research and policy development projects undertaken principally in Western Australia on aspects of Indigenous family violence prevention, intervention and treatment (Blagg, 1998, 1999 a & b; 2000 a, b & c & forthcoming; Indermaur, Atkinson and Blagg, 1998; Crime Research Centre/Donovan Research, 2001). As well as a number of interventions in debates about restorative justice and Indigenous people (Blagg, 1997, 1998 & forthcoming). The alterity of

Some key findings include:

• rates of interpersonal violence in Australian Aboriginal communities are significantly higher than in non-Aboriginal communities;
• derogatory and racist stereotypes of Australian Aboriginal women & other victims of violence still continue to normalise abusive behaviour towards them;
• Aboriginal victims of violence did not always receive equitable and timely


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support from front line agencies and courts;

- there is a dearth of appropriately structured and funded community based prevention, intervention and treatment programs capable of mobilising and engaging Aboriginal communities in the struggle against violence;
- crisis intervention strategies need to place Indigenous organisations at the centre, rather than the periphery of involvement;
- improving the situation for Indigenous victims requires a holistic process of community healing;
- a simple zero tolerance approach, based on the increased criminalisation of Indigenous men, may simply intensify the cycle of violence in Indigenous communities;
- treatment needs to be delivered within a cultural framework. Only Indigenous people are able to confidently challenge “myths of Aboriginal male entitlement” to violence;
- working within a family violence paradigm includes recognising Aboriginal law has a vital role in the long term health of Indigenous communities.
- Family violence is a major concern for Indigenous people; eclipsing issues such as property crime - the obsession of white society (Homel, Lincoln and Herd:1999, 192).

While national attention has focused on Indigenous deaths in custody, more Indigenous women are killed by their partners. Since the Royal Commission into Aboriginal Deaths in Custody (1991), however, awareness of the scale of the problem has gradually increased (The Aboriginal and Torres Strait Islander Women's Task Force on Violence Report, 1999; Memmott, 2001).

**Aboriginal Youth & Violence**

- Aboriginal youth are the most vulnerable group in society to becoming the direct or indirect witnesses of violence and become users of violence themselves - as well as having attitudes highly accepting of violence (Crime Research Centre/Donovan Research, 2000). For a fuller literature review see Blagg, 2000, Memmott, 2001).

- Aboriginal women are over-represented as victims of violence, and are more likely to be victimised by someone they know well
• Aboriginal women in Western Australia are 45 times more likely to be victim of a serious "domestic" assault than non-Aboriginal women, accounting for just under half of all victims (Ferrante et al, 1996, 34).
• The scope of potential family violence victims is wide & includes extended kin 
• (Blagg, 1998; Office of Women's Policy 1996; Aboriginal and Torres Strait Islander Women's Task Force on Violence, 1999; Memmott 2001).

Why call it family violence?

• Aboriginal women & children are probably the most repeatedly and multiply victimised section of Australian society. Aboriginal women, however, tend to talk about "family violence" rather than "domestic violence" to describe the array of aggressive, destructive and violent behaviours that continue to haunt family and communal life.
• The family violence paradigm stresses collective Indigenous experience of powerlessness. It encapsulate a "range of violence forms occurring frequently between kinspeople in Indigenous communities" (Memmott, 2001—for Indigenous women's definitions see Clarke and Varos, 1995, 2; Mow, 1992; Office of Women's Policy, 1995.
• At the level of practice, it leans towards finding pathways to family healing, rather than new routes into the criminal justice system.

Aboriginal narratives lay stress on collective experiences of trauma & loss & the impact of colonisation on family structure.

• Aboriginal narratives on violence are constructed within a "context of difference" (Jackson, 1999), that situate the behaviour within the founding violence of colonialism.
• Atkinson (1991) describes a process of "inter-generational trauma", tracing distinctive "trauma lines" from first contact through to contemporary experiences of marginalisation and dispossession. Blagg (1998, 2000,a) summarises these narratives of loss as including, loss of land and traditional culture, the break down of community, "skin" and kinship systems and Aboriginal law, entrenched poverty, racism, alcohol and drug abuse, and the effects of institutionalisation and removal policies on the "stolen generations". A key narrative of loss focuses on the "redundancy" of the Aboriginal male role and status, that is often
compensated for by an aggressive assertion of male rights over women children (Blagg, 1998, 2000 a; Aboriginal and Torres Strait Islander Women's Task force on Violence, 1999).

- Simply assimilating the family violence phenomenon into the domestic violence paradigm risks perpetuating traditional assimilation practices by eurocentrizing Aboriginal family structure, and risks essentialising the phenomenon as simply a variation on western power dynamics. It also risks increasing already unacceptable levels of Aboriginal over-representation in the criminal justice system, including the victims of violence.

- When police attend a “domestic” disturbance in an Aboriginal community the line between victim and offender may be blurred. Family violence crosses over the boundaries between the “public” and the “private/domestic” spheres - these spheres themselves, of course, being essentially eurocentric & historically conditioned demarcations.

- Violence may take place in the home, on the street on drinking grounds, in parks, in and around bars. An event may mobilise a range of parties and bystanders (immediate family and extended kin, neighbours, community members - still more may become involved if the police arrive). Many of those involved will most likely have consumed alcohol beyond safe limits. The picture presented may appear more like an all out brawl than a domestic assault on a spouse or partner. Victims of violence in these situations - who are usually, but not exclusively, women - are not always likely to present as the stereotypical victim, & may be charged themselves with public order and violence related offences (Blagg, 2000, a).

- Aboriginal women are unlikely to fit the gender stereotype of the docile, passive “battered woman”, and are, therefore, less likely to be treated sympathetically when resisting abuse – factor recognised by those critical of the discourse of the Battered Wife Syndrome.

- I have increasingly been struck by ways Aboriginal family violence incidents have intersected, fed off and, in turn, fed long simmering blood feuds and vendettas between Nyoongah family groups in WA’s South

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2 In the case of Osland v The Queen), Kirby J argues that “as a construct” Battered Wife Syndrome may, “misrepresent many women’s experiences of violence. It is based largely on the experiences of Caucasian women of a particular social background” (at 213-4). Kirby goes on to cite arguments from Canada and New Zealand critical of the stereotype of passive, docile and helpless women, which excludes the experience of Maori women (whose experiences are shaped by racism) and “women of colour” who have shown “too much strength or initiative”. Thanks to Neil Morgan for bringing this case to my attention.
West, and, in the more remote areas of WA, by the sheer numbers of people who have become involved—either directly as combatants, assailants— or indirectly (stirring the pot, reminding of past hurts, passing on (dis)information, deliberately “jealousing up” a relative’s partner).

- Already insecure relationships, “wrong way” marriages, partnerships made fragile by the pressures of debt, poverty, unemployment, cereal bereavement, marginalisation, incarceration, sickness, mental illness, homelessness, lack of social support (particularly around parenting), unsafe drug and alcohol use—what I have described elsewhere (Blagg, 1999, 2000a) as “multiple and compound crisis”—may incinerate in such circumstances.

Non-Indigenous “Crisis Intervention” systems are viewed as part of the problem, not the solution

- Aboriginal people see prisons and police lock-ups as part of the violence cycle (Blagg, 2000, a). The criminal justice system—and especially the police, its gatekeepers—are not always viewed by Aboriginal people, including Aboriginal women, as a “service”.

- Aboriginal women in WA are almost 14 times more likely to be arrested by the police than non-Aboriginal women (Aboriginal Justice Council, 1999), imagery of race, as well as gender, may over-determine the ways a violent event will be framed and accorded “serious”.

- It is not surprising to find that physical resistance to violence may be the only avenue open to Aboriginal women given the “pressures...against the involvement of the police” (Cunneen and Kerley, 1995, 82/83). Resistance of this kind may also account, in part, for the alarmingly, higher rates of injury sustained by Aboriginal women in WA in abuse cases.

- They were more likely to suffer serious injury than non-Aboriginal women—in 23.5% as opposed to 11.4% of reported cases (Ferrante et al 1996, 35; Atkinson (1990); LaPrairie (1989) and Langton (1992) suggest that Aboriginal women are often imprisoned because of their resistance to abuse, where this leads to the death or injury of the abuser.

- When they do access the domestic violence facilities such as refuges, Aboriginal women tend to use them as places of immediate safety and respite rather than as exit points from relationships (Blagg, 2000a).
• The Police, when they are contacted, may be called in as “crisis intervention tool, to stop the abuse at a critical stage” but women may not necessarily want to press charges (Aboriginal and Torres Strait Islander Women’s Task Force, 1999: 232).

**Intervention strategies need to respect – rather than problematise – Aboriginal women’s cultural and family obligations, even where these do not accord with the current orthodoxy on domestic violence intervention.**

• Often the "Aboriginality" of Aboriginal women is identified as an obstacle by non-Indigenous agencies (Blagg, 2000 a). For many Indigenous women, choosing to leave “family” – with all its complexly embedded ties of mutual responsibility and obligation, & connection with country and culture - is not an option. The capacity to exit family relationships (indeed, the very concept of “choice” in such matters) - to repackage and reconstitute one’s identity as an autonomous individual in some new location, is a profoundly eurocentric construction.

• Once the considerable limitations placed on Indigenous women's capacity to abrogate responsibilities to family are accepted as the starting point – rather than the problem – in victim support, it follows that community based strategies of diversion into restorative programs are most likely to satisfy the demands of Indigenous women and their communities.

**Restorative visions and healing strategies**

• Restorative justice movement has been anxious to claim lineage with the dispute resolution practices of Indigenous peoples, however it remains on the margins of debates about the contemporary social, economic and political aspirations of living Indigenous peoples.

• Restorative justice needs to broaden its horizons beyond the narrow confines of the "conference" and develop a "restorative vision", meaning a commitment to mapping out a new decolonised terrain, where genuine reconciliation with Indigenous people’s can take place.

• A conference ANU last June on Restorative Justice and Family Violence hosted by John Braithwaite and Heather Strang revealed support for restorative approaches by Aboriginal delegates to issues such as family violence: providing that restorative philosophy and practices were developed in negotiation with Indigenous people and their organisations.
Restorative justice practices need to be developed that support community healing and genuinely empower Indigenous women. Heavily scripted, single issue, conferences convened and controlled by non-Indigenous parties, are unlikely to promote healing outcomes.

- "Healing", in the Indigenous sense of the term, is difficult to define and can appear to lack specificity. It has tended to be employed by Indigenous people to describe a dynamic and unfolding process of individual and collective problem solving.

- The principle of self determination needs to be placed at the centre of restorative initiatives because the "cultural and physical survival of Aboriginal people is dependent on self-determination" (Cunneen, 1999: 124).

- Wherever possible models of intervention should work through existing community structures. It should be acknowledged that many Indigenous people are already working to end family violence in their communities.

- Restorative justice practices around family violence should "add value" to these initiatives, providing a diversity of healing, peace making opportunities - and resist the temptation to capture the issue or impose non-Indigenous structures and solutions (Blagg, 1998; Indermaur, Atkinson and Blagg).

- Actively constructing "in between" or "liminal spaces" requires genuine dialogue and the equalisation of power relationships between Indigenous and non-Indigenous people. Many forms of, so called, "consultation" aim simply to appropriate aspects of Indigenous governance when it suits the agendas of non-Indigenous agencies (O'Malley, 1996).

- Interventions will only become meaningful when they actively reduce the reliance on non-Indigenous systems. Therefore - and this aspect of family violence intervention clearly goes against current domestic violence orthodoxy - intervention should aim to divert, wherever possible, men, (& sometimes Aboriginal women, young people and family groups) involved in family violence - away from unnecessary contact with the formal, non-Indigenous justice system and into community based Indigenous systems of accountability, care, & control. Depending on the seriousness of the offence, and the willingness of the victim(s), diversion should be an option at a number of points in the system (front end, pre-court, court).

- Indigenous models of restoration and reintegration pose a challenge to
extant notions of “treatment” Yavu Karma Harathunian’s, (2000) “healing circle” model, for example, differs from current treatment models in some crucial respects:

- A healing circle is not a model. Rather it is a process that can accommodate a treatment model within its workings....So often in professional practice it is easy to dehumanise an individual by labelling them as client, victim, offender, patient or some other label, and treat them through that labelling filter (Yavu Karma Harathunian, 2000).

- There are elements of appropriate community based infrastructure in existence in most Australian states. They include Aboriginal Night Patrols and Street Patrols in some country and urban areas, many linked to sobering up shelters, Community Wardens schemes and women’s grog patrols on remote communities, new Indigenous “healing centres” and Aboriginal women’s advocacy schemes, community justice groups and panels, programs such as the Peace Maker program run by Kurt Noble and colleagues in Far North Queensland, Men’s Groups in most states.

- Properly resourced and supported these structures may provide the basis for new diversionary initiatives & support Indigenous processes of restorative justice and healing.

Crisis Intervention and restorative justice

- Many of our crisis intervention tool kits, developed in non-Indigenous situations, have been manufactured on the premise that a “crisis” is a distinct event to be set against a background of relative stability and normality .. This belief system also underpins orthodox restorative justice practices, where a one off reintegration ceremony “resolves” the crisis created by acts of delinquency, and then everyone gets on with their lives (Blagg, 1997).

- The notion of a “crisis” itself therefore, may have to be rethought to accommodate the impact of a crisis event on people who may already to be gripped by multiple or “compound” forms of crisis – relating to health, housing, employment, structural racism, poverty, bereavement and alcohol abuse. Restorative processes need to accommodate multiple forms of crisis. This means change may well be incremental and gradual – there
will be few "magic bullet" solutions.

**Cultural Leadership**

- The focus on Indigenous culture and the leadership of Indigenous people in the healing process is of crucial, both in terms of developing a positive self-identity among participants and, particularly, challenging the myths and distortions promulgated by some indigenous offenders that their behaviour is culturally sanctioned. Only Indigenous people are able to confidently challenge such "myths of Aboriginal male entitlement".

- Restorative justice practices will also need to consider the meanings attached to time from an Indigenous perspective, and be open to longer time frames for convening meetings, be willing to accommodate a potential plurality of different ceremonies, involving a range of significant others, which may not come to some neat and tangible resolution. To achieve this, restorative justice may need to free itself from the grip of the criminal justice process, and become actively aligned with community building, rather than just problem fixing, strategies. In many respects the potential for restorative justice exists most strongly in the context of community based prevention initiatives.

- Restorative justice in the context of Indigenous family violence should entail replacing the "loss narratives" with stories of recovery and healing. Restorative justice will also need to come to terms with Aboriginal people's increasing demands for the acceptance of Aboriginal law as a solution to many of the problems existing in Aboriginal communities. The non-Indigenous system is viewed as "fatally flawed, ineffective and unable to meet the challenges currently being presented" by many Indigenous people (Aboriginal and Torres Strait Islander Women's Task Force on Violence, 1999, xvii). Aboriginal law, as lived and practiced by Indigenous people, may not necessarily correspond to those highly derivative and sanitised representations of traditional dispute resolution practices found in many restorative justice texts.

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