

HOMICIDE

THE SOCIAL REALITY

**BY
Alison Wallace**

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Preface

Writings on homicide have a long, if undistinguished theoretical tradition. In fact homicide may fairly be cast as one area of research where academic conceptions have never strayed too far from popular myth and theory. We are all brought up with the stereotype of a murderer as an insane man who preys on innocent and unsuspecting victims. So it is that academic writings on homicide have tended toward explanations in terms of biological or psychological disturbances in the mind of the murderer.

The truth is more mundane than this. Although men are overwhelmingly responsible for homicide (and most other crimes), most of their victims are known to them. Their madness, if it exists at all, is of a kind all too familiar in human relationships. In N.S.W., for example, eighty percent of homicides occur within the family or among friends and acquaintances. The typical homicide, if there is one, occurs in the home, on weekends and during the Christmas holidays.

In this report Alison Wallace analyzes homicide in terms of the relationship between victim and offender. Particular emphasis is placed upon family, spouse and child homicides as well as upon murder-suicides. Nevertheless the more traditional concerns of homicide researchers are not ignored. There is ample material on the demography and rate of homicide, as well as upon the incidental factors which may precipitate a homicidal attack.

The result, based as it is on N.S.W. Police homicide files over a fourteen year period spanning 1968 to 1981, provides the most comprehensive view of homicide for some considerable time. The image of the murderer and his or her victim constructed out of infrequent though sensational cases is replaced by a much more balanced picture. The crime is no less disturbing. But the implications for legal and social reform are very different from those nurtured by some sections of the media and certain special interest groups. Homicide is rarely an offence carried out by singularly deviant individuals operating in a social vacuum. It is the outcome, in most cases, of a society whose interpersonal relationships deserve a thoroughgoing reanalysis.

Dr A. J. Sutton
Director

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Together with the unpublished theses of Robyn Mackenzie and Tess Rodd (see Bibliography) this work provides a view of homicide in New South Wales extending over most of this century. These authors are thanked for their co-operation in providing raw data from their own studies in order that useful comparisons can be made and trends analysed.

INTRODUCTION

CHAPTER 1

Homicide—A Unique Crime

In many ways, homicide is a unique crime. It is unique, firstly, in the seriousness with which it is regarded, both by the law and by society in general. In law, homicide, or more particularly, murder, has enjoyed an historical importance and ideological significance beyond that of other crimes and out of proportion to its incidence in the community. Debates over the status of the trial, of the accused, the legal process and in particular, the debate over capital punishment, have often revolved around murder. In some Western jurisdictions, murder is the only offence which currently attracts the ultimate sanction: the death penalty. The execution of convicted murderers is becoming almost commonplace in certain parts of the United States. Yet attempts to reform the law in relation to homicide are usually met with opposition within the community, as they are taken to imply some kind of weakness or lack of moral commitment on the part of legislative bodies. It would appear that the commission of the crime of murder contravenes not only the law, but also deeply held societal values about the sanctity of human life. Murder is regarded by the community as a crime against humanity rather than the mere infraction of a legal code.

As a result, murder enjoys the highest public profile of any crime. The public, it seems, has an almost insatiable appetite for, and macabre fascination with, the details of individual murder cases, as both newspaper editors and writers of fiction will testify. The manner in which journalists report and novelists write about murder plays an essential part in moulding community attitudes to the crime and the perpetrators of it.

It is apparent that only certain types of murder are of public interest. Media reporters tend to concentrate on publicising those cases which are rare, sensational or abnormal—those, in short, that ‘make a good story’. Typically, it is unprovoked attacks by strangers and cases involving bizarre methods of killing that hit the headlines. Crime-writers and television producers play their part in perpetuating a particular view of homicide by creating fictionalised stereotypes of the murderer as cold and calculating, acting out of motives of greed, lust or revenge. Mundane motives such as powerlessness, the desire for freedom, or even resentment at having to do the dishes are rarely attributed to the murderers in Agatha Christie’s many murder mysteries. (Krouse and Peters, 1975). The resultant public view of murder is that it is usually premeditated and concealed by the offender. Community fear is located in these few ‘dangerous offenders’ whose offences hit the headlines.

But the social reality of homicide is very different from that portrayed in the media and fiction. Many people who commit murder have never before offended and are never likely to offend again. Moreover, few could be classed as

'dangerous' or criminally insane. In all but the most rare cases, they have killed the one person they are ever likely to kill, and are no longer dangerous. As John Mortimer wrote:

Murder is the sort of crime that might be committed by ordinary even decent people who would be quite incapable of taking part in a bank-raid or robbing the Co-op. (1982, p.215)

Many of those convicted of murder have no prior criminal history and previous convictions for violent offences are uncommon. Few could claim to have been previously involved in any criminal milieu. Furthermore, homicide offenders enjoy the lowest recidivism rate of any other class of violent offender. Homicide also has the highest clear-up rate of any offence: approximately nine out of ten cases result in an arrest. Indeed, far from making elaborate attempts to conceal the crime, many offenders themselves contact the police to report what they have done. This reality is far removed from the popular notion of the calculating offender killing for gain.

Homicide is also unique in the nature of the crime, and in particular the relationship between victim and offender. It is a crime that is most often committed against the offender's own circle of acquaintances. The homicide victim is typically an intimate of the offender, most commonly a family member or friend. Stranger-killings, so often portrayed in the media, account for less than one in five killings in New South Wales. Furthermore, in a number of murders, the victim plays a significant part in his/her own demise. The distinction between the victim and the offender can become blurred in some cases; for example, when a wife kills, in self-defence, a husband who has brutalised her for years. Homicide, more than any other crime, frequently arises out of long and hostile interaction between victim and offender, rather than from a sudden unprovoked and premeditated action by an offender. It is perhaps this intimacy between victim and offender that explains why in such a high proportion of homicides, the offender commits suicide: one in seven homicides in New South Wales are murder-suicides. Once again, homicide is unique in that in the commission of no other crime is the offender motivated to take his own life.

In many respects, then, homicide can be differentiated from other crimes. It is a deserving and important subject for study. Yet we have no detailed knowledge of its nature. While a mountain of homicide research has been undertaken, it has rarely contributed to our understanding. The irony is insistent. No other crime receives as much public attention or has such serious consequences for both victim and offender; yet essentially, the forces behind murder, and our understanding of it remain largely unknown quantities. In Australia, detailed research on homicide is practically non-existent, with a few recent exceptions (Bacon and Lansdowne, 1982; and Wilson, 1982). The situation is little different elsewhere. In the United States, where criminological research is funded to a massive extent, one of the foremost criminologists, Franklin E. Zimring, was recently moved to remark on the current state of knowledge on homicide:

It is impossible to overestimate how little we know. (Meredith, 1984)

Two main criticisms of that homicide research which does exist are now emerging from academics and policy makers alike. The first criticism is that there has been an over-emphasis on the study of the individual offender to the detriment of other factors. The individual murderer has frequently been conceptualised as an isolated being, acting in a vacuum, unaffected by the social milieu which he inhabits. Years of research on offenders may make us experts

on the individual, but the net result is that little is known about the social processes leading to murder. The second emerging criticism is that much of the existing homicide research is too deterministic and too preoccupied with a naive search for causation. Criminologists have tended to emphasise one or another feature of homicide, be it characteristics of the offender, the victim, or the criminal event itself, rather than to analyse the interrelationship between these different components. In searching for a single, all-embracing explanation for homicide, the questions posed by researchers have often been too simple. As a result, research has frequently thrown up contradictory findings regarding the correlation between homicide and the particular variable chosen for study, be it mental pathology, poverty, or the level of gun ownership. The inconsistency in these findings only serves to emphasise that, to date, homicide research has either been too concerned with the individual offender, too simplistic or too general to be of much use to anyone. It underscores the need for a more systematic and detailed research approach—one which analyses separately and jointly the various components of the crime of murder.

In an effort to overcome some of the criticisms levelled against past homicide research, the present study aims at providing an integrated analysis which takes into account four essential components of the crime of murder: the offender, the victim, the criminal event and the wider social context in which the crime occurs. The study uses both quantitative and qualitative data i.e., it uses statistical descriptions and case study material. The report begins by describing the statistical distribution of homicide in New South Wales according to such variables as time, space, and category of relationship, thereby identifying which individuals and social settings are most at risk. This statistical profile does not, by itself, provide a framework for understanding homicide. It does, however, pave the way for the more detailed analysis in later chapters which explore, in a more qualitative way, the processes by which persons come to kill in different social settings. It was beyond the scope of this report to analyse in depth all varieties of homicide. The professional interests and experience of the author dictated that the study was based primarily, but not exclusively, on those homicides arising out of interpersonal disputes, particularly those in a domestic setting.

The first section of the report endeavours to establish that the crime of homicide is as much a social as an individual product. Various theoretical perspectives on homicide are examined and reviewed with the aim of assessing how they contribute to an understanding of homicide. In so doing, it shall be seen that traditional strands of criminological thought, outdated in relation to the study of other crimes, have maintained a credible hold on current thinking on homicide. The study of homicide is also a product of the social order, in so far as it is impossible to analyse anything other than those crimes which appear in the official statistics. The cases to hand are thus the product of the social process by which murder is reported to and classified by law enforcement agencies, and subsequently processed and redefined by the criminal justice system. When current trends in homicide in New South Wales are compared with past trends, and those in other jurisdictions, further evidence is provided for viewing homicide as a product of the prevailing societal, cultural and historical forces. The main theme of the first section of this report is that homicide must be regarded as being socially relative, rather than a series of random, isolated acts of individuals, unaffected by time or space.

The second section of this report illustrates this theme further by examining broad patterns of homicide in New South Wales. In setting the scene for analysing the social reality of homicide, it is first necessary to examine the individuals concerned. Victims as well as offenders must be studied, as homicide is frequently the outcome of interaction between both parties. Discernible patterns emerge in such features as the age, sex, ethnic, socio-economic and employment status of both victims and offenders. Patterns are also clearly evident in the location, time, setting and method of killing. A picture emerges of qualitatively distinct homicides with separate and identifiable features. Patterns in the characteristics of the individuals concerned, and in certain elements of the homicide act itself, are closely linked to the interaction between victim and offender. Homicide is not spread randomly through society, but consistently occurs within certain social relationships—most often those involving intimates.

The scene is set for more detailed analysis of the circumstances in which murder is committed. The third section of the report moves away from general aspects of the crime and focuses instead on a more detailed examination of the prevailing circumstances in different types of homicide. Family killings are given prominence: spouse killings, and killings of parents, siblings, in-laws, and children are examined separately. These homicides are examined not only in terms of the individuals involved, but also in relation to social, cultural and historical forces that operate on and within the family. As far as possible, these chapters on family killings explore the personal and social plight of both offenders and victims. Homicides outside the domestic sphere are categorised according to the relationship between victim and offender, and also as to whether the violence was interpersonal, instrumental (i.e. occurred in the course of another crime) or ideological/political in origin. Murders that are followed by suicide of the offender are also examined and discussed in relation to the notion of cultural relativity. The incidence of murder-suicide varies from society to society, and it is argued that the underlying motivations are largely culturally determined.

Throughout this report the theme of the social reality of homicide is stressed. The social reality of homicide encompasses an analysis of four essential elements: the perpetrator, the victim, the act of violence itself, and the social context in which it occurs. In concentrating on these four elements, the aim of the report is to explore, in a detailed way, the social situations associated with the crime that has in the past been so enshrined in mystique and misunderstanding. The purpose is to develop a social understanding of the homicide event rather than to formulate any hypothesis about 'cause'. The first step in trying to understand complex and diverse phenomena is to describe them, and then classify their variations. This description lays the foundation for explanation. This report is the first step in that process.

HOMICIDE — AN OVERVIEW

CHAPTER 2

Homicide: Some Theoretical Issues

INTRODUCTION

Homicide has been studied and analysed from many different standpoints. Different theoretical and explanatory approaches result in different emphases and conclusions. The search for an aetiology of homicide has resulted in some interesting if rather bizarre conclusions, depending on the researcher's focus of interest. Homicide has been linked to such diverse phenomena as youth, unemployment, alcohol, chromosomes, mental illness, the weather, magnetic fluctuations, latitude and even the lunar cycle! (Lunde, 1975). Such research aside, it is perhaps surprising that major pieces of theoretical writing on homicide by prominent social thinkers are rare. Suicide, rather than homicide, appears to have been a more intriguing focus of attention for such writers (Bohannen, 1960). This does not, however, indicate a shortage of material on the topic: there exists a considerable body of literature on homicide from various countries in the world. However, the research that has been completed has not been overly concerned to develop an adequate explanatory framework for discussion. Unfortunately, most researchers have failed to develop an imaginative methodology, and many have been involved in unsophisticated attempts to find 'blanket' explanations for the diverse forms of behaviour that can culminate in the commission of a homicide.

Nevertheless, writings on homicide have a long, if rather undistinguished theoretical tradition, and distinct trends in explanatory models can be identified. These trends have broadly paralleled historical modes of thought developed in the general criminological discipline. Yet certain ideas have been especially influential in the homicide literature, and although some of these ideas may have become obsolete as explanations of other forms of criminal activity, they have maintained a credible hold on some current thinking on homicide.

BIOLOGICAL/PSYCHOLOGICAL THEORIES

These models of explanation, in various forms, have enjoyed the longest and most enduring influence on writings on homicide. The models used have included many and diverse theoretical bases— including psychiatry, psychology, psychodynamics, psychometrics as well as those based on biological, hereditary and genetic factors. They share a basic premise about homicide and homicide offenders. The basic assumption is that 'the murderer' is a distinct category of person who exhibits particular traits and attributes that make him or her essentially different from other people. Obviously, the focus of attention in such research is the individual offender, the perpetrator.

Historically, this tradition is rooted in an ideology of individualism. The general idea that society is made up of free and equal individuals developed into various theories of 'abnormality' to account for the behaviour of people who 'chose' to be criminal, or who were predestined to be criminal deviants due to

immutable individual characteristics. Such theories emerged in the works of early criminologists, writing in the 1870's and no doubt influenced by Darwinism, who focused their attentions on various biological determinants of homicidal and other criminal behaviour—based on the premise that individuals behaved differently because they were somehow *structured* differently (Vold, 1979). Lombroso, for example, focused on the physical characteristics of criminals and concluded that murderers as a group were 'biologically degenerate and had bloodshot eyes, aquiline noses, curly black hair, strong jaws, big ears, thin lips and menacing grins' (Lunde, 1975). Later, Ferri argued that homicide offenders were characterised by 'moral insensibility, ferocity, apathy, a weak power of resistance to criminal desires, exaggerated sensibility, sanguine or nervous temperament, and observable anthropomorphic differences from the general criminal population' (quoted in Wolfgang, 1967). These ideas may be considered amusing today, but the legacy of this approach was still apparent in America as recently as the 1930's in Hooton's work on the physical characteristics of different types of criminals. He concluded that 'tall thin men' tended to be murderers and robbers, and that 'tall heavy men' also tend to be killers (Vold, 1979). Generally, murderers were regarded as being 'older, heavier, larger in the chest, broader in the jaw, heavier in the shoulders relative to their stature, and shorter in relative trunk length' when compared with ordinary criminals (quoted in Wolfgang, 1967).

Despite a general decline of interest in theories of biological determinism throughout this century, recent years have witnessed a certain resurgence in the popularity of such explanations—albeit in a modified, more sophisticated form. This is evidenced in the research that has been done on the XYY chromosome and on the brainwave patterns of violent offenders (Klein, 1973). Recently attention has also been focused on organic brain disease, such as temporal lobe epilepsy. Even more controversial are the recent well publicised cases of two women in Britain charged with murder, who successfully argued in mitigation that hormonal imbalance due to pre-menstrual tension affected their behaviour at the time of the killing.

Generally, however, purely physiological explanations of homicide have been replaced by more sophisticated analyses, still rooted in the individual, but based on psychological theories of human behaviour. Such an approach continues to be of great influence in the literature on homicide, as the following titles indicate: 'Temperamentally Suited to Kill' (Perdue and Lester, 1974), 'The Mind of the Murderer' (Guttmacher, 1960) and 'Personality Types Among 'Normal' Homicides' (McGurk, 1978).

The psychological approach has enjoyed a place of particular influence in the legal world. When questions of criminal intent or of legal responsibility are raised, they usually pertain to the individual psychology of the offender, and officials in the criminal justice agencies most frequently ascribe crime to the personality of the individual criminal (Glaser, 1974).

A variety of research methods and techniques have been used to analyse the psychological characteristics of homicide offenders, reflecting the particular theoretical or clinical orientation of the researcher. Researchers have been variously interested in passive/aggressive typologies, 'somnambulistic' types, over-controlled/under-controlled personalities, levels of intelligence, abnormal or pathological personality characteristics—to name some of the approaches. Some researchers have based their analysis on detailed psychiatric diagnosis of one or more case studies of homicide offenders, drawing their information from psychiatric reports and occasionally from interviews with offenders

(Schmalzbach, 1971). Others have assessed the personalities of convicted killers by applying standardised 'objective' psychological tests such as the Rorschach Test (Perdue and Lester, 1974), the Luesher or the Wechsler Bellevue Test (Wolfgang and Ferracuti, 1967) in order to arrive at some conclusions regarding the mental state of the offenders. Thus, Cole et al's study (1968) of 111 women convicted of murder in California, concluded that the women could be described variously as 'masochistic', 'overly hostile violent', 'inadequate', 'psychotic', 'amoral' or 'covertly hostile violent'. McGurk (1978) in his study of 40 males convicted of homicide in Britain described the men in terms of their being either 'over-controlled' or 'under-controlled'. Occasionally, the jargon used to describe the personality characteristics of homicide offenders appears unnecessarily obscure and bewildering. Showalter, Bonnie and Roddy (1980), for example, in their paper on spouse homicide suggest that:

In the context of acute mental distress characteristic of the spousal homicide syndrome, we would hypothesise that the regressive process involves a significant degree of ego impairment, one which might be thought of as following, in reverse, the phylogenetic developmental pattern of the ego. The synthetic functions of ego, including intent and volition, would therefore be the most vulnerable and among the first functions of the ego to be compromised when ego regression occurs. (p.137)

Whether the root of the individual murderer's abnormality is said to be found in his physical structure, in his biological traits or in his particular psychological makeup, the common thread running through such explanations is the assumption that the single fact of having committed a homicide is sufficient basis for identifying a class of people, 'murderers', who are physiologically or psychologically different from a group of non-murderers (Lunde, 1975). A related but often implicit assumption, is that murder is a form of criminal behaviour distinct from other violent offences, and as such requires specific attention.

These research findings and the research assumptions on which they are based have been criticised on various methodological and theoretical grounds. In a comprehensive review of psychological studies, Wolfgang and Ferracuti commented on the unconfirmed and unconfirmable propositions that underlie many such theories. In examining, for example, the psychoanalytically oriented explanations of homicide, they observed:

We find that they seem consistently to be based on unproven theories and often reach extremely obscure interpretative levels. (1967, p.210)

They concluded that as a result of the different choice of measuring instruments, different theoretical orientations and diagnostic abilities of clinicians, the collected evidence for a consistent personality pattern of the homicidal offender is scant and unreliable. Moreover, even though personality factors are considered primary in these studies, many researchers fail to hypothesise or theorise about the links between these personality elements and criminal behaviour (Wolfgang and Ferracuti, 1967).

A related problem with many explanations based on the personality of the individual is that they seek characteristics common to all who commit a homicide offence. Psychological tests rarely distinguish between different types of homicide offender and usually discuss and analyse them all together as though they formed an undifferentiated group. Yet there is increasing recognition that homicide is a heterogeneous rather than homogeneous phenomenon, encompassing a variety of people, killing in different circumstances under very different pressures. It is misleading to expect to find common personality characteristics across all categories of homicide offenders.

Critics have also drawn attention to the fact that there is little firm foundation for claiming that the psychological makeup of convicted homicide offenders is different from that of other violent criminals or from people in the community at large. It has been argued that the behavioural similarities in any culture by far overshadow behavioural differences. As Lundsgaarde states:

The distributional pattern in the homicide data from different cases cluster into categories, and seemingly unique actors and situations do fit well into well-defined empirical categories. (1977, p.175)

By concentrating on certain psychological or personality differences of the convicted murderer population, the individual model ignores etiological or dynamic factors that may be involved in homicide. It fails to acknowledge, for example, the subtle ways that cultural values, beliefs, attitudes and expectations, as well as everyday stresses and tensions, can affect and precipitate violent behaviour. Taylor, Walton and Young's critical comment on general positivist biological criminology, seems pertinent here:

The individual in these accounts appears by and large as an isolated atom unaffected by the ebb and flow of social arrangements, social change, and contradictions in what is, after all, a society of social arrangements built around the capitalist mode of production. (1977, p.277)

Researchers who favour Taylor, Walton and Young's view of the world prefer to regard murder, not as a distinct form of behaviour, but as the extreme and visible point of a much larger spectrum of violence in society (Allen, 1980). It may often be a matter of chance whether or not an assault becomes a homicide. Considerations such as the level of dangerousness of an available weapon (e.g., whether or not the weapon is a gun or a stick), the vulnerability of the place in the body affected by the blow or attack, and the availability and skill of medical assistance— indicate that from a psychological or from a sociological standpoint there is often little real difference between serious assaults that end in death, and those attacks that do not (Zimring, 1972). These criticisms strongly suggest that murder is the possible outcome of any violent crime and that in many ways it is no different from other criminal violence that does not result in death (Block, 1977). That much of the psychological literature ignores these considerations must throw some of their explanations into doubt.

SOCIOLOGICAL THEORIES

Various theories drawn substantially from the sociological discipline have been applied to study homicide. In contrast with the biological and psychological explanations, the sociological theories share a concern to study homicide as a consistently patterned form of social behaviour. They focus, with varying degrees of emphasis, on the collective features of homicide by examining, for example, the common characteristics of homicide offenders and victims, and the relationship between them. The research focus is thus not on the individual offender, but on the class of offender or victim, or on other recurrent patterns in the circumstances in which homicides are committed.

(a) Social-demographic

Many homicide studies in the sociological tradition have been done in order to catalogue correlations between observable social characteristics of homicide offenders (and occasionally homicide victims) and of the homicide event. Variables such as age, sex, marital status, race and employment status of the offender are collected and examined, usually in order to build up a 'sociological' picture of homicide. These studies have been valuable for descriptive purposes

by providing profiles of the characteristics of homicide in a particular population, and by highlighting consistent associations between homicidal phenomena and other social patterns in society. Nevertheless, once again, caution has to be employed when interpreting such data. It is all too easy to jump from patterns in demographic characteristics to premature conclusions about theories of homicide causation. Some researchers have been guilty of assuming that statistical correlation is indicative of a causal relationship. It is, however, unlikely that any single-stranded explanation will emerge for homicidal behaviour (Rod, 1979) and there is a danger that single correlations are interpreted in grossly oversimplistic and unfounded terms. Verikko (1951), for example in a study of homicide in Finland, established that the female homicide rate was consistently low, irrespective of the fluctuations in the homicide rate by male offenders. He immediately concluded from this that the different biological qualities of men and women were the fundamental cause of this phenomenon. Similarly, Najman (1980), in an Australian study on the victims of homicide, jumped from his finding that most homicide victims were of low status and out of employment at the time of their death, to the statement that patterns of homicide in Australia were 'caused' by poverty or social disorganisation.

The danger of some social-demographic research is that it is as much open to the criticism of cultural determinism as the individual model is of individual determinism. By presenting abstract statistical data on a total undifferentiated homicide sample, this type of research, like the individual model, assumes that homicide constitutes a fairly homogeneous class of crime with respect to which it is legitimate to present statistical data on single elements of the incident. It is then assumed that this aids in explanation and prevention (McClintock, 1976). Rarely does it explore the relationship between victim and offender, and although placing the participants in some social context, it fails to examine how well the individual is able to cope with demands made on him or her by various structural constraints (Rod, 1979). It is crucial to realise that people do not experience such constraints in an undifferentiated manner—different events, experiences, developments may precipitate a criminal act. What is important is the way in which different structural demands are interpreted, reacted against and used (Taylor, Walton and Young, 1977).

(b) The subculture of violence.

The subculture of violence theory is one of the most widely influential of the sociological theories on homicide, and on violent behaviour in general. The subculture idea arose out of the social-demographic approach discussed above. The findings of these studies, of which Wolfgang's Philadelphia study (1966) was the main forerunner, consistently indicated a tendency towards extreme violent behaviour on the part of the lower status members of society. Dissatisfied with the psychological approach which almost totally ignored wider social issues, pressures and constraints operating on the individual, and with the broad correlational approach with its corresponding neglect of the way in which people interpret and perceive the 'objective' conditions they live in, Wolfgang and Ferracuti (1967) were concerned to develop an explanatory framework which attempted to combine both considerations in order to produce a truly social-psychological analysis of homicide and violent behaviour. The fact that in most criminal homicides both victim and offender belong to the lowest socio-economic group in society, they suggested, could be explained by reason of almost everyone in these groups sharing beliefs about using physical force when insulted or challenged. These beliefs, they argued, comprised a 'sub-culture of violence'.

Thus the use of violence is explained in a cultural context of shared norms and values, passed down from generation to generation. These values prescribe a form of behaviour which is expected and accepted as the 'norm' in that particular culture, even though they are at variance with the 'mainstream' culture in society. Wolfgang and Ferracuti's explanation appeared plausible: it was apparently accurate in description, and it was attractive to many sociologists because it analysed violence in terms of the expression of culturally accepted norms, rather than the uncontrolled expression of some inner aggressive drive. It also accorded very well with the 'cycle of poverty' notion so popular in the 60's when Wolfgang and Ferracuti were writing. The 'subculture of violence' idea very quickly became a widely accepted and quoted thesis. It was also adopted by other researchers and applied as a tool for explaining regional differences in violence. It was argued, for example, that the very high homicide rate in the Southern States of the U.S., compared with the national average, could be attributed to qualitative differences in the Southern culture, in particular a 'tendency to lethal violence' which developed from historic violence and frontier society values (Gastil, 1971).

Yet, however attractive and popular the idea of the subculture of violence appeared, some misgivings have been voiced about the value both of its empirical base and its explanatory power. It is apparent that values are the cornerstone of explanations of subcultural theories, yet empirical tests have failed to provide evidence that people who engage in violent behaviour do in fact hold different values from other 'non-violent' people (Ball-Rokeach, 1973). In addition, subcultural theorists have had considerable difficulty in deciding where the subculture begins and the 'mainstream' culture ends with regard to attitudes to the use of physical violence. Difficulties also arise when questions about other beliefs and forms of violence in the community as a whole are introduced. As most homicide offenders are male, it has been argued, for example, that a more applicable term could be the 'subculture of masculinity' (Erlanger, 1974). Many males from a variety of backgrounds experience social and psychological pressures to express masculinity at all stages of life and in diverse settings e.g., sport, fighting.

A further argument is that it is overly simplistic to assign values a direct criminogenic role. On a micro level, the subculture of violence theorists concentrate primarily on the values and behaviour of only one of the interacting parties involved, the dynamics of the interaction between victim and offender in a particular social situation being assigned a less important role. Wolfgang and Ferracuti, and other subcultural theorists have also been criticised for failing to consider the possibility that resorting to violence in a particular situation may be a 'realistic adaptation' to what life is like for some people (Bacon and Lansdowne, 1982). The theory provides little understanding of the interaction between the alleged subculture and the larger society of which it is a part. It also fails to analyse the implications this has for both the origin and the maintenance of the subculture of violence (Swigert and Farrell, 1976). Finally, critics have highlighted the inherent circularity of the subculture of violence thesis. The evidence for the existence of the subculture which explains patterns of violent crime, is the pattern of crime itself (Levine, 1978). Della Fave's (1974) theory of 'cultural adaptation' may be useful in answering some of these criticisms. A full explanation of homicide he argues, thus has to blend the structural and subcultural perspectives.

It is important to stress that the above criticisms do not imply that cultural variables are unimportant, but cultural variables on their own can only amount to a partial explanation of homicide. Cultural, or subcultural, explanations must also take into account considerations which apply at an immediate level (e.g., different ways of interpreting and responding to potentially violent situations, the availability of a weapon), as well as the wider social context of inequalities of power, wealth and access to resources, and the ways in which these 'structural' constraints may affect, independently of subcultural values, the way in which people react in a conflict situation.

(c) Interactional perspective

The term 'interactional' has been used to describe two further trends in sociological thinking on homicide. They share a recognition that the dynamics of the situation, in particular, the interaction between victim and offender, are crucial to the understanding of homicide patterns. They differ in the emphasis they place on various components of that interaction, and on the links they make between that interaction and the wider social context in which it occurs.

i. Victimology

'Victimology' is a strand of criminological thought that represents a determined effort to 'remedy a longstanding neglect of the victim characteristic of both orthodox criminology and broader spheres of legal and social thought' (Levine, 1978, p.77). It does this partly by applying the same kind of epidemiological research strategies for homicide victims that had traditionally been applied for studying homicide offenders. Although such a perspective has been used to analyse victims of other types of crime, victimology and its related concepts have had a particular influence in the homicide literature.

This school of thought apparently derived from Von Hentig's book on 'The Criminal and His Victim' written in 1948. In this work, he introduced the idea of examining 'the victim's contribution to the genesis of crime' and of paying more attention to the provocative function of the victim. He also introduced the notion that crime was 'a problem of dynamics' and that attention should be focused on the relationship between the victim and the offender. Yet it was his plea to examine the victim's contribution to the crime that apparently inspired the modern victimologists. It was from this idea that the concept of 'victim precipitation', so influential a concept in recent homicide literature, was first coined by Wolfgang in his famous study on homicide in Philadelphia. Wolfgang defined 'victim precipitation' in the following terms:

The term 'victim precipitation' is applied to those criminal homicides in which the victim is a direct, positive precipitator in the crime. The role of the victim is characterised by his having been the first in the homicide drama to use physical force directed against his subsequent slayer. (1966, p.73)

Since the mid 1960's, other researchers have adopted and developed the victim precipitation concept further when analysing homicide. Avison (1975), for example, introduced the idea of a continuum of victim precipitation, which may involve little more than the mere presence of the victim through varying degrees of provocation, culminating in direct active precipitation by the victim. His tentative classification places at one end of the continuum (that with little or no victim precipitation), cases involving victims who die in robberies, or as 'innocent' bystanders in a dispute between others. At the other end of the continuum (that with maximum victim precipitation) Avison gives as an example cases involving husband killings in which a wife kills her spouse in self-defence.

The concept of victim precipitation introduced some valuable insights to the study of homicide. For the first time it acknowledged, however implicitly, that a homicide may be the result of an interaction between an offender and a victim, although its emphasis tended to be on examining the victim and the offender separately rather than analysing the interaction between them. It also introduced the novel idea that in some circumstances the two parties to a homicide, that is the victim and the offender, could almost be said to have interchangeable roles when it came to the final act of aggression (Avison, 1975). The clear implication is that it may sometimes be an accident, or a matter of chance which party becomes the victim, particularly if the two have been involved in interpersonal conflict over a long period of time. Such revelations, of course, added considerable weight to the argument against examining convicted murderers as abnormal individuals somehow distinct from the rest of society.

Nevertheless, there are some limitations in the use of victimology as an analytical tool. As Bacon and Lansdowne (1982) have noted, problems arise when a researcher has to decide where on the continuum a victim might be placed with regard to his or her provocation of the offender. It would seem almost unavoidable that the researcher would use his or her own value judgements and assumptions, however unconsciously, in reaching such a decision. Occasionally, examples can be found in the literature where 'blaming the victim' has been used to an almost farcical extent. Allen (1980), for example, when discussing 'techniques of prevention of homicide', outlines how one should avoid provoking others into violent action. He gives as an illustration of the dangers of this, the case of a young man attending an American psychobehavioural clinic because of violent outbursts directed towards his wife. The man recalled that his wife's burning of the toast in the morning would put him in such a rage that he would start beating her. Allen remarks:

The wife is aware of her husband's violent outbursts after he is served burnt toast, yet she continues to do this. It is possible she may become a victim of homicide. (1980, p.158)

Another problem concerns the methodology by which researchers have come to a decision regarding the number of homicides held to be 'victim precipitated'. Wolfgang (1966), for example, appeared to base his analysis on the account in the police files, and apparently didn't foresee any dangers in relying on what is essentially the prosecution's version of events. The present study attempted to indicate how many cases were 'victim precipitated'. Significantly, in a large number of cases it was found to be difficult or impossible to come to any decision regarding the proportion of homicides that could be classed as victim precipitated. This was due either to conflicting versions of events amongst suspects, police and witnesses, or to insufficient information regarding the events leading up to the homicide.

A further limitation regarding this kind of analysis is that the criteria of precipitation used by victimologists tends to be framed in terms of *observable* features of the participant's conduct prior to and during the homicide event. Participants' perceptions and definitions of the situation are not always obvious from such features. It has been argued that victim precipitation studies lean towards a very mechanical, behaviourist view of interaction based on a 'stimulus-response' model (Levine, 1978).

The notion of 'victim precipitation' then, can be highly problematic. Few, if any, victimologists have attempted to elicit the offender's interpretation of the part played by the victim in his or her own demise. Furthermore, victimologists have not been overly concerned to link such behaviour to any social considerations other than the immediate situation at hand. It has therefore laid

itself open to the criticism that it has merely 'repeated criminology on the victim, and occasionally on the victim and offender in tandem focus.' (Levine 1978, p.86). As such, it has limited value in providing an adequate explanatory framework for homicide.

ii. Homicide as a social relationship

Together, the subculture of violence and the victimology thesis played a part in stimulating interest in the notion of interaction between homicide offenders and victims, although neither approach ever developed the idea very far. Few made as bold a statement as Bohannen in 1960 when he said:

Homicide is, no matter what else it may be, a social relationship. (p.27)

He made the crucial observation that social acts do not occur in a vacuum, but in a societal framework made up of institutions and interlocking relationships. This is hardly a novel idea about behaviour, yet it was a theory curiously ignored in relation to homicide until very recently. In the 60's and 70's an increasing number of researchers began to explore the nature of the relationship between homicide offenders and their victims, both in terms of the immediate social context in which the homicide act occurred (Luckenbill, 1977), and in terms of wider, structural issues of inequalities of power, wealth and status (Wilson, 1982). Those researchers who have been concerned to examine the relationship as a social interaction between two or more people, have devised classifications of homicide based on the closeness of that relationship, e.g., whether or not a relationship is 'primary' or 'nonprimary' (Parker and Smith, 1979; Sessar, 1975). Other researchers have felt it necessary not only to examine the relationship between offender and victim, but also to place that relationship in a social context, within an overall societal framework. Block has described how he approaches homicide 'as the outcome of a particular demographic, situational and interactive event' (1977, p.4). In his view, a criminal occurrence is the result of a unique combination of setting, background and the interaction of victim and offender. Bandini (1975) has classified homicides according to the situation (the context of the event) and the sequence of events leading to a homicide. In this way he aims to establish the social, cultural and psychological conditions underlying homicide.

In Australia, Wilson's study (1982) on homicide in Queensland's Aboriginal Reserves, Rod's study (1979) on family homicides and Bacon and Lansdowne's work (1982) on women homicide offenders, made explicit and sensitive attempts to place homicides occurring regularly within particular social relationships, within the context of general inequalities in wealth and power and access to resources. In this way, they aimed to increase understanding of particular cultural patterns of homicide. Some researchers have gone as far as to argue that on occasions it is fruitful to discard the distinction between victim and offender, thus refusing to set great store by legal determinations of responsibility, and placing emphasis instead on the social context shared by the protagonists (Levine, 1978).

One of the most important features of such studies is the recognition that homicides can and should be qualitatively distinguished. Just as there is no unitary entity called 'crime', there is no unitary phenomenon of 'homicide'. Analysis of qualitatively distinct homicides highlights the particular points of conflict between different people, in different situations at different points in time. The particular difficulties and stresses encountered by women who kill their children, for example, are quite different from those incumbent in a situation in which one man kills another in a pub fight. There is thus limited

value in explanatory theories based, for example, on examining gross homicide rates over different periods of time in various countries of the world. What is more valuable is the selection of distinct types of homicides, based primarily on particular relationships between offender and victim, occurring in certain situations and circumstances.

The value of such a research approach is clear. It avoids the pit-falls of research which regards homicide offenders as somehow distinct and abnormal people. It accepts that homicidal violence is in many respects not qualitatively different from other forms of violence found in society, but is rather the extreme and fatal end of a continuum of unacceptable violence. It therefore avoids conceptual difficulties with notions of 'subculture' and 'mainstream culture'. It does not rely on overly simplistic, mechanical, or deterministic views of human behaviour which suggest that homicides are the result of uncontrolled aggressive impulses and the like. It also avoids simplistic ideas based on demographic or cultural determinism implicit in research claiming direct causal relationships from abstract statistical correlations.

SUMMARY

The aim in reviewing the diverse approaches has been to arrive at an appropriate framework for the study of homicide in New South Wales. The favoured model is that which is sociological in orientation, with major emphasis being placed on the relationship between victim and offender, and on both the immediate and the wider social context in which acts of homicidal violence occur. Importantly, this model allows for the analysis of consistent patterns in homicide, by which a classification of different types of homicide can be devised. As such, it fits the main aims of the study: Who kills whom in New South Wales, and in what circumstances?

As Glaser has remarked:

The first step in trying to understand complex and diverse phenomena is to describe them, and thereby classify their variations. (1974, p.67)

This description lays the foundation for explanation. The first objectives of this study are therefore to describe the patterns of homicide in New South Wales. This is done, firstly, by quantifying the problem, and placing it in an historical and international context. It is then necessary to examine the process by which homicide is recorded and defined and how this, in turn, affects the design and conduct of the research.

CHAPTER 3

International and Historical Comparisons

Making cross-cultural comparisons, and studying trends over time has two main purposes. Firstly, it places homicide in Australia in an historical and international context. Secondly, it demonstrates that homicide is culturally and historically relative. However, problems always arise when the crime rates from one country or jurisdiction are compared with another. Difficulties also occur when the crime rates in a particular jurisdiction are examined over time. Before any such comparisons are made, it is important that the validity of such an exercise is discussed.

PROBLEMS WITH INTERNATIONAL AND TIME-SERIES COMPARISONS

On first consideration, a comparison of the crime rates of different jurisdictions appears difficult, if not impossible. The official crime rate in a particular country can be affected by a number of factors. The most crucial of these have to do with non-standardised legal definitions, and with variations in statistical collection and reporting. Definitions of crime vary from country to country, and there are subtle differences in legal definitions of homicide from nation to nation. Moreover, depending on the source of data, jurisdictions may count murders and all manslaughters together or, murder and all manslaughters excluding those by motor vehicle accident, or murders and attempted murders. The homicide rate may be based on the number of 'homicides' (however they are defined) reported and becoming known to the police in a given year, on the number of homicide offenders who appear in court on a homicide charge, or on the number of deaths in a given year that have been classified as being due to homicide. This problem is exacerbated by variation in statistical counting practices.

Clearly, homicide figures are affected by such considerations as the adequacy or otherwise of the data collection techniques and the efficiency of police reporting and detection in a particular country. Other considerations, such as the socio-political situation in a particular country, or the nature of community attitudes towards crime are also important in that they may affect the propensity of people to report, or officials to record, the true incidence of homicide. All these considerations suggest that international comparisons must be treated with caution. Nevertheless, on the positive side, homicide, probably more than any other crime, has a broadly comparable meaning across different nations. It has the advantage of denoting the same kinds of behaviour in different countries, and of being less influenced by differences in law and practice than other categories of crime (Ward and Woods, 1972). Another advantage is that the reporting of homicide is usually very high in any society, irrespective of the political scene. It is likely that in most developed countries the majority of homicides are reported to the authorities and recorded in the appropriate statistics. For these reasons, the comparative crime rates for homicide are probably more reliable than those of any other crime.

Many of the limitations mentioned above, in relation to cross-national comparisons, also hold for analysis of temporal trends within a single jurisdiction. Changes in the law and in the manner of classifying homicides, improved data collection techniques, better police reporting and detection

capabilities could all affect the official recorded homicide rate. Additional research would be required to evaluate adequately the extent and interaction of these and other factors that may affect temporal patterns (Schloss and Giesbrecht, 1972). It has been argued, however, that in the analysis of any temporal trend, the actual 'representativeness' of official statistics is of secondary importance to the crucial assumption that there is some constancy of relationship between official and actual crime rates during the period under study (Kraus, 1979).

INDICATORS

The homicide rate for a particular country or state can be calculated in a variety of ways. In New South Wales there are three valid sets of statistics which could be used:

- (1) The first relates to the number of homicides reported to the police in a given year. These are compiled by the New South Wales Police Department and published in their annual report.
- (2) The second source is the Australian Bureau of Statistics annual publication 'Higher Criminal Court Statistics'. These statistics refer to the number of people who in a given year appear before a higher court on a homicide charge.
- (3) The third category of statistics refers to the number of deaths in a given year that have been classified as being due to 'homicide or injury purposefully inflicted by other persons'. These statistics, based on the results of coronial inquiries, are compiled by the Registrar for Births, Deaths and Marriages, and are published by the Australian Bureau of Statistics in their 'Causes of Death' report.

Although each set of statistics has both advantages and disadvantages, for various reasons it is the last classification that is used here for comparative purposes. Figures based on the first definition, police reports, can be classified quite differently in separate jurisdictions. Even within Australia, states vary as to whether the police reports are based on financial or calendar years. Classification of homicide in these reports also differs. While the New South Wales Police Department differentiates between murder and attempted murder, the South Australian Police Department does not (Clifford and Marjoram, 1979). Clearly comparisons based on such data would be difficult when examining the various Australian jurisdictions, let alone the international ones.

The second set of data, based on higher court statistics, has the obvious disadvantage of excluding murder-suicides, as well as those cases in which the suspect was never apprehended. It would, therefore, not be an accurate reflection of the extent of homicide in a particular state or country.

The third set of data, based on causes of death, has several advantages. These deaths are classified according to the International Statistical Classification of Diseases, Injuries and Causes of Death produced by the World Health Organisation. They are thus collected consistently according to the relevant criteria in all states and territories of Australia as well as in other countries. Whereas in the past, there were difficulties in that the homicide classification included deaths that had resulted from operations of war, the current classification quite clearly separates these deaths from those due to 'homicide and injury purposefully inflicted by other persons.' While criticisms have been made that the determination of an accurate homicide rate cross-nationally would require much stricter standards of medical reporting than now prevail (Lundsgaarde, 1977), the data based on the above causes of death classification is the most reliable on which to calculate and compare homicide rates.

INTERNATIONAL COMPARISONS

The homicide rate for New South Wales (based on 'Causes of Death' statistics) was 2.2 per 100,000 population in 1981. In order to place this in some perspective, this figure may be compared with the rates for deaths due to other violent causes in the same year. In 1981, the death rate for those killed in motor vehicle traffic accidents was 24.9; for suicides 10.6; and for industrial accidents, 5.0. Thus, eleven times as many people were killed on the roads as became victims of homicide; five times as many people killed themselves and more than twice the number were killed in accidents while at work than those killed in homicide incidents. The homicide rate is relatively low when compared with these other violent deaths.

Table 3.1 shows that the New South Wales homicide rate approximates the national figure, and has done so over the fourteen year period from 1968 to 1981. The homicide rates in the various states and territories of Australia were very similar over this period, and remarkably stable. The outstanding exception is the Northern Territory. The homicide rate there ranged from four up to fourteen times the national average. The peak rate occurred in 1981, when the homicide rate was 26 per 100,000 population. This is one of the highest rates in the world.

Table 3.2 details the homicide rate of different countries throughout the world. The strife-torn countries of South America have undoubtedly some of the highest homicide rates in the world (i.e. amongst countries for which figures are available), although at least one Asian country, Thailand, also ranks high on this scale. The only country which is broadly comparable with Australia in terms of social, economic and industrial development that comes anywhere near these rates is the United States, with a high homicide rate of 9.4. The Australian rate is one fifth that of the United States and is lower than the rate in some of the Eastern European countries, such as Hungary, Bulgaria and Yugoslavia. On the other hand, the Australian homicide rate is higher than many comparable Western European countries. It is considerably higher, in fact double, that of such countries as Belgium, Spain, the Netherlands, England and Wales, Ireland and Greece. It is also slightly higher than the rates in Scotland, Portugal, Italy, Denmark, Austria and Sweden. However, the Australian homicide rate has remained fairly steady over recent years, while that of some of the other countries (including some of these countries with low homicide rates) has been increasing, sometimes at an alarming pace.

It is difficult to interpret the wide range of homicide rates throughout the world. Notwithstanding some of the methodological difficulties inherent in such comparisons, the homicide rate in a country is the result of a particular blend and interaction of political, social, cultural and economic factors. Homicide has many facets and cannot be regarded as a single, simple phenomenon. As such, the particular 'character' of homicide can vary substantially from country to country. Political killings would obviously be common in countries experiencing civil unrest, such as the developing South American countries, or the trouble-spot of Northern Ireland (all with relatively high homicide rates). Political killings would be much less frequent occurrences in more stable regimes. The incidence of felony murder also varies from country to country, as does murder-suicide. In the United States, for example, as many as one third of all homicides are felony murders, that is, killings that occur during robberies, rapes and narcotic dealings (Lunde, 1975). In Britain, only a very small percentage of murders are of this kind. On the other hand, a very high percentage of homicides in England and Wales are depressive killings: up to one third of all homicides

Table 3.1. Deaths due to homicide and injury purposefully inflicted by other persons
homicide rates per 100,000 population 1968—1981
States, Territories and Australia*

YEAR ENDED 31ST DECEMBER	NEW SOUTH WALES	VICTORIA	QUEENSLAND	SOUTH AUSTRALIA	WESTERN AUSTRALIA	TASMANIA	NORTHERN TERRITORY	AUSTRALIAN CAPITAL TERRITORY	AUSTRALIA
1968	1.7	1.5	1.5	1.2	1.0	1.3	15.0	0.0	1.6
1969	1.2	0.9	1.7	1.1	0.8	2.0	13.0	1.7	1.2
1970	1.5	1.4	1.3	2.3	0.8	2.0	8.1	0.0	1.5
1971	1.9	1.6	1.3	1.9	1.5	2.0	8.7	4.1	1.8
1972	1.5	1.5	2.4	1.4	1.4	1.5	8.3	1.9	1.7
1973	2.0	1.6	2.8	0.7	1.7	1.8	9.0	1.8	1.9
1974	1.4	2.2	2.0	1.9	2.0	0.8	6.7	0.0	1.8
1975	1.3	1.3	2.5	1.4	1.9	2.0	14.5	0.0	1.6
1976	1.9	1.4	2.6	1.7	2.1	2.5	22.7	1.0	2.0
1977	1.7	1.7	2.3	1.9	1.8	1.2	19.0	1.4	1.9
1978	1.8	1.3	2.0	2.1	1.6	2.2	15.1	0.9	1.8
1979	1.7	1.5	1.8	2.1	2.4	2.4	9.5	0.5	1.8
1980	1.9	2.1	1.7	2.2	0.9	1.7	12.4	0.0	1.9
1981	2.2	1.0	1.1	1.8	0.9	1.3	26.0	1.9	1.9

* Source: Australian Bureau of Statistics Year Books

Table 3.2. Deaths due to homicide and injury purposefully inflicted by other persons, countries of the world Rates per 100,000 population

Country	Year	Rate
Guatemala	1980	63.0
El Salvador	1974	33.0
Thailand	1980	25.1
Colombia	1977	21.7
Mexico	1976	16.4
Puerto Rico	1979	14.2
Nicaragua	1978	10.7
United States	1978	9.4
Venezuela	1978	9.1
Ecuador	1978	6.1
Argentina	1978	5.9
Northern Ireland	1978	5.7
Barbados	1980	4.0
Costa Rica	1979	3.7
Finland	1978	3.0
Chile	1980	2.6
Hungary	1980	2.6
Bulgaria	1980	2.5
Canada	1978	2.5
Singapore	1980	2.3
Panama	1980	2.2
Yugoslavia	1979	2.2
Uruguay	1978	2.0
Australia	1981	1.9
Israel	1980	1.8
Scotland	1980	1.6
New Zealand	1979	1.6
Mauritius	1980	1.6
Portugal	1979	1.6
Hong Kong	1980	1.6
Italy	1977	1.4
Denmark	1980	1.3
Egypt	1976	1.3
Austria	1980	1.2
Sweden	1980	1.2
Fed. Republic Germany	1979	1.1
Norway	1980	1.1
France	1979	1.0
Poland	1979	1.0
Japan	1980	1.0
Switzerland	1980	1.0
Belgium	1977	0.9
Iceland	1980	0.9
Spain	1978	0.9
Netherlands	1980	0.8
England & Wales	1980	0.8
Ireland	1978	0.7
Greece	1979	0.7
Syrian Arab Republic	1980	0.0

Source: World Health Organization Statistics Annual—Vital Statistics and Causes of Death—1981 and 1982.

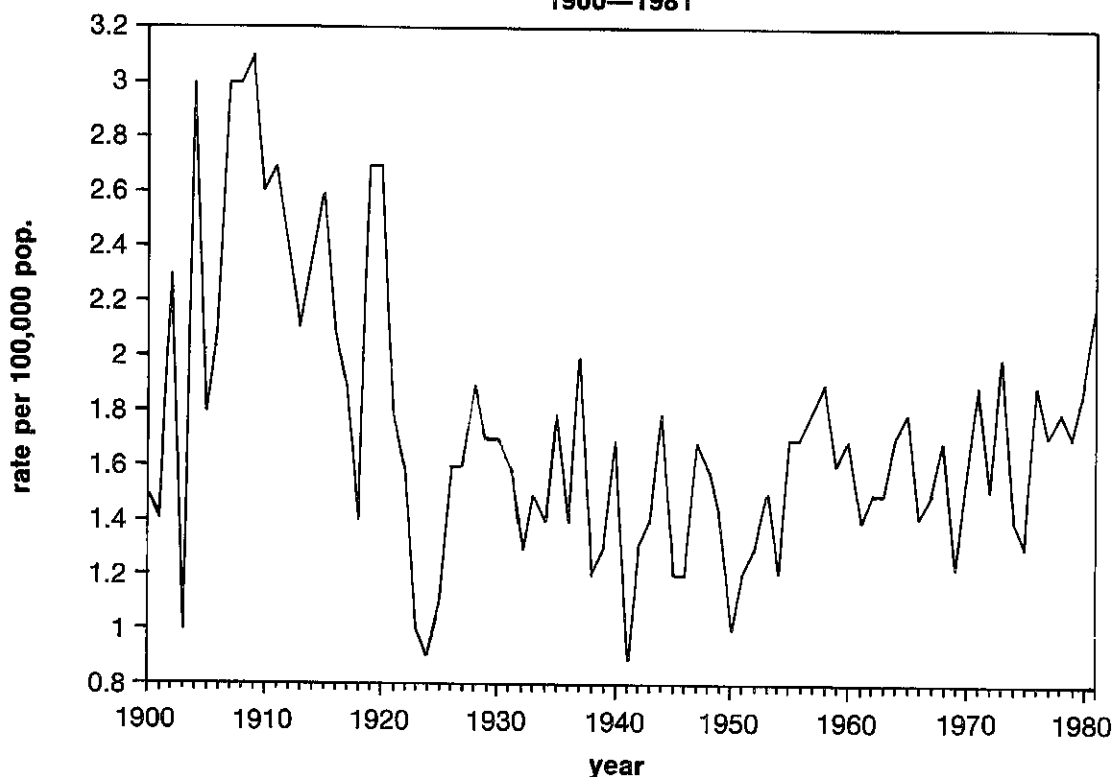
there are murder-suicides (West, 1966). This contrasts quite dramatically with the United States, where only 4% or less of homicides are of this type (Wolfgang, 1966; Berman, 1979).

Thus, marked and persistent differences in rates of violence from one society to another can partly be explained by the divergent nature of homicide prevalent in these countries. These in turn may be related to political and economic conditions, which in turn affect cultural norms. The considerably high level of homicide in Mexico, for example, has often been ascribed to a particular emphasis in their culture on 'machismo', a manly ideal of toughness, physical strength and extreme sensitivity to insult (Glaser, 1974), as well as to a fatalistic acceptance of death— what Wolfgang and Ferracuti call 'a rationalised attitude of becoming used to the idea of death' (1967, p. 280).

TEMPORAL TRENDS

Figure 3.1 illustrates the homicide rate in New South Wales from 1900 to 1981 as calculated per 100,000 population. This figure clearly shows that the homicide rate at the beginning of the century, and in particular in the first two decades, was higher than in later years. The homicide rate in recent years has never reached the levels prevalent earlier in the century. Moreover, contrary to what some sections of the media might have us believe, no dramatic increase in the homicide rate has occurred in recent times. Indeed, in the last sixty years, from the 1920's until 1981, the homicide rate, although fluctuating from year to year, has remained remarkably stable*. There would appear to be no substance to the oft-heard claim that we are currently experiencing a frightening new level of violent crime.

Fig 3.1 Homicide in NSW
1900—1981



* A polynomial regression was performed on the victim homicide rate over time. No linear or higher order terms accounted for a significant amount of the variance in the data.

The New South Wales homicide rate, like that of jurisdictions in Austria, France, Italy and Japan, has remained fairly steady over the years. This is in contrast, however, to some other countries. Between 1960 and 1970, several countries (comparable in industrial development to Australia, most notably West Germany, Sweden, United Kingdom and the U.S.A.) experienced increases in their homicide rates. The most dramatic change occurred in the United States. Between 1960 and 1980, the U.S. homicide rate increased by almost 100% (Allen, 1980). Moreover, the United States had experienced even more dramatic upturns in the homicide rate early on in the century. Between 1900 and 1935, the homicide rate jumped almost *tenfold* (Lunde, 1975). Clearly, New South Wales has witnessed no such alarming trends, either early on in the century or in the more recent and turbulent times of the 1960's and 70's.

The most obvious feature of Figure 3.1 is the decline in the homicide rate in the second and third decades. Judith Allen's study (1982) on family violence in New South Wales from 1880-1939 provides a possible explanation as to the decline in the homicide rate in the early part of the twentieth century. Allen found that from 1880 until 1909, women comprised between 40% and 50% of murder defendants, but that by the 1930's this proportion had dropped to about 22%. Allen explains this by stating that up until 1910, female defendants were predominantly charged with infanticide. Detected cases of infanticide declined sharply after 1910. She comments:

This decline was not significantly offset by an increase elsewhere, so that the number of female defendants showed a decline both in absolute numbers and as a proportion of all murder indictments. (1982, p. 3)

It is possible that the decline in the homicide rate could be attributed to this change. As social conditions and contraceptive knowledge and techniques improved, infanticide was less likely than in the past to be used as a form of birth control. For religious and other social reasons, it became a much less acceptable form of behaviour. Detected cases of infanticide declined as there were fewer cases occurring. While it is beyond the scope of this study to fully substantiate this theory, it should be noted that the time the homicide rate began to decrease corresponds very closely with the date relating to Allen's observations.

SUMMARY

Clearly, homicide is socially relative: it is relative both to time and place. Homicide is not found to be at a fixed level across all cultures: its incidence varies from country to country, even between countries of broadly similar social, economic and industrial development. Moreover, different countries generate different types of homicides: felony murder is common in some societies, but not in others. The same can be said of murders followed by suicide, or political assassinations or any other type of killing. Changes in the social and political fabric can alter the nature of homicide even within the same jurisdiction. As society changes, so, by and large, does the nature of the crime.

CHAPTER 4

Definitions and Data Sources

To some extent, the analysis of homicide patterns is fraught with the same kinds of methodological difficulties which attend the analysis of other offence patterns. There are, however, some additional problems peculiar to the study of homicide that must also be addressed. Aside from the definitional problems encountered, any criminological research is affected by the particular record system chosen as the data base for the study. Depending on the stage chosen in the judicial process (e.g., police, court or prison) different record systems will generate different study populations and hence potentially different conclusions regarding homicide patterns.

DEFINITION OF HOMICIDE

This study had as its focus criminal homicide. It is not concerned with other violent deaths which some would class as 'murder'; deaths, for example, due to industrial accidents in which employers are criminally negligent. Neither is it a study of more institutionalised forms of violence which would include lawful killings by police in the course of their duty, and by the state, in the form of capital punishment, and of course in the use of lethal violence on a massive scale in international warfare. Clearly, criminal homicide constitutes only one class of the wider range of violent deaths which occur in society. Criminal homicide was chosen as the focus in this study in order to analyse the use of violence which is regarded as politically unacceptable as such, the legal definition most appropriately reflects the society's condemnation.

In New South Wales, homicide, the killing of one person by another, may be either lawful or unlawful. Homicide is regarded as *lawful*, for example, if it is committed in the execution or advancement of justice, as when a police officer kills someone who resists or prevents him from executing his duty. Homicide is also 'lawful' if a person kills in reasonable self-defence of person or property, or in order to prevent the commission of crime. *Unlawful* homicide is divided into various categories including murder, manslaughter and infanticide. The statutory definitions of these various legal categories are found in Section 18 of the Crimes Act (NSW 1900).

Murder is defined in the following terms:

1. (a) Murder shall be taken to have been committed where the act of the accused, or thing by him omitted to be done, causing the death charged, was done or omitted with reckless indifference to human life, or with intent to kill or inflict grievous bodily harm upon some person, or done in an attempt to commit or during or immediately after the commission, by the accused or some accomplice with him, of a crime punishable by death or penal servitude for life
- (b) Every other punishable homicide shall be taken to be manslaughter.
2. (a) No act or omission which was not malicious, or for which the accused had lawful cause or excuse, shall be within this section.
- (b) No punishment or forfeiture shall be incurred by any person who kills another by misfortune only, or in his own defence.

A person can only be convicted of murder if it is found that he or she *intended* to kill or to cause grievous bodily harm, or alternatively, if a person exhibited 'reckless indifference' to human life at the time of the homicide. 'Reckless indifference' means that the accused person was aware of the probability of fatal consequences resulting from his or her actions but carried out those actions regardless. The law in N.S.W. also provides for the felony murder rule. A person who kills in the course of the commission of another crime punishable by the maximum penalty, the life sentence (e.g., armed robbery, arson), may be found guilty of murder even if there was *no* intention to kill. The mental element in felony murder is satisfied by the intention to commit the felony. Until 14th May, 1982, a murder conviction resulted in a life sentence. Since that date, with the amendment of Section 19 of the Crimes Act (1900 NSW), a judge now has the discretion to depart from this sentence if it can be demonstrated that the accused's culpability for the crime is significantly diminished by mitigating circumstances.

Manslaughter is a less serious form of homicide than murder. It is also more complex as it has been negatively defined in the statute. Roulston, (1980) refers to manslaughter as 'a diverse crime embracing most unlawful homicides which are not murder' (Roulston, 1980). There are two basic categories of manslaughter, *voluntary* and *involuntary*.

(a) *Voluntary manslaughter* is a killing which *prima facie* amounts to murder but is reduced to manslaughter by mitigating factors. That is, a person may be convicted of manslaughter when he or she has the necessary *mens rea** to justify a *prima facie* verdict of murder, but the killing is reduced to manslaughter due to *mitigating factors* as follows:

- (a) the accused was acting in self defence but used disproportionate violence in responding to the attack or
- (b) the accused was provoked into the killing by the actions or words of the victim or
- (c) the accused was suffering from some abnormality of the mind at the time of the killing and was therefore not regarded as being fully mentally responsible for his or her actions due to 'diminished responsibility'.

Infanticide is the only other category of voluntary manslaughter. It applies only to women who kill their own child within twelve months of his/her birth, if at the time of the killing the balance of her mind was held to be disturbed by reason of her not having fully recovered from the effect of giving birth to the child.

b) All other manslaughters are classed as *involuntary* and include killings in a variety of situations, but which sometimes lack convincing judicial explanation or definition (Roulston, 1980). All involuntary manslaughters, however, have in common the fact that they are unlawful killings which have been committed without the necessary intent to kill or cause grievous bodily harm. These involuntary manslaughters include such cases as parental negligence as a result of which a child dies, failure to get medical attention, traffic accidents, and the deaths of new-born babies.

For the purposes of this research, it was decided that adherence to strictly legal categories of homicide would not be criminologically or sociologically useful.

* criminal intent.

The primary interest of the study was in interpersonal violence. It was regarded as being important to include all cases that could further understanding of this phenomenon; some 'lawful' homicides were therefore excluded from the sample. Justifiable homicides by police in the course of duty were excluded as such forms of institutional violence were held to be beyond the scope of this study. (No such case resulted in a charge of criminal homicide being laid against police in the fourteen year study period.) On the other hand, it was felt to be important to include those lawful homicides in which the accused killed in reasonable self-defence. Such cases usually do, initially at least, involve the laying of a charge of murder, although the accused would ultimately be acquitted. It is important to include these cases as they provide useful information on the use of violence as a means of solving an interpersonal dispute irrespective of the accused's legal culpability.

With regard to 'unlawful' homicide—the study includes all cases which involved a charge of murder, or conspiracy to murder, manslaughter (excluding those deaths which resulted from train, car or air accidents) and infanticide. Deaths resulting from motor vehicle accidents were considered to be outside the scope of this study as they tell us nothing directly about social relationships within society.

Thus, the definition of 'homicide' employed here includes all unlawful homicides, (excepting those resulting from motor vehicle accidents) and excludes all lawful homicides, excepting those cases in which a person was initially charged with murder, but acquitted on the grounds of self-defence.

THE SAMPLE

The study includes all homicides, as defined above, that appeared in the New South Wales police homicide files, spanning the fourteen-year period from 1968 to 1981. This sample includes all those relevant homicides which were reported and became known to the police during this period:

- 1) all homicides resulting in a person or persons being charged with a homicide offence
- 2) all murder-suicide incidents classed as murder by the police
- 3) all unsolved homicides—deaths regarded by the police as murder, but for which no suspect had been apprehended.

The official police statistics on homicide form the basis of this study. The advantages and disadvantages of such data affect the study in a number of ways.

In relying on official homicide statistics, the study cannot claim to include all homicides in New South Wales between 1968 and 1981.* It is obvious that the data in the present study have to be interpreted in the context of the usual limitations on their validity and reliability which apply to any official crime statistics (Kraus, 1979). For this reason we must briefly consider those homicides which do not appear in the official figures, and are therefore not included in the sample.

Unreported homicides fall into at least three categories:

- 1) Those homicides which are never revealed due, for example, to a doctor's or a coroner's decision that no foul play is suspected.

* The police recognise this 'grey area' and have a separate file for 'suspicious deaths' for cases in which there is some doubt as to whether or not foul play has occurred.

- 2) Those people reported missing each year and who are never traced. It is safe to assume that a small number of these people may have been murdered, but their bodies never found.
- 3) Those murders involving professional criminals that have been successfully hidden from authorities (Ward and Woods, 1972).

This study, therefore, can only claim to include all *known* homicides in New South Wales between 1968 and 1981. Nevertheless, it has been argued that homicide figures are likely to be more accurate and reliable and less subject to the inaccuracies found in other criminal statistics (Lundsgaarde, 1977; Kraus, 1979). As violent killing is one of the most difficult crimes to escape detection, it is highly probable that the majority of homicides are in fact reported to the police.

A further methodological problem lay in the fact that there is always some difficulty in stating what is the true figure for the number of homicides known to the police in a given period. As Gibson and Klein (1969) have noted, deaths initially recorded as murder may subsequently turn out to be the result of an accident rather than crime. Similarly, there are problems in deciding upon the stage in the criminal justice process at which a violent killing may be properly regarded as a homicide. Many homicide suspects will be discharged at the committal hearing, acquitted at the trial or convicted of an offence less serious than murder. Most studies do not justify their choice of a particular stage in the judicial process as the basis for the research population. Some studies use statistics of all homicides known and reported to the police (Wolfgang, 1966); others study only those homicide cases that went to court (Sessar, 1975), while others use only those cases which resulted in conviction, sentence and gaol (Totman, 1978).

Clearly, there are problems involved in deciding on any particular population as the most representative of homicide offences. A distorting effect could occur if all homicide suspects are included, particularly when as many as 25% of suspects are subsequently discharged at committal, no billed or acquitted. By examining only those suspects who go to trial, however, some important killings are excluded: murder/suicide cases are omitted, as are unsolved homicides. A further disadvantage in only studying cases that go to trial is that the reason other cases lapse early in the criminal justice process (either at committal or on indictment), is rarely stated in official records. It would be difficult to differentiate between those for whom no *prima facie* case had been established, and those who had been discharged or no billed for some other reason after committal.

The prison population of convicted homicide offenders is an even more selective group. Prison populations are the procedural residue of homicide cases after a high percentage 'loss' by the judicial process (Wolfgang, 1966). In addition to the loss of murder-suicides, and unsolved crimes, they exclude cases in which the offenders have been released on good behaviour bonds, or acquitted on legal technicalities or on grounds of insanity. As Wolfgang rightly points out, such a select group is not representative of the total pattern of homicide and of the victim-offender relationships.

The present study included those homicides for which one or more persons had been charged, and all murder-suicides, as well as all unsolved cases. In order to test the possible bias in this broadly defined population, a series of comparisons were made between the above population, and that excluding those cases subsequently found not to be homicides. No significant differences were

found in the two sets of populations in terms of demographic characteristics of the offender.* This was reassuring, in that the inclusion of persons subsequently released did not bias or distort our sample of (suspected) homicide offenders. Neither did the inclusion of cases subsequently found not to be homicides affect the sample in terms of such incident variables as method, time or location of killing, or most importantly the relationship of victim to offender.

DATA SOURCE

The material in this study was derived from two main sources: police records and court records. No one source was capable of providing the detailed material necessary for the project. The main source of material, however, was the police homicide file section. The police homicide files contain the following documents:

- (a) police statements
- (b) witness statements
- (c) records of interview, or statement of the accused
- (d) antecedents of the accused, including details of employment, education, prior convictions
- (e) criminal incident report sheet containing such details as the method, time, place of the homicide incident.

In addition, medical reports were sometimes available, as were newspaper clippings of any articles pertaining to a particular homicide case. Unfortunately, not every file contained a complete set of the above items, but after a pilot study, it was ascertained which items of information could be collected systematically for all cases.

Several problems emerge in using police files. They are obviously not designed for social scientific research. The collection of information available in a police file may have been gathered by different individuals, who, as a result of different training and experience, record only certain information (Lundsgaarde, 1977). Understandably, police do not always expend time and energy trying to extract details of a suspect offender's past family life, or of his or her psychiatric or employment history. Detectives only record information regarded as significant and meaningful to the purpose at hand. The police position is not neutral. Their prosecution function results in only certain types of information being sought, and this can sometimes result in 'professional exaggeration' and premature conclusions regarding the suspect's guilt in a homicide case. Felonious homicide is not determined by what the police charge but rather by what the court establishes as its verdict (Horoszowski, 1973). Nevertheless, despite these misgivings, for the following reasons police records were regarded as an important source of material.

Firstly, the police records contain the most comprehensive collection of homicide deaths available. They include all cases which result in a suspect being apprehended, and entering the criminal justice system on a homicide charge. They also include all those cases in which the suspect committed suicide before being apprehended, as well as all the unsolved homicides. No other data source holds all this information.

Secondly, the police records contain valuable information on the characteristics of both offenders and victims, such as age, sex, previous criminal record, ethnic origin, as well as details of the relationship between them. They

* The terms 'offender', 'accused' and 'suspect' are used interchangeably. At all times, however, the terms refer to suspect offenders only, and not to convicted persons.

also hold data on matters concerning the time, place, and method of the killing, and on the record of interview with the accused and any witnesses to the event.

With regard to information that may be more open to dispute (for example, descriptions of the events preceding a homicide, and of the homicide itself) care was taken to note different versions in cases where there was considerable discrepancy in police, suspect and witness accounts of events. As another check, details in the committal papers were used to complement information in the police files.

The second main source of material was obtained from files held at the Office of the Solicitor for Public Prosecutions and the Clerk of the Peace. This was the most valuable and accurate source of information regarding committal, trial, and appeal proceedings and outcomes. Valuable information was also contained in the transcripts of the committal hearing, and in the pre-sentence reports prepared by parole officers and/or psychiatrists. Such documents were important in gaining greater knowledge of the life circumstances of the accused, and of any previous contact with welfare or other helping agencies.

In conclusion, the data base used in this study may be affected by bureaucratic and judicial conventions. However, there was no adherence to an uncritical acceptance of some of the information available from such sources. The mistake of some researchers of uncritically relying on the police account by using, for example, such information as police-ascribed 'motive' as a valid basis for theoretical speculations, was not repeated. Nevertheless, as McClintock (1976) has remarked, knowledge of various aspects of criminal violence cannot be independent of the system when drawing any conclusions about the overall phenomenon of crime. The study of homicide is inevitably linked to the social process by which murder is reported to and classified by law enforcement agencies and subsequently processed and redefined by the criminal justice system.

PATTERNS IN HOMICIDE

CHAPTER 5

Aspects of Offender and Victim

It was argued earlier that presenting data on single variables on large, undifferentiated homicide samples is a limited way of analysing homicide, or any crime for that matter. No single variable analysis can adequately reflect the often complex events and life experiences which culminate in a person taking the life of another, deliberately or otherwise. Any explanation requires an acknowledgement of the combination and interaction of psychological, social and cultural factors. Nevertheless, analysis of some basic variables across the whole sample is an important device for inferring which features, or more exactly, which combination of features, appears to be commonly associated with homicide occurrences. Such analysis provides indicators as to the social situations in which violent behaviour occurs. Clearly a general descriptive analysis of broad trends in homicidal behaviour is necessary to provide a background to a more detailed analysis of qualitatively distinct types of homicide. The aim of this chapter is to construct a statistical profile of those involved in homicide. It explores certain characteristics of the offenders and victims, including their sex, age, socio-economic and employment status, ethnic origin, and prior criminal history. This detailed profile serves two purposes: firstly, it provides a factual basis with which to compare stereotypes about homicide; secondly, it demonstrates similarities and differences between homicide offenders and victims, and prepares the way for a more comprehensive analysis of offenders and victims in different social settings.

DATA

(a) Sex characteristics

i. Offenders

Between the years 1968 and 1981, 1393 persons were charged with a homicide offence in relation to 1373 victims. Male homicide offenders greatly outnumbered female homicide offenders: 1179, or 85% of those charged were male while only 214, or 15%, were female. There is much literature to indicate the preponderance of male homicide offenders in countries throughout the world. American, European, Asian and African studies have consistently shown that the majority of homicide offenders are male (Curtis, 1974). The proportion of male to female offenders varies from country to country, but most studies indicate a four to one male to female ratio, although there are some variations: in rural India, for example, there are almost no female homicide offenders. It has been suggested that this low rate is related to the role of women in Indian society, and in particular to the belief that it is supernaturally dangerous for a woman to take life (Curtis, 1974). The New South Wales ratio of five to six male offenders to each female offender is somewhat higher than that of many comparable western industrialised nations. The South Australian ratio is also very high at ten males to every female apprehended (South Australian Office of Crime Statistics, 1981). It would seem then that the proportion of women homicide offenders in Australia is particularly low.

The disproportionately high number of male homicide offenders compared with females in Australia and throughout the world is relevant to the interest shown in recent years in female criminality. Traditionally, criminology concentrated on male offenders; female offenders were largely ignored. When attention was focused on women, very heavy emphasis was placed on their physiological and psychological characteristics (Mukherjee and Fitzgerald, 1981). In general, women who killed were regarded as being insane, unnatural or aberrant (Jones, 1980). The generally low level of female compared with male criminality, particularly in violent crime, has always required explanation and a variety of theories have been espoused, which Totman summarises humorously:

In summary, the literature suggests that a woman doesn't do others in because she is trained to be less aggressive, because she has other outlets (sex), because she has fewer opportunities and temptations since she is at home most of the time, because she is punier, because she is of a different biological nature, and because she can probably get a man to do it for her if she wants the foul deed done. (1978, p.1)

In recent years, the increasing interest in female criminality has coincided with the rise of the feminist movement. One outcome of this interest has been the suggestion that the rise in women's 'liberation' has contributed significantly to an increase in female criminality. One of the most controversial exponents of this argument is Freda Adler. In her book 'Sisters in Crime', Adler asserts that 'women are indeed committing more crimes than ever before. Those crimes involve a greater degree of violence' (1975, p.3). Thus Adler argues that both the *volume* of violent crime and the *relative participation* by women in such crime has increased substantially.

Although Adler's research has been severely criticised on methodological grounds, it is often accepted by researchers and the community at large that there is a link between the rate of crime committed by women and women's emancipation. As Smart remarks

Whether the women's liberation movement is actually causing an increase in female criminality and giving rise to a new female criminal has rarely been questioned, however. On the contrary this thesis, in its various forms, has become so established that it appears to be self-evident and uncontroversial. (1979, p.50)

A close analysis of Adler's study reveals serious methodological inadequacies. She used simple percentage changes in crimes committed by men and by women in order to support her thesis. This method leads to an overstatement of the fluctuations in crime—dramatic increases may be more apparent than real when absolute numbers are examined. Another major weakness with this method is that it does not allow comparisons in criminality between sexes. Sex-specific rates per 100,000 population are more meaningful statistics, and they also allow for comparison between the sexes. Another criticism of such studies is that rarely do they analyse the involvement of women in crime for a length of time that could be reasonably acceptable for proper trend analysis (Mukherjee and Fitzgerald, 1981). The data for the present study was analysed in a way which attempted to overcome these criticisms.

Data from the current study period (1968-1981) were compared with those from two earlier studies; one completed by McKenzie (1961) for the years 1933-1957, and one by Rod (1979) for the period 1958-1967. Thus, forty-nine years of data on the sex of homicide offenders was available.*

* Numbers for the current study have been adjusted for comparability with the two earlier studies. Those cases classed as 'manslaughter' by the police, and also neonaticide (killing of new-born babies) cases were excluded from the 1968—1981 period.

In terms of the relative proportions of male and female homicide offenders, some gradual change has apparently occurred since the 1930's. The proportion of homicide offenders who were male has increased slightly over the last forty-nine years, with a corresponding decrease in the percentage of female offenders (see Table 5.1). Between 1933 and 1957, 80.3% of those charged with homicide were men. By 1958-1967, this percentage had risen to 84.9%, whilst in the current study period, males accounted for 85% of all homicide offenders. Over the same period (1933-1981), the percentage of female offenders dropped from 19.7% to 15%. In terms of their relative participation in homicidal crime then, there are no indications that women are killing increasingly on a par with men. On the contrary, there is some evidence that homicide is becoming an increasingly male phenomenon.

Table 5.1. Distribution of offenders according to sex 1933-1981*

Period	Sex of offender				Total	
	No.	Male %	No.	Female %	No.	%
1933-1957	616	80.3	151	19.7	767	100
1958-1967	526	84.9	93	15.1	619	100
1968-1981	955	85.0	169	15.0	1124	10

* 1968-81 figures adjusted for comparability.

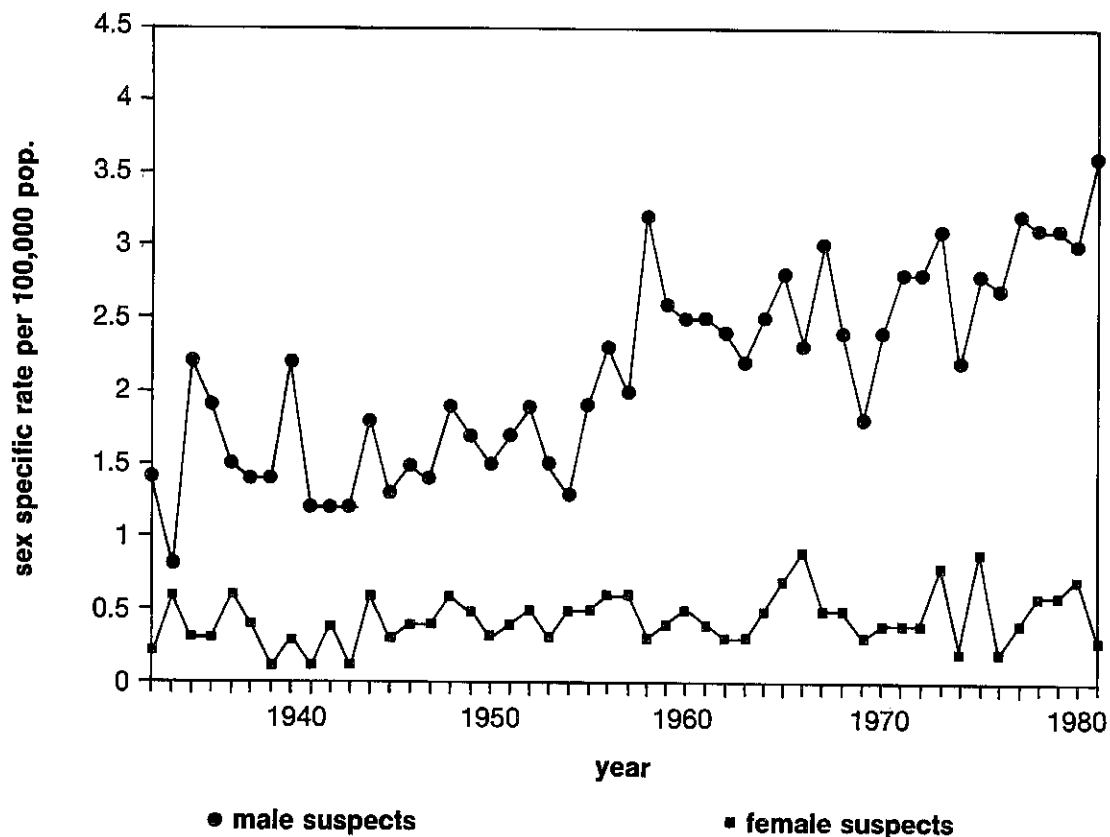
The homicide rate (per 100,000 population) for male and female offenders was also calculated. The results can be seen in Figure 5.1. Both homicide rates fluctuated throughout the 49 year period, but notwithstanding these fluctuations, overall an upward linear trend* was discernible for male homicide offenders. This trend was highly significant ($F^{1,44}=95.7$ $p<0.001$). An upward trend was also apparent for females but the level of significance was much lower than that for males ($F^{1,44}=5.42$, $p < 0.025$). To test for change in the rate of offending for males versus females, the difference between male and female rates at each point in time was calculated. Tests showed a significant increase over time, suggesting the gap between the sexes in rate of offending is widening ($F^{1,44}=66.6$, $p < 0.001$).

Thus, on the available statistical evidence, it would appear that male participation in homicide has increased both relative to women, and in absolute terms. Female participation in homicide has declined relative to that of males, and although the female rate of offending has increased marginally over the three study periods, that increase is not comparable with that of males. These figures would lend no support to the notion of an alarming increase in the rate and relative level of participation by women in homicide.

This change in the male homicide rate is unlikely to be explained by either changes in police practice (e.g. in relation to arrest procedures) nor to a change in the age distribution of the population. Whilst changes in police discretion may have an effect on some offences, particularly minor ones, the use of such discretion is less likely in a crime as serious as homicide. Changes in the age-

* Orthogonal polynomial regression was conducted on offender rates per 100,000 as a function of time over the 49 year period. Linear, quadratic, cubic and quartic terms were fitted to the rates equation. An a priori decision was made to set a level of significance of p 0.05 for the entry of terms into the equation, so the data may be described in its simplest form as a function of time. The described analysis was chosen in preference to fitting a time-series model, such as Box-Jenkins, as the auto-correlation of residuals was very low.

Fig 5.1 Homicide by sex of suspect
NSW, 1933—1981



distribution of the population have occurred equally for males and females and therefore cannot account for the gender discrepancy amongst homicide offenders.

These findings are by and large very consistent with those of Mukherjee and Fitzgerald (1981), who examined the changing patterns of crime in Australia with particular emphasis on the nature and extent of crimes by women. They did not examine homicide patterns, but they did analyse all 'offences against the person' cases that appeared in Magistrates Courts between 1900 and 1975. They concluded that while these offences by both sexes had been increasing since the mid 1930's, the rate of increase for males had been much faster than the rate of increase for females. The data on relative participation since the end of the Second World War revealed that the male to female ratio was increasing, and is higher than at any time this century.

ii. Victims

While women constitute only a minority (15%) of homicide offenders, as many as 36% of the victims were female. That considerably more females were victims of homicide rather than perpetrators of the crime, is a common finding in Australia (South Australian Office of Crime Statistics, 1981) and overseas (Curtis, 1974). There are some indications in the present study, however, that over the 1933-1981 period, the percentage of female victims has dropped

slightly, while the proportion of male victims has risen (See Table 5.2). In the two early periods, approximately 42% of the homicide victims were female, while between 1968 and 1981, the proportion of female victims had dropped to 39.8%. Meanwhile the proportion of male victims increased from 57.7% to 60.2%. It would seem that homicide is becoming an increasingly masculine phenomenon, with an increasing majority of offenders and victims being male.

Table 5.2. Distribution of victims according to sex 1933-1981*

Period	Sex of offender				Total	
	Male		Female		No.	%
	No.	%	No.	%		
1933-1957	482	57.7	353	42.3	835	100
1958-1967	371	58.1	268	41.9	639	100
1968-1981	609	60.2	402	39.8	1011	100

* 1968-81 figures adjusted for comparability

(b) Age

An analysis of the age characteristics of the sample revealed that both male and female homicide offenders were disproportionately drawn from younger age groups (see Table 5.3). As many as 54.5% of all the offenders were aged under 30 at the time of the offence. The 15-19, 20-24 and 25-29 age groups accounted for the highest percentage of offenders, 53.7% in all, with the 20-24 age group alone accounting for 20% of the homicide offenders. That over half the offenders were aged between 15 and 29 is particularly notable considering that over the last fourteen years this age group has constituted only 25% of the general population. The majority (84%) of these young homicide offenders were male. Indeed over 45% of all homicide offenders were young males aged between 15 and 29.

There appear to have been some interesting changes in age characteristics since the earlier two study periods. The age of homicide offenders appears to be decreasing. The proportion of homicide offenders who are under 30 years has increased over the last fifty years or so. Table 5.4 reveals that between 1933 and 1957, only 35.7% of the homicide offenders were aged between 15 and 29. By the period 1958 and 1967, this percentage had risen to 39.5%, and by the 1968-1981 period (figures adjusted for comparability) as many as 51.1% of the offenders were in these age groups. While the trend toward youthfulness has been marked for both men and women, the change has been more notable for females than males. In the past, the typical female homicide offender was somewhat older than her male counterpart; the highest percentage of female homicide offenders was found in the age range 30 to 40 years, with 42.3% falling into this age group in the 1933-1957 period. By 1968-1981, only 23.7% of the women fell into this age group, while the proportion of women aged between 20 and 30 almost doubled from 20.5% to 37.8%. While this percentage increase is quite large, it should be remembered that in terms of absolute numbers, the figures are still very low for women, who continue to commit a decreasing proportion of homicides in New South Wales (15%).

Table 5.3. Distribution of offenders according to sex and age 1968-1981

Age Group	Male offenders		Female offenders		Total	
	No.	%	No.	%	No.	%
10-14	10	0.8	1	0.5	11	0.8
15-19	195	16.6	31	14.5	226	16.2
20-24	233	19.8	46	21.5	279	20.0
25-29	204	17.3	40	18.7	244	17.5
30-34	156	13.2	29	13.6	185	13.3
35-39	116	9.8	19	8.9	135	9.7
40-44	83	7.0	14	6.5	97	7.0
45-49	71	6.0	18	8.4	89	6.4
50-54	37	3.1	8	3.7	45	3.2
55-59	19	1.6	3	1.4	22	1.6
60+	50	4.2	5	2.3	55	3.9
Age unknown	5	0.4	0	0.0	5	0.4
Total	1179	100.0	214	100.0	1393	100.0

Again, parallels with this trend can be found in other countries. In England and Wales, the proportion of youthful homicide offenders increased in the 1960's and early 70's (Gibson, 1975). In the United States, there has always been a disproportionate number of offenders who are young adults and there are indications that youthfulness is becoming increasingly apparent amongst homicide suspects. There is evidence that these changes are partly, but certainly not totally, accounted for by changes in the demographic structure of the population (Block 1977; Curtis, 1974).

Figure 5.2, 5.3 and 5.4 illustrate the homicide rate (per 100,000 population) for age of offender for the years 1933-1981. It can be seen that the homicide rate for the older age group (45-60) has remained fairly steady. The homicide rate of the two younger age groups (15-29 and 30-44), however, has risen. A significant upward linear trend was apparent in both these age groups, but was particularly marked in the younger age group (15-29 age group: $F^{1,44}=105.6$ $p<0.001$; 30-44 age group: $F^{1,44}=39.0$ $p<0.001$). Thus although the rate of offending by both groups has increased, from looking at the difference in the rate of offending between the two younger age groups, the younger age group has increased at a significantly greater rate than the 30-44 year group ($p<0.005$). The trend towards youthfulness was mainly attributable to male offenders. While the rate of *male* offending increased significantly for both the 15-29 and the 30-44 age groups, a similar trend for *females* was only found in the younger group. The increase in the female rate was less pronounced than in the male rate (males 15-29: $F^{1,44}=105.58$, $p<0.001$; females 15-29: $F^{1,44}=11.57$, $p<0.005$).

Quite clearly the picture of the 'typical' homicide offender is undergoing change toward greater youthfulness particularly amongst male homicide suspects.

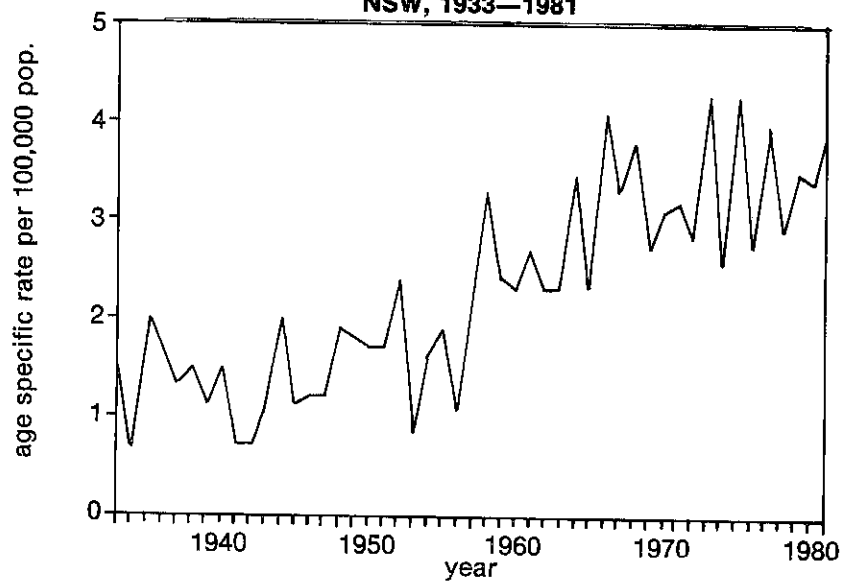
An analysis of the age of the victim revealed a more even distribution than that of the offenders (see Table 5.5). Nevertheless, victims were disproportionately drawn from the 20-30 year age group. Persons aged 5 to 14 years were least likely to become victims of homicide. More homicide victims (59) died before their first birthday however than at any other single age, and this held true even when neonaticide cases were excluded. Detailed discussion of these child deaths follows in Chapter 9.

Table 5.4. Distribution of offenders according to sex and age 1933—1957, 1958—1967, and 1968—1981*

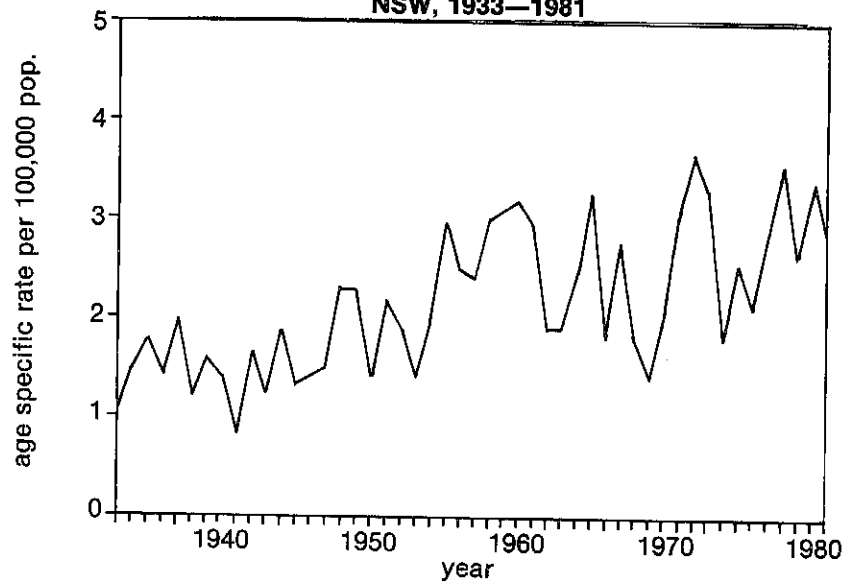
Age	1933—1957			1958—1967			1968—1981		
	Male %	Female %	Total %	Male %	Female %	Total %	Male %	Female %	Total %
10 — 14	0.5	0.0	0.4	1.5	0.0	1.3	0.6	0.6	0.6
15 — 19	8.4	5.3	7.8	10.6	5.4	9.8	14.9	11.8	14.4
20 — 24	15.0	9.9	14.0	13.5	9.7	12.9	19.1	18.9	19.0
25 — 29	14.0	10.6	13.3	16.7	17.2	16.8	17.5	18.9	17.7
30 — 34	12.8	23.8	15.0	13.9	14.0	13.9	13.3	14.2	13.4
35 — 39	10.4	18.5	12.0	12.4	15.0	12.8	10.2	9.5	10.1
40 — 44	12.3	9.9	11.9	7.0	16.1	8.4	7.3	6.5	7.2
45 — 49	9.2	7.9	9.0	6.7	14.0	7.7	6.6	10.1	7.1
50 — 54	4.5	6.6	4.9	4.9	3.2	4.7	3.4	4.7	3.6
55 — 59	4.0	3.3	3.9	3.6	1.1	3.2	1.9	1.8	1.9
60 +	6.0	2.2	5.4	6.5	4.3	6.1	2.1	1.2	2.0
Age not known	2.7	0.7	2.3	2.7	0.0	2.3	3.2	1.8	3.0
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

* 1968-81 figures adjusted for comparability.

**Fig 5.2 Homicide by suspects 15—29yrs
NSW, 1933—1981**



**Fig 5.3 Homicide by suspects 30—44yrs
NSW, 1933—1981**



**Fig 5.4 Homicide by suspects 45—60yrs
NSW, 1933—1981**

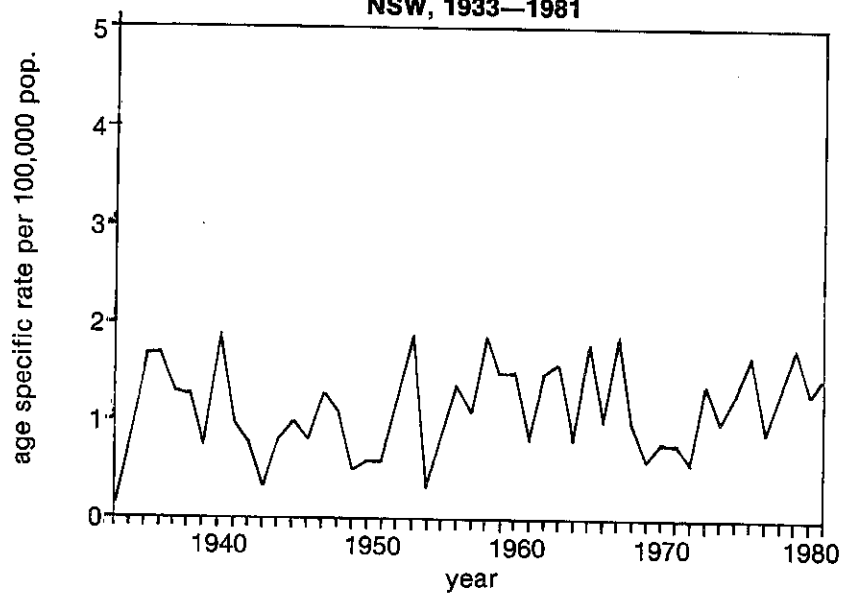


Table 5.5. Age by sex of victim 1968-1981

Age	Male		Female		Sex unknown		Total	
	No.	%	No.	%	No.	%	No.	%
0—4	57	6.5	53	10.8	6	100.0	116	8.4
5—9	13	1.5	9	1.8	0	0.0	22	1.6
10—14	19	2.2	12	2.4	0	0.0	31	2.3
15—19	55	6.3	35	7.1	0	0.0	90	6.6
20—24	104	11.9	48	9.7	0	0.0	152	11.1
25—29	99	11.3	55	11.2	0	0.0	154	11.2
30—34	76	8.7	49	9.9	0	0.0	125	9.1
35—39	64	7.3	36	7.3	0	0.0	100	7.3
40—44	67	7.7	29	5.9	0	0.0	96	7.0
45—49	74	8.5	39	7.9	0	0.0	113	8.2
50—54	62	7.1	33	6.7	0	0.0	95	6.9
55—59	34	3.9	14	2.8	0	0.0	48	3.5
60—64	30	3.4	19	3.9	0	0.0	49	3.6
65+	53	6.1	41	8.3	0	0.0	94	6.8
Unknown	67	7.7	21	4.3	0	0.0	88	6.4
Total	874	100.0	493	100.0	6	100.0	1373	100.0

Like that of the homicide offender, the age distribution of the victim population appears to have undergone some considerable change since the early study periods. While homicide offenders are getting younger, the victims are getting older. In fact the percentage of victims aged under 15 years has almost halved over the 1933 to 1981 period at a time when the proportion of the general population of this age declined only slightly. Thus while in the earliest period about one in five victims were under 15 at the time of their deaths, by 1968 to 1981 just over one in ten victims were of this age.* While this figure is comparable with South Australian data (South Australia Office of Crime Statistics, 1981), it is considerably lower than that found in England and Wales, where one quarter of all homicide victims were children under 16 (Gibson and Klein, 1969).

(c) Socio-economic status

Wherever possible, offenders and victims were classified according to socio-economic status. The four-point scale devised by Congalton (1969) was adopted. One problem concerned the classification of women who were not in the paid workforce, and who could not therefore be categorised according to conventional occupational scales. Some researchers attempt to solve this problem by assigning women to the same scale as their husband. Unfortunately the socio-economic status of husbands was not available in the current study's data source. A category entitled 'domestic duties' was therefore included in the classification. It may well be that the numbers in this category are an overestimate of the real number of women in unpaid employment. The police appear to classify almost automatically a woman's occupation as 'domestic duties', even when there is evidence to suggest otherwise. Although the figures are the result of close examination of police file material, there may still be a level of inaccuracy present in the data due to this police practice.

* Figures adjusted for comparability. Neonaticides and manslaughters excluded.

Clearly, classification of socio-economic status in any study can only be used in a very general way. The scale employed in this study is based on broad occupational categories and refers to socio-economic class only in very loose terms. However, it does give some indication, or approximation, of the socio-economic status of victims and offenders.

As studies elsewhere have found (Morris and Blom-Cooper, 1962; Wolfgang, 1958) both homicide victims and offenders were overwhelmingly drawn from the lower socio-economic classes. Table 5.6 indicates that 56.1% of the accused persons fell into the unskilled worker group, 26.4% into the skilled worker category, while only 3.5% could be classed as professional or managerial. A further 7.8% were defined as 'domestic'. While there was less information available on the socio-economic status of victims, the existing information confirms that at least 61% fell into the skilled or unskilled categories (see Table 5.7). Comparison between these figures and those for the general population revealed that both homicide offenders and victims (but particularly offenders) were over-represented in the lowest grade (unskilled category) and under-represented in the other three grades. In 1962, only 26.3% of the Australian population were unskilled (Congalton, 1969); between 1968 and 1981, 56.1% of the homicide offenders and 41.9% of the victims were found in this category. While acknowledging some methodological difficulties with Congalton's scale, and problems in comparing different time periods, such considerations could not in themselves invalidate the conclusion that the lowest socio-economic grade is over-represented amongst homicide offenders and victims.

Table 5.6. Socio-economic status of offenders*

Occupational status	No.	%
Professional/managerial	4	0.3
Semi-professional/middle management	43	3.2
Sales, small business clerical, skilled trade	359	26.4
Unskilled	764	56.1
Domestic	106	7.8
Unknown	86	6.3
Total	1362	100.0

* Excludes full-time students

Table 5.7. Socio-economic status of victims*

Occupational status	No.	%
Professional/managerial	12	1.0
Semi-professional/middle management	52	4.4
Sales, small business, clerical, skilled trade	224	19.0
Unskilled	495	41.9
Domestic	119	10.1
Unknown	278	23.6
Total	1180	100.0

* Excludes victims aged under 15, and full-time students

(d) Employment status

Evidence was gathered as to the employment status of offenders and victims. Their respective employment status was gauged by whether or not they were in the workforce at the time of the homicide.

Excluding students, and those living in institutions, 494 or 36.7% of the offenders were unemployed at the time of the offence. As Table 5.8 reveals, data on the employment status of 284 offenders was unfortunately not available on the police files. It is likely, however, that a proportion of these 'unknowns' were also unemployed and that the figure of 36.7% is a conservative estimate.

Table 5.8. Employment status of offenders by sex*

In workforce at time of offence	Sex of offender				Total	
	Male		Female			
	No.	%	No.	%	No.	%
Yes	508	44.7	42	20.0	550	40.9
No	344	30.3	150	71.4	494	36.7
Not known	284	25.0	18	8.6	302	22.4
Total	1136	100.0	210	100.0	1346	100.0

* Excluding full-time students and persons living in institutions

Unemployment was particularly marked amongst those offenders in the lower socio-economic groupings. In general, the lower the socio-economic status, the higher the level of unemployment. In fact almost a quarter (23.4%) of all homicide offenders whose socio-economic and employment status were known, were unemployed people from the lowest grade. Unemployment was also high amongst the adult victims of homicide: 32.2% of the victims were known to be unemployed at the time of their deaths (although a considerably larger proportion of women than men fall into the 'unemployed' category) (see Table 5.9).

Table 5.9. Employment status of victims (aged 15 years or more) by sex

In workforce at time of offence	Sex of victim				Total	
	Male		Female			
	No.	%	No.	%	No.	%
Yes	354	44.1	118	28.2	472	39.2
No	178	22.7	210	50.1	388	32.2
Not known	253	32.2	91	21.7	344	28.6
Total	785	100.0	419	100.0	1204	100.0

At about one third of the respective adult samples, the unemployment figure is extremely high compared with that in the general adult population. During the fourteen year study period, official unemployment figures rose steadily, but even in 1981, the official rate did not exceed 8%. The high percentage of offenders who are unemployed may be partially explained by the large proportion of young offenders in the sample. Unemployment is particularly high

amongst young people; the unemployment rate of the 15-19 year age group, for example, rose dramatically in the 1970's—from 5% in 1973 to almost 22% in 1978 (Yearbook Australia, 1982). Nevertheless, the unemployment rate for this group did not rise above 8% until 1974. It is therefore unlikely that the high unemployment rate amongst offenders and victims can be totally explained by the large numbers of young people who have suffered most severely from rising unemployment in the last decade.

Unemployment would appear to be a feature common to many charged with serious criminal offences, and not just homicide suspects. Statistics published by the Australian Bureau of Statistics in 1981 revealed that 35.7% of all those convicted by New South Wales Higher Criminal Courts were unemployed at the time of the offence. Meanwhile, studies in South Australia (South Australian Office of Crime Statistics, 1981) and in Victoria (Burgoyne, 1979) have confirmed these findings regarding the high level unemployment amongst homicide offenders.

In the last two or three years, public interest in the relationship between unemployment and crime has grown, particularly in the context of the worsening economic position in Western societies and the almost unprecedented numbers of unemployed. Yet, as Biles (1978) has indicated, simplistic interpretations of strong correlations between unemployment and crime should be avoided. To date, researchers have failed to establish consistent links between the two phenomena. Indeed, crime rates have been shown to rise in times of affluence as well as in times of economic recession. It has been suggested that it is not deprivation, but *relative* deprivation that is the crux of the matter. For example, Braithwaite and Braithwaite's (1980) analysis of inequality and crime in various countries of the world has indicated that, in general, crime rates seem most pronounced in countries with the greatest disparity in income between rich and poor. However, perceptions of deprivation and injustice are also likely to be important. Unemployment, poverty and inequality are experienced differentially by groups in society. It is partly how such people perceive their position in the world that defines their attitude towards it. As Vold explains:

Poverty is always in part a subjective condition, relative to what others have, rather than any simple objective fact of the presence or absence of a certain amount of property or other measure of wealth. (1979, p.178)

Unemployment is likely to affect people in different ways. For those who perceive some basic injustice and frustration at their continued lack of resources, certain forms of criminal activity may appear legitimate. For others, with much less clearly articulated notions of unfairness, the effect of unemployment, particularly long term unemployment, can be debilitating. Lack of self confidence and esteem, for example, are widely accepted as contributing towards deterioration in mental and physical health. This in turn can affect people's reactions to stress and conflict situations. It is not in unemployment alone, but in the effects of unemployment in association with other factors, that an explanation for homicide may be found.

(e) Country of Birth

Analysis of the association between crime rates and ethnic origins has often been undertaken. In general, the studies of migrants in New South Wales (Francis, 1976), Europe (Zimmerman, 1966) and the United States (Francis, 1981) have consistently shown that crime rates for immigrants are lower than for the native population. However, there have been indications in Britain

(Bottoms, 1967) and West Germany (Zimmerman, 1966) that migrants are over-represented when it comes to certain crimes, especially crimes of violence. The findings of the present study would seem to lend some support to this latter argument.

Homicide offenders born outside Australia were slightly over-represented in the sample. The percentage of those not of Australian origin charged with a homicide offence was 27.9% (see Table 5.10). Statistics collected during the census years in the fourteen year study period, established that the proportion of the New South Wales population not of Australian extraction remained between 19% and 20%. On closer analysis, it is clear that not all migrants, but only migrants from particular countries, were over-represented in the homicide figures. The countries or regions which were consistently over-represented, and which together accounted for more than half of all non-Australian born offenders, were New Zealand, Oceania, Turkey/Lebanon, Italy, Poland and Yugoslavia.

These findings need to be treated with caution. Firstly, it is important to emphasise that persons born in these particular countries are no more inherently 'criminal' or 'violent' than those born elsewhere. Secondly, the country of birth of homicide offenders is not in itself a reliable measure of adherence either to a particular ethnic group or to a set of cultural values. However, these figures may be indicative of cultural differences in attitudes towards violence in particular circumstances. They may also indicate a level of stress related to problems encountered when living in a new and foreign country. Migration rates very highly on any scale of stressful life events (Dohrenwend, 1974). By no means all new immigrants have old established networks to help them and many face difficulties after their arrival in Australia. Krupinski (1971) found that up until the mid 1970's, the lack of extended family affected 80% of migrants. The Commonwealth Inquiry into Poverty also established that many immigrants, particularly those who are recent arrivals, have difficulties (Price, 1977). It was noted that in particular migrants from Southern Europe, Yugoslavia and the Middle East (that is, at least some of the countries overrepresented in the homicide statistics) were severely disadvantaged in terms of jobs, housing, medical insurance and language. Other research has indicated that the number of non-English speaking units in poverty is double the Australian average and that unemployment rates are also higher (Storer, 1981). As Price remarks:

The conclusion still is, therefore, that when any such families are in serious trouble from unemployment and sickness, and lack strong supporting groups, their plight becomes serious indeed. (1977, p.341)

In this context, it is of note that one in three of the homicide suspects of non-Australian origin had been in Australia for five years or less, and that one in six had been in the country for less than two years. It may well be that any cultural differences that exist are compounded by very real stresses and strains placed on families trying to adjust to a new culture. This argument is to some extent supported by suicide statistics which reveal that migrants, particularly new migrants, are over-represented relative to the population (Whitlock, 1975). The argument becomes even stronger when it is established that offenders from two of the over-represented countries in the homicide sample had considerably higher murder-suicide rates than those in the sample as a whole. As many as 20% of the Italian homicide offenders, and 16% of the Yugoslavs were involved in suicidal murders compared with only 11% in the sample as a whole. Homicides involving family members, lovers and sexual rivals were particularly common amongst offenders from these countries.

Table 5.10. Country of birth of offender

Country	No.	%	% of N.S.W. population in 1976
<i>Oceania</i>			
Australia	959	68.8	80.7
New Zealand	36	2.6	0.8
Other Oceania	17	1.2	0.2
<i>Africa</i>			
United Arab Republic	0	0.0	0.3
Other Africa	4	0.3	0.3
<i>America</i>			
Canada	1	0.1	0.1
U.S.A.	1	0.1	0.2
Other America	8	0.6	0.5
<i>Asia</i>			
Cyprus	3	0.2	0.2
Turkey/Lebanon	32	2.3	0.7
Other Asia	16	1.2	1.3
<i>Europe</i>			
Austria	0	0.0	0.2
Czechoslovakia	4	0.3	0.1
Germany	13	0.9	0.7
Greece	6	0.4	1.0
Hungary	4	0.3	0.2
Italy	30	2.2	1.6
Malta	5	0.4	0.5
Netherlands	6	0.4	0.5
Poland	13	0.9	0.3
United Kingdom & Eire	97	7.0	7.0
U.S.S.R.	3	0.2	0.1
Yugoslavia	69	5.0	1.2
Other Europe	20	1.4	1.0
Total outside Australia	388	27.9	19.3
Unknown	46	3.3	—
Total	1393	100.0	100.0

Analysis of the ethnic origins of the victims revealed that killings by persons born outside Australia were intra- rather than inter-racial. Unfortunately, the police files did not contain nearly as much information on the victim as they did on the offender. Consequently, the ethnic origin of the victim was not known for about 30% of the cases. But on the evidence of those victims for whom the country of birth was available, it is clear that homicides occurred within ethnic groups rather than between them. Thus, the majority of homicides were committed amongst persons of similar ethnic origin and only infrequently

involved the population of the host country. Of those cases where the ethnic origin of both victim and offender was known, 77% of the Turkish/Lebanese offenders killed people of the same extraction, 69% of the Yugoslavs killed other Yugoslavs, 62% of these offenders from Oceania killed their own compatriots, as did 58% of the Italian offenders. The exception to this was offenders born in New Zealand—only 12% of them were known to kill other New Zealanders and a particularly high percentage were involved in the homicides of persons unknown to them. While a few inter-racial conflicts did occur, they were by far in the minority: overwhelmingly, conflicts occurred between people of the same ethnic backgrounds.

(f) Aboriginality

A total of 95 (6.8%) of the 1393 homicide suspects, and 57 (4.2%) of the victims were identified as being of Aboriginal descent. The number of persons of Aboriginal descent in Australia is extremely difficult to gauge. Since 1967, it has not been necessary, for the purposes of the constitution, to identify Aborigines in the population census; however, the number of persons who completed the census form in 1976 and identified themselves as being of Aboriginal origin was 40,450—0.8% of the New South Wales population (New South Wales Yearbook, 1979). Even though this percentage has varied over the 14 year study period, it is clear that notwithstanding fluctuations in the official figures, Aboriginal offenders and victims are considerably over-represented in the homicide sample relative to their numbers in the population.

This finding confirms research findings in other Australian States. In the South Australian study (South Australian Office of Crime Statistics, 1981) as many as one in eight (12.5%) of those charged with a homicide offence in the years 1978-1980, were identified as being of Aboriginal origin. Aborigines at this time were estimated as forming only 0.85% of the South Australian population. In Queensland, or more particularly in some Aboriginal communities in that State, the homicide rate for Aborigines during the years 1978-1981 was conservatively estimated as being 39.6 per 100,000 population, more than ten times the annual rate for Queensland (Wilson, 1982). In the Northern Territories, where Aborigines constitute one quarter of the population, the homicide rate in 1981 was thirteen times that of the national average. Although the exact figure is unknown, Aboriginal offenders contributed substantially to this high rate (Hirst, 1983).

Wilson (1982) discussed in great detail the appalling circumstances behind these Aboriginal homicide statistics. He has woven into his analysis details of particular cases which highlight the way in which historical and cultural forces have reaped destruction on Aborigines and their culture. The resultant poverty, lack of self-esteem and worth, the debilitating sense of hopelessness that pervades many of their lives, and which frequently finds expression in alcoholism and violence, is graphically described.

The detail for such an in-depth analysis is unfortunately not available from this study. Yet some of the material at hand suggests certain similarities with the situation in other States. As in Queensland, New South Wales Aborigines tend to kill their own people: 56% of the Aboriginal offenders were charged with the deaths of other Aborigines, and it is quite probable that at least some of the remaining 44% of victims of unknown ethnic origin were also Aboriginal. Only 29% of the Aboriginal suspects were known to have been in some kind of employment at the time of the offence. These figures are not surprising given the very high level of unemployment amongst New South Wales Aborigines.

Alcohol consumption and previous violent criminal behaviour were also highly correlated with homicide. As many as 60% of the accused were known to have been under the influence of alcohol at the time of the offence. A very high proportion (48%) had previous juvenile records, and half of these had spent time in juvenile detention centres. One in three of the Aboriginal suspects had spent time in gaol and had previous assault convictions, with one in ten having a conviction for a serious (indictable) violent offence. In terms of the consumption of alcohol, lack of workforce participation and a previous record of violent behaviour, Aboriginal offenders scored much more highly than non-Aboriginals. Wilson hypothesises that the high number of homicides amongst such people can be directly attributed to the disintegration of Aboriginal communities.

(g) Previous criminal history

Details of the past criminal history of homicide suspects and victims were collected.

i. Offenders

Table 5.11 indicates that just over one quarter (26.6%) of the suspects had convictions when juveniles: 344 (29.2%) of the male suspects had a juvenile record, but females were much less likely (12.1%) to have been convicted of a juvenile offence. A large proportion of those with juvenile records had been placed in juvenile detention centres as a result of one or more convictions: 50% of those with juvenile records had spent time in these institutions. Interestingly, although fewer women than men had juvenile records, a greater proportion of the women had been detained in institutions as juveniles: 17 out of the 26 women (65%) with juvenile records had been sent to a juvenile detention centre while only 50% of their male counterparts had been thus sentenced.

Table 5.11. Previous juvenile record of offenders, by sex

Previous juvenile record	Sex of offender					
	Male		Female		Total	
	No.	%	No.	%	No.	%
Yes	344	29.2	26	12.1	370	26.6
No	806	68.4	185	86.4	991	71.1
Not known	29	2.5	3	1.4	32	2.3
Total	1179	100.0	214	100.0	1393	100.0

Details of offenders' adult criminal record were also collected (see Table 5.12). Of those homicide suspects who were aged 18 or over at the time of the offence, 695 (55%) had a criminal record. Nevertheless, a substantial proportion (43.7%) had no adult criminal record prior to their being arrested on a homicide charge. There was a large difference between male and female suspects, however, in that women were twice as likely as the men to have had no prior convictions. For 68.6% of the women, but only 39.1% of the men, the homicide

arrest was the first such contact they had had with the police. It has been argued that it is a 'myth' that the typical homicide offender is just an ordinary person who slipped once and who had no previous record (Kleck, 1979). This may be true in the United States, but the 'myth' certainly has some basis in reality in New South Wales for a large proportion of the homicide suspects, and in particular for a substantial majority of women who find themselves on a homicide charge.

Table 5.12. Previous adult criminal record of offenders aged 18 or over

Adult criminal record	Sex of offender				Total	
	Male		Female			
	No.	%	No.	%	No.	%
Yes	636	59.6	59	30.4	695	55.0
No	418	39.1	133	68.6	551	43.7
Not known	14	1.3	2	1.0	16	1.3
Total	1068	100.0	194	100.0	1262	100.0

Comparisons with other states and countries are difficult, as studies have adopted different definitions and counting rules. Nevertheless, New South Wales figures on the previous convictions of homicide offenders seem lower than elsewhere. While 55% of the New South Wales sample had a previous conviction, the figure in South Australia was somewhat higher at 65% (South Australian Office of Crime Statistics, 1981). In the United States, of people arrested for murder or non-negligent manslaughter between 1970 and 1975, 67.6% had previous arrest records (Kleck, 1979). On the other hand, the picture is somewhat different in England and Wales, where only one third of all convicted murderers had a record of any previous convictions (Morris and Blom-Cooper, 1962). It would seem that the New South Wales experience is somewhere between that of England and the United States. Explanations for such variation are difficult, but the difference may have something to do with the high percentage of depressive suicidal homicide in England and Wales compared with the much higher rate of felony homicide in the United States. People in a depressed state who decide to take their lives, as well as those of others (usually family) are less likely to have had previous criminal convictions than those who arm themselves with weapons in order to commit a felony.

Nevertheless, discussion of the absence or presence of a criminal record in homicide offenders is something of an oversimplification. It is important to distinguish between major and minor offences, and in particular, between violent and non-violent convictions. On closer inspection, it was found in the present study that a large proportion of those with a previous record had only one or two minor convictions; 41% of those with previous convictions had two or fewer offences recorded against them. In the vast majority of cases, these offences involved fairly minor matters e.g., traffic, drunkenness, gambling, prostitution, property offences. When these and other non-violent offences are discounted, only 231 or 16.6% of all the homicide suspects had any previous convictions for *violent* offences against the person (see Table 5.13).

Table 5.13. Previous assault convictions of offenders by sex

No. of previous assault convictions	Sex of offender					
	Male		Female		Total	
	No.	%	No.	%	No.	%
0	941	79.8	206	96.3	1147	82.3
1	124	10.5	5	2.3	129	9.3
2	52	4.4	1	0.5	53	3.8
3	26	2.2	0	0.0	26	1.9
4	13	1.1	0	0.0	13	0.9
5	4	0.3	0	0.0	4	0.3
6	6	0.5	0	0.0	6	0.4
Unknown	13	1.1	2	0.9	15	1.1
Total	1179	100.0	214	100.0	1393	100.0

Once again, male offenders were considerably more likely than the women to have such convictions: only 6 (2.8%) women compared with 225 (19%) men had previously offended in this way. An even smaller proportion of these offenders had been convicted of a serious (indictable as opposed to summary) violent offence. Only 91 or 6.5% of all homicide suspects had previous convictions of this kind; in all but one of these cases, the suspect was male. These figures indicate that according to police records only a minority of men, and a tiny proportion of the women had been convicted of a violent offence. This confirms findings in Victoria that convicted homicide offenders have a considerably lower and a less serious offence record than other groups of violent offenders (Burgoyne, 1979).

It should be emphasised then that the New South Wales experience does not seem to accord with that of the United States, where a much higher proportion—one third of homicide offenders—have violent records (Swigert and Farrell, 1976). Of course, criticisms can be made that the official record need not reflect the actual level of violent behaviour of an individual. Violent disputes between family members, unless of an extremely serious nature, rarely result in prosecutions. (The hidden violence prevalent in domestic situations is discussed in later chapters.)

At this point it is worth noting the research findings in relation to homicide and recidivism. Not only are homicide offenders less likely than other violent offenders to have serious criminal records, but on release they are considerably less likely than other violent offenders to reoffend, either in a violent or non-violent manner (Burgoyne, 1979). People who kill again after release from prison are in a very small minority.

ii Victims

Victims were generally less likely than offenders to have criminal histories: 74 (9.4%) of the male and only 4 (1.0%) of the female victims aged 15 or over had previous juvenile records. An even smaller number, (30) had spent time in a juvenile detention centre. The vast majority of the victims had no violent record, with only 6.4% of the males, and 0.4% of the female victims having been convicted of violent crimes against the person. Any previous violent behaviour, then, was almost exclusively confined to male victims. Nevertheless, the male victims were only one third as likely to have a violent record as the male offenders.

(h) Mental disorder

Investigations of the relationship between homicide and mental disorders of various kinds have a long history. In searching for an explanation and understanding of how a person comes to kill another unlawfully, the mental state of the offender has traditionally assumed tremendous importance. Argument over whether a murderer is 'mad' or 'bad', or both, continues today, and is likely to continue for some time in the future. One thing that hasn't changed over the years, however, is the confusion and disagreements that surround such arguments. Today, as two or three hundred years ago, there is still uncertainty as to what such terms as 'mental illness', 'psychological aberration' or 'mental instability' mean. Accordingly, the literature indicates that homicide can be 'caused' by practically any kind of psychiatric illness or attributed to other 'mental' considerations such as 'feeble-mindedness', 'retardation', senility, paranoia, epilepsy, manic and depressive psychosis, and last, but not least, to 'psychopathic' personalities (Wolfgang and Ferracuti, 1967).

In the absence of any pre-existing mental abnormality, sometimes all that psychiatrists and others have had to work on is the homicidal act itself as the aberrant behaviour which distinguishes the murderer from the 'ordinary' person. A commonly held belief is that those people who do not have a history of psychiatric illness or previous convictions for assault, but who nevertheless unlawfully kill another person, *must* be mentally disturbed because their crime is so 'uncharacteristic'. In other words people believe that there must be something drastically wrong with an individual who kills suddenly and unexpectedly (McGurk, 1978). Wolfgang and Ferracuti have made the following observations in relation to psychiatric diagnosis:

In general, the less clearly motivated a murder is (in the sense that it is impossible to comprehend the motives) the higher is the probability the homicide subject is very abnormal. The easier it is to 'understand' (in the sense of both emotional and rational understanding) the homicide motives, the more normal the subject is likely to be. (1967, p. 209)

In this context, it is interesting to note that often the murders that people find most difficult to understand are the ones which attract specific attention in the literature. Child killings and infanticide, in particular, are frequently attributed to deep psychological causes, as are other killings by women. It has been noted elsewhere that the female criminal is felt to be particularly vulnerable to emotional and psychological instability and that any crime (and in particular homicide which is commonly regarded as being so alien to women's 'true nature') must be the inevitable outcome of this state (Scutt, 1976).

Problems in definition and classification of the homicide offender's mental state are complicated by the fact that such issues are of more than medical or criminological significance. Such considerations are critical in assessing a person's legal culpability for the crime. If a person is found to be 'insane', he or she is not held legally responsible or blameworthy for his or her actions, and therefore cannot be convicted. Yet 'insanity' is a legal term, not a medical one. As Lunde has commented:

There is no particular mental illness that can be equated with the term 'insanity' any more than there is a specific physical illness, that can be equated with the term 'disability'. (1975, p. 110)

Of course, definitions of 'insanity', like mental illness, have changed historically and culturally. The original test of insanity, the 'wild beast' concept by which a defendant was judged sane if his mental capacities exceeded that of

a wild beast, is far removed from the sophisticated psychological testing of the modern day. Distinctions become even more blurred with the introduction of such defences as 'diminished responsibility', by which a homicide offender is not classed as 'insane', but rather as suffering from an 'abnormality of mind' which impairs his/her mental responsibility for the act, and thus partially reduces legal culpability.

The blurring that occurs around the issues of mental illness and insanity are reflected in the variation in the assessments as to the mental state of homicide offenders in different countries. For example, one assumes that the actual incidence of mental illness in England and the United States does not differ all that significantly. Yet the association of 'madness' with murder is much more common in England than in America (Lunde, 1975). Between 1957 and 1968, 8% of those tried for murder in England and Wales were subsequently found legally insane. A further 20% were convicted of manslaughter on the grounds of 'diminished responsibility' due to an 'abnormality of mind' (Gibson and Klein, 1969). This contrasts with those tried in the United States, where only 2%-3% were found insane (Lunde, 1975). While at least part of this difference could be due to the different structure of homicide in the two countries (e.g., the relatively high percentage of felony murders in the United States), it is clear that other considerations must also be at work. As Wolfgang and Ferracuti remark:

The percentages of 'mentally ill criminals' vary, not so much in accordance with demonstrated variations of the phenomenon, but in the nosographies and medico-legal norms employed, and in the orientation of the examining psychiatrists. (1967, p209)

Clearly, the issue of 'mental disorder' and 'insanity' and their relationship to homicide is complex. Yet it is true that the 'mad' and 'bad' debate continues, and in the minds of many in the community, at least, there is a firm belief in the relationship between mental abnormalities and violence, and in particular homicidal violence. This belief is kept well and truly alive both by the disproportionate amount of publicity that is given to those cases that do involve serious mental illness on the part of the offender.

But just how many homicides can be, at least partially, attributed to the mental state of the offender? As the above discussion indicates, problems of definition and measurement make this a difficult question to answer. However, three broad measures are available that give some indication of the position in New South Wales.

The first has to do with the strictly legal definition, according to the M'Naughten rules on 'insanity'. It is a defence to criminal prosecution if at the time of committing the act, the defendant was labouring under such a defect of reason, from disease of the mind, as not to know the nature and quality of the act he/she was doing, or if he/she did know this, that he/she did not know that what he/she was doing was wrong. In the fourteen years period from 1968 to 1981, only 39 people in the present study were found not guilty on the grounds of insanity. Therefore only a tiny percentage (2.8%) of the homicide offenders were regarded as being sufficiently unbalanced of mind at the time of the killing to warrant immunity from criminal conviction.

The second measure of the level of mental disorder among homicide offenders can be related to the number of murder-suicides in the sample. Obviously any person who takes the life of another, or others, and then kills him/herself, is in acute mental distress; 151 or 10.8% of the homicide offenders committed suicidal murders. This figure includes both attempted and successful suicides. Such killings occurred almost exclusively between family members and lovers, and detailed discussion of these homicides can be found in Chapter 12.

Thirdly, in analysing the police files on the offender, wherever possible, details of previous mental disorder were collected. The concern was less to test any hypothesis regarding specific types of mental histories, than to elicit some indication of the number of offenders who had been under any kind of mental distress or psychiatric disorder at the time of the killing or some time before it. The definition of 'mental disorder' employed here is very loose. A person was classified as having had a mental disorder if he or she had experienced mental distress to such a degree that professional help had been sought some time before the homicide incident. This definition encompasses a wide range of 'disorders', including severely disturbed people contemplating suicide, diagnosed schizophrenics, and people who had been suffering less severe forms of depression or mental disability, but who nevertheless had been in contact with professional helpers. Included in this definition were people who had received treatment for alcoholism and/or drug addiction. Clearly there are limitations to such a definition. One cannot assume that all persons suffering from a mental disorder seek treatment. A person's ability or willingness to seek help are dependent upon such considerations as lack of facilities, lack of knowledge about services and cultural attitudes towards seeking help for psychiatric problems. Nevertheless, the data provide some indication of the minimum extent of mental disorder.

Table 5.14 indicates that 16% of the homicide offenders were known to have had some kind of mental disorder at the time of or at some time prior to the offence. In order that this figure be meaningful it would have to be compared with the incidence of mental disorder in the community at large, and that is notoriously difficult to do (Buckle and Miles, 1975). Nevertheless, attempts have been made to do this in Australia using survey techniques. The results of studies completed in Perth (Tauss, 1967), Canberra (Bruen and Hennessy, 1975), Melbourne (Krupinski and Stoller, 1971) and rural Victoria (Krupinski et al, 1970) indicate that measurable psychiatric problems occur in *at least* 20% of the adult population surveyed. On these, albeit rough, estimates then, the overall incidence of mental disorder amongst New South Wales homicide offenders does not appear to be greater than that in the general population.

Table 5.14. Previous mental disorder of offenders, by sex

Previous mental disorder	Sex of offender				Total	
	Male No.	%	Female No.	%	No.	%
Yes	163	13.8	60	28.0	223	16.0
No/not mentioned	1016	86.2	154	72.0	1170	84.0
Total	1179	100.0	214	100.0	1393	100.0

Table 5.14 also indicates that there are considerable sex differences amongst homicide offenders with twice the percentage of women (28%) than men (13.8%) having recorded mental disorders. This difference may be more apparent than real. It has been argued that women are more likely than men to seek professional help for some mental disorders, particularly depression, and this may partly account for the difference (Chesler, 1973). More importantly, despite the common conception that women are more subject to mental disorders than men, it has been argued recently that men are just as

'psychologically disturbed' as women, but they react to stress in a different way. Aggression rather than depression is the male response to disappointment or loss (Chesler, 1973); men tend to externalise rather than internalise such feelings.

Analysis of the victims of homicide offenders with previous mental disorders reveals that they are usually well known to the offenders. In fact, 94% of these offenders killed either members of their family, friends/acquaintances or sexual partners or rivals. Family members were particularly at risk from offenders with mental disorders. This may be due, at least partially, to the relationship between mental disorder and murder suicides: 20% of those with a previous mental disorder committed or attempted to commit suicide after killing the victim. Almost three-quarters of the victims of suicidal murderers were related to their killer.

In conclusion, this brief analysis would indicate that only a minority of homicide offenders were known to have previously suffered from and received treatment for a mental disorder, and only a tiny minority were so disturbed as to be found insane. Nevertheless, 151 or 10.8% of the offenders committed or attempted to commit suicidal murders and these people were clearly under severe mental distress at the time of the homicide. Family members and friends and acquaintances were particularly at risk from homicide offenders who had a history of some psychological disturbance.

Apart from these brief conclusions, there is little that can be drawn from the material at hand. It is part of the argument of this document that any worthwhile analysis avoids dwelling for too long on such considerations as 'mental disorder' in isolation. Apart from the small minority of offenders who are actually classified as so severely disturbed as to be 'insane', the history of the mental disorder of the remainder is usually inextricably linked to particular patterns of life events and happenings, as well as to the nature of the relationship between the victim and the offender. It is meaningless to discuss various mental disorders without reference to such events and relationships. In other words, discussions of psychological difficulties must be placed in context.

The issue of 'mental illness' is problematic, as is the relationship between 'mental illness' and homicide. There exists no psychiatric or psychological explanation, nor any systematic process of classification and identification of mental abnormalities that could produce homicidal behaviour (Wolfgang and Ferracutti 1967). A tentative conclusion is that the incidence of mental illness amongst homicide offenders appears to be no greater than that of the general population. It is possible a higher incidence of more severe forms of mental distress exists amongst homicide offenders, but in this respect it is worth observing the conclusions of a researcher who has analysed in great detail the relationship between murder and 'madness'. He concludes:

I cannot emphasise too strongly the well-established fact that mental patients, in general, are no more murderous than the population at large. While it should not be surprising to find that psychotic killers have been previously hospitalized for treatment of psychosis, *the incidence of psychosis among murderers is no greater than the incidence of psychosis in the total population*. Furthermore, the percentage of murderers among former mental patients is actually slightly lower than that among persons who have never been in the mental hospital. (Lunde, 1975, p93)

SUMMARY

The characteristics of homicide offenders and their victims can be summarised as follows: the vast majority of homicide offenders are male, and there are indications that males are committing an increasing proportion of homicides at an increased rate relative to female offenders. The majority of homicide offenders are young (under 30 years of age) while homicide victims are drawn from all age groups, although they are most at risk while in their 20's. While both offenders and victims are drawn from all socio-economic groupings, those from the lowest socio-economic grading (unskilled workers) are over-represented. Unemployment is high both amongst offenders and adult victims, and particularly high amongst the unskilled. The majority of homicide offenders and victims are Australian born, but a slightly disproportionate number are of migrant extraction. The evidence strongly suggests, however, that homicides occur predominantly between people of the same ethnic background, rather than across ethnic boundaries. Whilst just over half of the homicide offenders had a criminal record of some kind, less than a fifth had been previously convicted of a violent offence. With regard to the mental state of the offender, there are no obvious indications that the prevalence of mental illness amongst the offenders is any higher than that in the general population. Only a tiny minority of homicide offenders were found to be legally 'insane'.

Having completed a profile of the characteristics of offenders and victims it is now appropriate to examine the contextual feature of the homicide incident itself—where, when and how the homicides are committed in New South Wales.

CHAPTER 6

Elements of the Homicide Act

The emphasis of much research on the perpetrator, and occasionally the victim, in a homicide incident has meant that wider, situational variables have sometimes been ignored. The current chapter seeks to explore whether consistent patterns in the 'characteristics' of homicide suspects are accompanied by recurrent contextual features. Analysis reveals that homicide is not randomly distributed through time and space. Violent deaths occur at particular times, in particular places, and as shall be seen, with specific sets of participants. As Block has stated:

The crime event and its outcome are dependent upon the actors, the setting and the props. (1977, p.74)

This chapter analyses the last two elements: the 'setting' and the 'props'.

DATA

(a) Spatial patterns

Criminal behaviour has long been claimed to be associated with urbanisation and population density. It is often argued that urbanisation is one of the contributing factors responsible for fostering social conditions which encourage criminal activities of various kinds. High concentrations of low income groups, various types of social disorganisation and the anonymity of crime in heavily populated areas combine to provide opportunities for crime not readily available in rural areas. It is often argued that cities with large populations and a high population density foster high crime rates. In relation to violent crime in particular, cities are regarded as being potentially the most dangerous of places to inhabit. Such associations are used as a basis for further theoretical developments. The subculture of violence thesis, for example, rests very heavily on the notion of lower socio-economic urban communities fostering or condoning different forms of violent behaviour.

Recent articles, however, have suggested that the relationship between population density and crime may not be so straightforward. Recent empirical research has found results inconsistent with prevailing beliefs about urban and rural crime rates. Part of the reason for the inconsistency may be due to the analysis of crime as a unitary phenomenon. Studies which have examined the relationship between urban and rural conditions for different types of offences have found that although some crimes were positively associated with urbanisation, others were not. Robbery and other crimes against property were particularly high in urban areas, and this seemed consistent with traditional criminological explanations. But there was no similar correlation for crimes against the person; indeed a negative relationship between crimes of violence and urbanisation was observed, in some studies indicating a higher crime rate in rural areas (Kvalseth, 1977).

Australia is one of the most urbanised countries in the world with 86% of its population living in urban areas (Mukherjee, 1981). According to Australian Bureau of Statistics figures, the proportion of New South Wales dwellers who reside in urban areas is even higher, at nearly 89%. with three-quarters of these living in the three main metropolitan areas of Sydney, Newcastle and

Wollongong (Yearbook of Australia, 1982). For the purposes of the study, the Sydney Statistical Division and Newcastle and Wollongong statistical districts were classified as "urban"*; the rest of the state was classified as 'rural'.

Analysis of the spatial distribution of homicide in New South Wales revealed that although the majority of homicides occurred in areas with the greatest population, there was almost no difference in the urban and the rural homicide rates. That is, over the 14 year study period, deaths due to homicide were no greater for urban than for rural areas: the mean rate for rural and urban homicides (per 100,000 population) was almost identical (urban rate, 1.9; rural rate, 2.1). These findings thus fail to establish a positive association between urbanisation and the homicide crime rate, nor between rurality and the homicide crime rate. While in some years, the homicide rate for rural areas was considerably higher than that for urban areas, the mean rates for both over the 14 year period were very similar.

Interesting differences emerged when the relationship between victim and offender was examined with regard to geographical location. A higher proportion of homicides in rural areas involved family members. Of all rural homicides, 52% involved members of the same family, compared with only 41.2% in urban areas. The proportion of killings involving victims and suspect offenders unknown to one another also varied, accounting for 20.5% of all the urban, but only 6.9% of the rural deaths. (Detailed discussion of the relationship between victim and offender follows in Chapter 7.)

The disproportionate level of domestic killings in rural versus urban settings was also confirmed when the domestic homicide rate was calculated on urban/rural lines. Calculations on a per capita basis revealed that relative to the population, proportionately more family killings occurred in the country than in the city. The domestic homicide rate for rural areas (1.0 per 100,000) was significantly higher ($p < 0.05$) than that in urban areas (0.7 per 100,000). The difference both in the proportion and the rate of domestic killings in rural areas relative to urban settings is thus quite marked. This could be explained, at least partially, by differential interaction patterns. People in country areas interact primarily with family and with friends and acquaintances. They come into contact with strangers on a daily basis far less than city dwellers do. Consequently, there is less opportunity for them to become involved in disputes with people unknown to them. Nevertheless, the higher rate of domestic killings in rural areas indicates that considerations other than mere interaction opportunity structures are at work. More detailed examination in later chapters on family killings will provide some insight as to the reasons why family members are particularly vulnerable in rural areas.

While the domestic homicide rate was high in the country, the stranger homicide rate was particularly high in the city. An urban dweller (0.4 per 100,000 population) was consistently two and a half times more likely than a rural dweller (0.15 per 100,000 population) to be killed by a person unknown to him/her ($p < 0.05$). The structure of opportunities may well be a more relevant consideration here. Many of the stranger homicides occurred in the street, or in the course of a pub brawl, or a robbery, the urban environment and living patterns being more conducive to such events.

Nevertheless, despite the different distribution of qualitatively distinct homicides, it should again be emphasised that the rural homicide rate was the same as that for urban areas. Country people were at similar risk as their city

* This definition of 'urban' is narrower than that of the A.B.S. classification which includes some country towns.

counterparts of becoming homicide victims. They were, however, more likely to die at the hands of a member of their own family, whereas urban dwellers were more likely than rural dwellers to be killed by people unknown to them.

In the urban category, the overwhelming majority of homicides (87%) occurred within the Sydney Metropolitan Area, and within this area, homicides were unevenly distributed. Table 6.1 indicates the very high percentage of Sydney's homicide victims who were killed in the Central Sydney Division. At a time when the central area constituted no more than 19% of the city's population, 39.4% of all Sydney's homicide victims were killed in this area. Indeed, 22.7%, almost one quarter of all the New South Wales homicide victims who died between 1968 and 1981, resided in the geographically small areas of the Central Sydney Division.

Table 6.1. Distribution of homicides occurring in Sydney Metropolitan Area

District	Number	%
Central	338	39.4
West	205	23.9
South	122	14.2
North	80	9.3
Inner West	55	6.4
South West	38	4.4
Gosford/Wyong	20	2.3
Total	858	100.0

Even within this small area, there was a considerable concentration of homicides in a handful of suburbs—most notably the City, Bondi Beach, Darlinghurst, Potts Point, Redfern and Newtown. These suburbs alone accounted for 48% of all killings in the Central Sydney area, and 19% of those in the city as a whole. Apart from being entertainment areas, some of these areas contain large populations of low income or unemployed people and many parts are characterised by poor housing. In addition, at least some of these areas are the haunts of shifting populations and of what might be called 'fringe dwellers'—homeless people, prostitutes and drug addicts, with all their associated problems. It is in such areas that the subculture of violence and social disorganisation theories of violence may be most pertinent. It is certainly true that in these areas a higher than average proportion of people were killed by strangers (over 25% compared with less than 18% for the sample as a whole). Nevertheless, the largest single category of homicide (33%) was, as in the study group as a whole, domestic.

While the central area of Sydney was over-represented in the homicide statistics, the numbers in the city's Southern and Northern subdivisions were much lower than would be expected relative to the population in these areas. For example, the Northern suburbs accounted for more than 20% of Sydney's population—but less than 10% of the homicide victims.

The number of homicides in the remaining subdivisions of the Inner West, the South West, West and Gosford/Wyong did not differ substantially from what would be expected from the populations in these areas. These areas did, however, differ from the others in that a higher proportion of their homicides occurred between family members. The Western suburbs and the Gosford/Wyong area were particularly marked in this respect, with domestic killings accounting for 51.3% and 70% respectively of their homicide totals.

The above analysis indicates that the spatial distribution of homicide in New South Wales is uneven, but not random. Patterns can be found both across and within urban/rural boundaries in the particular character of homicide based on the relationship between victim and offender. The problem remains, however, as to how these patterns can be interpreted. They do seem to have some influence—but what precisely is the influence and how does it operate? The analysis of further components of the 'setting' and 'the props' in a homicide act should help answer these questions.

(b) Location

Table 6.2 indicates the location of offence. A total of 57% of all homicides occurred in a private home, most often in the home of the victim, or the offender, or in their shared abode. In almost half the homicides (48%), the victims died in their own home—and in well over half of these cases (59%), the victim shared his/her home with the offender.

When sex differences are examined, it is clear that female victims were particularly vulnerable in their own homes. Approximately 65% of all female victims died in their own house (compared with 38% of the male victims) and in most cases, they lived in the same house as the offender at the time of the crime. Of those females killed in their own home, one third (32.1%) died in their bedroom. In fact, one in five (20.8%) of *all* female victims in the study were killed in their own bedroom. Statistically speaking then, a female is more at risk of becoming a homicide victim in her own bedroom than in any other single location. The very high proportion of females killed at home may partly be a function of their spending more time at home than men, but it is also very much related to the high number of females killed by male family members (see Chapter 7). The bedroom was also the most likely place for a male victim to be killed in his own home, but only one in ten males (10.9%) were killed there.

Table 6.2. Location of offence by sex of victim

Location	Sex of victim				Total	
	Male		Female			
	No.	%	No.	%	No.	%
Home of victim	152	17.4	117	23.7	269	19.7
Home of accused	59	6.8	21	4.2	80	5.8
Home of victim and accused	183	20.9	204	41.4	387	28.3
Home of other	30	3.4	14	2.8	44	3.2
Total in home	424	48.5	356	72.1	780	57.1
In or around hotel or other licensed premises	94	10.8	10	2.0	104	7.6
In or around other buildings	84	9.6	18	3.7	102	7.5
Street (including car)	155	17.7	48	9.7	203	14.8
Parks/reserves/country etc	91	10.4	43	8.7	134	9.8
Other	26	3.0	18	3.7	44	3.2
Total outside home	450	51.5	137	27.8	587	42.9
Total	874	100.0	493	100.0	1367*	100.0

* Six victims of unknown sex excluded.

It has been known for some time now that some of the most consistently violent assaults in our society happen in the privacy of homes. That some of these assaults escalate to lethal attacks is hardly surprising. The high percentage of homicide victims (57.1%) who were killed behind the closed doors of private homes, overwhelmingly at the hands of members of their own family, is of considerable interest in view of well-known police attitudes to domestic disputes, and their reluctance to intervene in such matters, and also in the light of persistent practices amongst some court personnel who by their actions fail to acknowledge the seriousness of family violence (Scutt, 1979).

Next to the home, the most common place of death was the street (which includes cars), followed by parks/reserves/and open countryside. Males were twice as likely as females to be killed in the open street. Almost half of these street offences were stranger killings. Males were also considerably more likely to be killed in or around an hotel or other licensed premises. In fact, more than one in ten of all male victims met their deaths in or around pubs. Many of these men were killed by strangers (42.6%), but a considerable proportion, approximately one third (33.7%), were killed by friends or acquaintances. In both cases, the homicide was frequently the result of a pub brawl. The relationship between such lethal fights and alcohol is discussed later in this chapter.

(c) Time

Just as the homicides were not distributed spatially on a random basis, neither were they evenly spread over different times of the day, week or year.

The distribution of homicides by month showed the least variation for the three measures of time (see Table 6.3). However, there did appear to be some slight increase in the number of homicides during the mid-summer holiday period— particularly in December. Killings between family members, neighbours, co-residents, and strangers reached a peak at this time of year, with homicides between lovers and/or sexual rivals being higher in only one other month of the year. Killings between friends, however, were lower in December than at any other time of the year. It is unlikely that a monthly analysis is going to reveal anything startling about the phenomenon of homicide and one can only speculate as to why most homicides peak slightly in the mid-summer period. It may have something to do with high temperatures and low temper thresholds. It may also be related to the fact that December is the beginning of the long holiday season, when extra pressure can be placed on families, particularly families with children. Christmas is the time when there is increased interaction between family members. Often these times of expectations of festivity and goodwill are precisely the times when family conflicts erupt. It is also possible that the increase in homicides at this time of year is related to increased alcohol consumption over the festive season.

More interesting patterns emerged when the day of the week of the offence was examined (Table 6.4). The highest proportion of homicides occurred on Thursdays, Fridays and Saturdays. The percentage of homicides that occurred on Saturdays was particularly high, with very nearly twice as many victims being killed then than on days at the beginning of the week. The increase in the number of victims who were killed at the end of the week is accounted for by male victims. Female victims were only marginally more vulnerable on Thursdays and Fridays than on other days of the week. However, more than double the number of male victims were killed on Saturdays than on days at the beginning of the week.

Table 6.3. Month of offence by sex of victim.

Month of offence	Sex of victim					
	Male		Female		Total	
	No.	%	No.	%	No.	%
January	77	8.8	46	9.3	123	9.0
February	72	8.2	35	7.1	107	7.8
March	60	6.9	51	10.3	111	8.1
April	86	9.8	41	8.3	127	9.3
May	58	6.6	26	5.3	84	6.1
June	60	6.9	47	9.5	107	7.8
July	65	7.4	38	7.7	103	7.5
August	70	8.0	41	8.3	111	8.1
September	71	8.1	36	7.3	107	7.8
October	90	10.3	37	7.5	127	9.3
November	67	7.7	30	6.1	97	7.1
December	97	11.1	65	13.2	162	11.9
Unknown	1	0.1	0	0.0	1	0.1
Total	874	100.0	493	100.0	1367*	100.0

* 6 victims of unknown sex excluded.

Table 6.4. Day of week of offence by sex of victim

Month of offence	Sex of victim					
	Male		Female		Total	
	No.	%	No.	%	No.	%
Monday	95	10.9	64	13.0	159	11.6
Tuesday	94	10.8	63	12.8	157	11.5
Wednesday	90	10.3	69	14.0	159	11.6
Thursday	139	15.9	77	15.6	216	15.8
Friday	146	16.7	78	15.8	224	16.4
Saturday	202	23.1	71	14.4	273	20.0
Sunday	106	12.1	69	14.0	175	12.8
Not known	2	0.2	2	0.4	4	0.3
Total	874	100.0	493	100.0	1367*	100.0

* 6 victims of unknown sex excluded.

This difference is not so apparent when the sex of the suspect offender is examined. Both men and women are more likely to kill on the weekend, although the increase at this time is more marked for males (Table 6.5).

Table 6.5. Day of week of offence by sex of offender

Month of offence	Sex of offender					
	Male		Female		Total	
	No.	%	No.	%	No.	%
Monday	132	11.2	26	12.1	158	11.3
Tuesday	139	11.8	28	13.1	167	12.0
Wednesday	138	11.7	22	10.3	160	11.5
Thursday	169	14.3	32	15.0	201	14.4
Friday	199	16.9	33	15.4	232	16.7
Saturday	253	21.5	37	17.3	290	20.8
Sunday	146	12.4	36	16.8	182	13.1
Not known	3	0.3	0	0.0	3	0.2
Total	1179	100.0	214	100.0	1393	100.0

Which homicides occurred most frequently at weekends? Examination of the relationship between victims and offenders revealed that not all types of homicide increased at the weekends. Perhaps contrary to expectations, domestic killings were spread fairly evenly throughout the week, with only a slight increase on Fridays. Offenders who killed members of their own family were apparently equally likely to do so on any day of the week. Family members were not at particular risk at the end of the week. It was homicides between friends and between strangers that increased dramatically on the weekend. Almost twice as many of these deaths occurred on Fridays and on Saturdays as on any other day of the week: 38.6% of all friend killings, and 45.4% of all stranger killings took place either on a Friday or a Saturday.

Alcohol consumption was found to be linked to the day of the week on which the homicide occurred. Whereas in killings in the early part of the week alcohol had been consumed by the accused in between a quarter and a third of the cases, over half (51.4%) of all the accused who killed on Saturdays had been drinking prior to the homicide incident. Drinking by victims was also most likely at this time. Almost as many victims (42.3%) as offenders had consumed alcohol prior to their deaths on Saturday, almost double the number of victims who were killed on weekdays. Drinking by victims and offenders, then, was particularly high on Fridays and Saturdays.

That most of the homicides occurred in the evening or in very early morning of the days concerned is further confirmation of the association described above. Table 6.6 shows that almost one quarter (24.6%) of all victims were killed between 7 and 11 p.m. Almost half (46.4%) were killed between 7 p.m. and 3 a.m., with male victims being particularly susceptible at these times. Killings at these times were most common on Friday and Saturday evenings. It was precisely between 7 p.m. and 3 a.m., particularly at the weekend, that alcohol consumption by offenders and/or victims reached a peak. The hours from 10 p.m.—4 a.m. are also the hours during which drink-driving offences and accidents involving alcohol are common (Ross, 1982).

Table 6.6. Time of offence by sex of victim

Time period	Sex of victim					
	Male		Female		Total	
	No.	%	No.	%	No.	%
0300-0700	60	6.9	40	8.1	100	7.3
0700-1100	48	5.5	60	12.2	108	7.9
1100-1500	69	7.9	57	11.6	126	9.2
1500-1900	131	15.0	77	15.6	208	15.2
1900-2300	250	28.6	86	17.4	336	24.6
2300-0300	216	24.7	85	17.2	301	22.0
Unknown	100	11.4	88	17.8	188	13.8
Total	874	100.0	493	100.0	1367*	100.0

* 6 victims of unknown sex excluded.

Table 6.7. Time of offence by sex of offender

Time period	Sex of offender					
	Male		Female		Total	
	No.	%	No.	%	No.	%
0300-0700	77	6.5	18	8.4	95	6.8
0700-1100	76	6.4	21	9.8	97	7.0
1100-1500	101	8.6	19	8.9	120	8.6
1500-1900	165	14.0	37	17.3	202	14.5
1900-2300	321	27.2	41	19.2	362	26.0
2300-0300	290	24.6	49	22.9	339	24.3
Unknown	149	12.6	29	13.6	178	12.8
Total	1179	100.0	214	100.0	1393	100.0

A consistent pattern emerges from these findings. Homicides rose quite dramatically at the weekend. The increase was overwhelmingly accounted for by male victims. A considerable proportion of these murders involved the consumption of alcohol by offender and/or victim, more than at any other time. At the same time, the frequency of homicide incidents between strangers and friends/acquaintances escalated.

(d) Methods and weapons

The methods and weapons employed in the homicides varied with such considerations as the sex of the offender, the age of the victim, the geographical location of the offence, and the relationship between victim and offender. The material on methods was examined both according to the weapons and methods involved in the deaths of particular victims, and according to the means employed by different offenders. How victims died, and what weapons/methods were used by certain accused, are two distinct questions.

By what means did people kill, and how did victims die? Tables 6.8 and 6.9 indicate the primary weapon employed in the homicide incidents.

Table 6.8. Weapons used by sex of victim

Weapons used	Sex of victim					
	Male		Female		Total	
	No.	%	No.	%	No.	%
Gun	305	34.9	170	34.5	475	34.7
Knife	204	23.3	89	18.1	293	21.4
Manual means (bashing/ strangling etc)	197	22.5	121	24.5	318	23.3
Axe or other heavy object	88	10.1	40	8.1	128	9.4
Other	80	9.1	73	14.8	153	11.2
Total	874	100.0	493	100.0	1367*	100.0

* 6 victims of unknown sex excluded.

The weapon most commonly used against the victim was a firearm. Just over one third (34.7%) of the victims in the sample had been shot (Table 6.8). Although the same proportion of male and female victims were shot, male offenders were more likely than women to use a gun in the lethal attack (Table 6.9). One third (32.9%) of the male suspects used a gun, compared with less than one quarter (22.6%) of the women. Whatever the sex distribution of the relevant participants, however, the fact remains that gun shot wounds were the singular most common cause of death amongst the homicide victims.

Interestingly, the use of firearms was not distributed evenly over different types of homicides. Victims who were killed by members of their own family, or by lovers or sexual rivals, were particularly vulnerable to gun attacks. About half (51.2%) of the killings of sexual partners or rivals involved the use of guns, while 38% of the family killings involved firearms. In the remaining deaths, firearms were used in only 27% of cases.

Table 6.9. Weapons used by sex of offender

Weapons used	Sex of offender					
	Male		Female		Total	
	No.	%	No.	%	No.	%
Gun	365	32.9	44	22.6	409	31.4
Manual means	316	28.5	37	19.0	353	27.1
Knife or piercing instrument	219	19.7	64	32.8	283	21.7
Axe/hammer or heavy object	127	11.5	11	5.6	138	10.6
Other	82	7.4	39	20.0	121	9.3
Total	1109	100.0	195	100.0	1391*	100.0

* Co-accused not involved in actual physical attack on victim excluded from this table.

The second most common weapon used was the human body itself. Almost one quarter (23.3%) of the victims had been killed by violent manual means, including punching, kicking and strangling (Table 6.8). Male victims were more likely than females to be killed in this way. But male offenders were much more likely than women to use such means (Table 6.9). Violent manual means of assault were used most often in attacks against strangers. Violent bashing and battering deaths accounted for 40.6% of all victims killed by persons unknown to them. Usually such cases were of the male accused-male victim type.

Over a fifth (21.4%) of the victims had been stabbed (Table 6.8). More males (23.3%) than females (18.1%) died in this way. But interestingly, Table 6.9 shows that knives and other piercing instruments were used by a larger proportion of the women (32.8%) than of the men (19.7%), a finding confirmed elsewhere (Wolfgang, 1958). Axes, hammers and other heavy instruments were used in only about 10% of the cases, but such weapons were twice as likely to be used by men as by women.

Tables 6.10 and 6.11 indicate in more detail the methods, or combination of methods used by offenders to inflict fatal injury on the victims. Clearly these results correspond closely to the primary weapon used in the attack, as indicated in Tables 6.8 and 6.9. However, a few features deserve comment.

Table 6.10. Methods used by sex of victim

Method used	Sex of victim					
	Male		Female		Total	
	No.	%	No.	%	No.	%
Shot	302	34.6	165	33.5	467	34.2
Stabbed/slashed	182	20.8	70	14.2	252	18.4
Bashed with fists and feet only	171	19.6	72	14.6	243	17.8
Battered with axe or heavy object	83	9.5	37	7.5	120	8.8
Burned/gassed/poisoned/drowned	44	5.0	31	6.3	75	5.5
Strangled/smothered	12	1.4	43	8.7	55	4.0
Multiple methods (2 or more of the above methods)	38	4.3	40	8.1	78	5.7
Other	42	4.8	35	7.1	77	5.6
Total	874	100.0	493	100.0	1367*	100.0

* 6 victims of unknown sex excluded.

Only 5.5% of the victims died as a result of gassing/poisoning/drowning, an interesting discovery considering the apparent popularity of this method in New South Wales at the turn of the century (Allen, 1982). Women were four times as likely as men to use such methods. This finding may seem to confirm the stereotypical view, popularised by Pollak (1977), of women killing (usually men) by stealth and deception. The reality is somewhat different. On the rare occasion these methods were employed by women, they were used in the killing of children and were often accompanied by suicide attempts on the part of the mother.

Some of the homicide incidents were particularly violent, with a combination of violent means being used to kill the victim. The proportion of men and women using a combination of two or more of the stipulated methods was about the same (men, 7.5%; women, 6.2%). However, female victims were twice as likely as male victims to die in these particularly ferocious assaults. This difference may partly be explained by the fact that homicide—accompanied sexual assaults (usually against females) were often very violent. Of the male victims, only 0.3% compared with 6.4% of the females were killed in the course of sexual coercion. In almost half of these cases, the homicides were the result of particularly brutal attacks involving multiple weapons and injuries. (Further discussion of these killings can be found in Chapter 11).

Table 6.11. Methods used by sex of offender

Day of offence	Sex of offender					
	Male		Female		Total	
	No.	%	No.	%	No.	%
Shot	357	32.2	44	22.6	401	30.6
Bashed with fists and feet only	260	23.4	19	9.7	279	21.4
Stabbed/slashed	177	16.0	53	27.2	230	17.6
Battered with axe or heavy object	119	10.7	10	5.1	129	9.9
Strangled/smothered	37	3.3	13	6.7	50	3.8
Burned/gassed/poisoned/drowned	20	1.8	14	7.2	34	2.6
Multiple methods (2 or more of the above methods)	83	7.5	12	6.2	95	7.3
Other	56	5.0	30	15.4	86	6.6
Total	1109	100.0	195	100.0	1304	100.0

* Co-accused not involved in actual physical attack on victim excluded from this table.

The other sex differences in methods employed (as described above) by which males and females killed and were killed may be explained by cultural and situational considerations. Differential socialisation means that women are less likely than men to respond to conflict by using the direct and immediately violent means of punching and kicking in an attack.

Inequalities in physical strength were also significant. An examination of the weapons and methods used according to the sex of victim-offender pairs revealed that when males killed, there was little difference in the weapons used and methods employed against male and female victims. However, when women killed, they were much more likely to avail themselves of a weapon when attacking a male, rather than a female victim. In attacks against males, 71% of women used a gun, knife or axe, compared with only 33% of the women who killed females. As Allen (1980) comments, inequalities between men and women make non-fatal violence difficult for women. As indicated in a later chapter on spouse murder, many women kill at a time when they themselves have been attacked or are under threat of attack by an adult male victim.

That the use of firearms accounted for a third of the homicide deaths and was the single most common cause of these deaths, requires further comment.

Guns

Periodically, the issue of gun ownership and its impact on the rates of violent crime becomes a popular discussion point in the media. Traditionally, Australia has had a relatively high level of gun ownership and a well organised and active gun lobby which becomes particularly vocal at the times of such public debate. For years, however, the question of gun ownership and its effect on violent crime has been and continues to be a source of debate amongst researchers throughout the world. Few would deny that some relationship does exist between firearms and violent death; yet there is substantial disagreement regarding the nature of this relationship (Seitz, 1972). For some researchers, the relationship is merely coincidental. Wolfgang, for example, argues that ". . . few homicides due to shootings could be avoided merely if a firearm were not immediately present, and that the offender would select some other weapon to achieve the same destructive goal" (1966, p.83).

Others have pointed out that there is no logically necessary relationship between levels of gun ownership and interpersonal violence. Many people possess guns, but never use them for inflicting harm on others (Kleck, 1979).

The first type of argument, however, has been criticised on the grounds that few homicides are single-minded and unambiguous in intention, and on the grounds that many are unplanned and impulsive (Lundsgaarde, 1977). The small percentage of killers who do carefully premeditate their killings are going to find a means whether or not guns are available, but it is highly possible the majority of impulsive killings would not occur if a gun was not readily available (Lunde, 1975). As several observers (Block, 1977; Lunde, 1975; Zimring, 1972) have indicated, even if another weapon is selected, it is in all likelihood going to be a less lethal weapon than a firearm. Research in New South Wales (Bureau of Crime Statistics and Research, 1973) and in the U.S. (Zimring, 1968) has demonstrated that the death rate for victims assaulted by guns is several times that of those assaulted by knives or other weapons. Such research would indicate that guns increase the probability that death, rather than injury, is the end result of an attack.

Other researchers have concentrated on examining the relationship between the homicide rate in a particular country or state and its level of gun ownership. Comparisons have been drawn on an international level. It has been argued that countries with high levels of gun ownership typically have high homicide rates. In the mid 1970's, England and Wales had an extremely low level of gun ownership, and a correspondingly low homicide rate of about 1 per 100,000 population. At the other extreme, the U.S., with a high level of gun ownership, had a frighteningly high homicide rate of 10.9 per 100,000. Australia, with a higher level of gun ownership than England and Wales, though nowhere near the U.S. level, had a homicide rate of 1.9 during the same period. Faced with these, and other conflicting arguments, researchers have squabbled over methodology and have failed to reach agreement (Kleck, 1979). However, those who have examined the association between the firearm homicide rate and the total homicide rate in a given country have achieved more consistent results. For example, in the U.S., between the years 1962 and 1968, sales of guns multiplied: sales of long guns doubled, while sales of handguns quadrupled. During this time, homicides involving firearms increased 48% while homicides by other means rose by only 10% (Edwards, 1972). Similarly, another study

(Seitz, 1972) across the 50 states of America established that an almost perfect linear relationship existed between firearm homicide rates and overall homicide rates: as the proportion of guns used in homicide attacks rose and fell with gun ownership, so also the total criminal homicide rate rose and fell with gun ownership.

Whatever the arguments and counter-arguments, Harding (1981), who has produced the only comprehensive book on firearms in Australia, and who is one of the foremost authorities in the country on the subject, makes persuasive comment:

The moral is insistent. The greater the number of guns which are available in a community, the more frequently they will be used in personal violence situations. Opinions may differ on whether cause and effect have been satisfactorily established, or whether dangerousness can be adequately measured, or whether the variables present in diverse and dynamic human situations can be satisfactorily controlled for the purpose of analysis. But the stark fact remains that, for societies deriving from the British tradition and at about the same stage of civilization and development, gun availability seems to be associated with gun violence. It would be a brave person who denies there is such a link and the onus is certainly upon such a person to prove his point. In my view, no one has yet done so. (1981, p.131)

With the above considerations in mind, the situations in which guns were typically used were analysed to explore whether the material on New South Wales could add anything to the general debate.

Firstly, the weapons used in homicides were analysed according to the area of residence of victim and offender. It was clear from the data that a relatively high percentage of killings in rural areas were gun homicides. Of the urban and provincial urban killings, 32% involved firearms, compared with 45% in rural areas. Not only was there a higher *proportion* of gun homicides in rural areas but the gun homicide *rate* for these areas was also considerably higher. When the mean rate of gun homicides per 100,000 population was calculated over the 14 year study period, the gun homicide rate was found to be more than 60% higher in rural than in urban areas (urban rate 0.58; rural rate 0.96). This difference was statistically significant ($p < 0.05$). There is a much greater rate of firearms ownership in rural areas (Harding, 1981); it is tempting to believe the relationship between gun ownership and the greater proportion of gun homicides is more than coincidental. Indeed, the argument that the two are linked becomes even more persuasive when it is recalled that the *domestic* homicide rate is higher in rural than in urban areas. This could be evidence that the possession of guns increases the probability of a homicide among family members and friends, as has been argued in the United States (Lunde, 1975).

Thus, compared with urban areas, rural areas have a higher rate of firearms possession, a higher gun homicide rate, and finally a higher domestic homicide rate. These findings would seem to lend support to Harding's argument when commenting on the relationship between gun ownership and homicide.

(e) Alcohol consumption and victim precipitation

Previous sections in this chapter have included several references to the fact that alcohol had been consumed often to excess by victims and/or offenders in many homicide incidents. As yet, however, there has been no discussion of the

significance or otherwise of alcohol consumption in relation to crime in general, and to homicide in particular.

Researchers have often focused on immediate situational factors which precipitate violent behaviour, and much attention has centred on alcohol consumption and in particular on excessive drinking as an important element. Not only researchers, but recently police authorities, have been interested in the idea that alcohol consumption is closely linked with homicide in certain situations. Since random breath testing legislation came into operation in December 1982, with claims for a consequent reduction in alcohol consumption, police have stated the homicide rate has dropped quite dramatically. This led police to speculate that fewer murders were being committed as an unexpected but welcome spin-off of R.B.T. (Sun Herald, 24th April 1983). The police claim may well be premature; nevertheless it expresses a common perception that alcohol is an important element in the events leading up to a homicide occurrence.

The opinion of researchers, however, is mixed as to the relationship between drinking and certain types of crime. That a relationship does exist is indisputable. A survey of 15 studies in English speaking countries in the 1950's, 60's and 70's, established that in all studies an association was noted between drinking and homicide (Goodwin, 1973). That homicide is frequently committed by persons who have taken alcohol prior to the crime is confirmed in these data. Approximately 37% of homicide suspects were known to have consumed alcohol prior to the killing, in many cases to excess.

The current study's data confirmed findings from other studies (Goodwin, 1973) that the majority of offenders who had been drinking were young—52% of them were aged between 15 and 29 years. This may, however, reflect the fact that most homicide offenders were of this age. In fact, alcohol was consumed by a larger proportion of the over 30's than the under 30's. A peak of 52% of the 40-44 years age group had been drinking.

Despite establishing these connections, broadly confirmed by the data of the current study, the nature of the relationship between alcohol consumption and crime has eluded researchers. Several explanations have been advanced. Using a medical model, some have attempted to establish a causal link between brain damage, as a result of excessive drinking, and violence; and others have made experimental attempts to produce aggressive behaviour with alcohol. Results from such studies, however, have been inconclusive (Goodwin, 1973). Others have argued that it is highly unlikely that the relationship between drinking and homicide and other violent behaviour is a simple medical one. There is no evidence to suggest that alcoholics are more likely to commit homicide than members of the general population. Although alcohol may increase the risk of violence in some rare instances where people have brain dysfunctions, alcohol should be regarded as a facilitator of homicide rather than direct cause (Allen, 1980). In another approach to the area, others have argued that it is a fallacy to see drinking as primary, and that alcohol serves only as an excuse to engage in otherwise unacceptable (violent) behaviour (Klein, 1979).

Another consideration, which some researchers have ignored, is that in many cases, both the offender *and* the victim had been drinking prior to the homicide incident. It was researchers interested in victim precipitation who first drew attention to the notion that the homicide victim is not always a passive being on whom a violent offender acts. Both the victim and the offender's drinking should be taken into account when assessing the impact of alcohol consumption on homicide.

Measuring the level of intoxication proved impossible in the present study; thus only whether alcohol was present or absent was recorded. Table 6.12 details the incidence of alcohol consumption amongst offenders and victims. Alcohol was prevalent in 42.3% of homicide incidents; the accused alone had been drinking in 121 (9.5%) cases and the victim alone in 68 (5.3%) cases. Incidents in which both offender and victim had consumed alcohol accounted for more than a quarter (27.5%) of all cases. In total, 37% of the accused, and 32.8% of victims had been drinking prior to the homicide incident. The presence or absence of alcohol consumption, however, varied according to the sex of the offender and victim, the relationship between them, and the source of the precipitation i.e., whether the homicide was offender or victim-precipitated.

Table 6.12. Alcohol consumption by victims and offenders

Alcohol consumption	No.	%
By offender alone	121	9.5
By victim alone	68	5.3
By offender and victim	351	27.5
No known alcohol consumption by either party	738	57.7
Total	1278	100.0

Alcohol was more likely to be present in homicides involving male offenders than female offenders: 38% of male offenders had consumed alcohol compared with 34% of the females. The difference was even more marked for victims; 41% of the male victims had been drinking prior to their deaths while only 20% of the female victims had done so. Alcohol was most likely to be present in homicides involving male offenders and male victims (47%), and female offenders and male victims (53%) (see Table 6.13). Alcohol consumption was not so prevalent in cases involving male accused and female deceased (35%) and was hardly present at all in cases involving female offenders and female victims (11%). However in the male accused/female deceased incidents, the offender was the more likely to have consumed alcohol; it was also in these incidents that the accused was most likely to have been the only participant who had consumed alcohol prior to the offence.

Table 6.13. Alcohol consumption according to sex of victim-offender pairs

Type of relationship	Alcohol consumption %	No alcohol consumption %	%
Female accused—male deceased	53	47	100 (n=137)
Male accused—male deceased	47	53	100 (n=675)
Male accused—female deceased	35	65	100 (n=414)
Female accused—female deceased	11	89	100 (n=41)

Further analysis revealed a close association between alcohol consumption and victim precipitation (Table 6.14). Alcohol was more likely to have been consumed in incidents in which the victim rather than the offender struck the first blow (victim-precipitated incidents, 64.6%; offender-precipitated, incidents 38.7%). While in only a quarter (23.5%) of the cases in which the *suspect* struck the first blow, both victim and offender had been drinking, in almost a half (49.5%) of the cases in which the *victim* struck the first blow, both parties had consumed alcohol. In victim-precipitated incidents, the victim was more than twice as likely than in 61.6% offender-precipitated incidents to have been drinking; 61.6% of the victims had been drinking in the former cases compared with 27.5% in the latter. The victim was also more likely than the offender to have been the only participant who had consumed alcohol in those killings where he/she had struck the first blow.

Table 6.14. Victim-precipitation by alcohol consumption (n=956)

Alcohol consumption	Victim-precipitated		Offender-precipitated	
	No.	%	No.	%
Victim drinking only	12	12.1	34	4.0
Offender drinking only	3	3.0	97	11.3
Victim and offender drinking	49	49.5	201	23.5
Total drinking	64	64.6	332	38.7
No drinking	35	35.4	525	61.3
Total	99	100.0	857	100.0

Similarly, alcohol consumption by the offender alone was nearly four times as common when the suspect initiated the altercation, rather than the victim. This was particularly prevalent in cases involving female victims and male offenders.

That many of these altercations involving alcohol and/or victim precipitation were spontaneous is perhaps reflected in the methods used by the offender to inflict injury on the victim. Alcohol was typically uncommon in killings which involved burning/gassing/poisoning/drowning or strangling/smothering; in only 17.6% and 20% respectively of these cases had alcohol been consumed by either party. However, alcohol consumption was particularly high in cases where the victim had been bashed with fists and/or feet; in 63.1% of these incidents, either the victim, the offender, or both had been drinking prior to the offence. This compares with 56.9% for stabbings, 44.2% for batterings, 31.9% for shootings.

Finally, alcohol consumption in homicide varied according to the relationship between victim and offender. Alcohol was a more common factor in killings between friends, strangers and neighbours or co-residents than in those between family members or sexual associations. In 53.2% of the friend killings, and 48.9% of the stranger killings, alcohol had been consumed by either or both parties to the homicide dispute. Alcohol was less commonly a contributing factor in domestic (35.7%) and sexual association killings. In friend killings, most

commonly both the victim and the offender had consumed alcohol (44.4%), and in stranger killings this was also the case, but to a lesser extent (28.8%). In a considerably smaller proportion of the domestic (22.0%) and the sexual (22.9%) killings, both the victim and offender had been drinking.

Clearly, many people drink but never resort to violence. Nevertheless, the idea that drink is a disinhibiting factor is an attractive, but somewhat vague proposition. Examination of the case studies strongly indicated that unpremeditated homicides were often committed when an outburst of anger or rage was linked to the consumption of alcohol and a murder weapon was readily available. It is unlikely or rare, however, that alcohol consumption alone would account for homicidal behaviour by the offender. Nevertheless, perhaps its influence has been underestimated in relation to certain homicides, in particular those where verbal quarrels between friends and/or strangers escalate into violent exchanges.

Any analysis of the relationship between alcohol and violent behaviour must also take account of cultural considerations. In some cultures, violent behaviour is regarded as a legitimate response in certain circumstances. In some situations, violence is in effect condoned, if not actually encouraged; physical punishment of children and wife beating, for instance, would fall into such categories. In societies like ours, violence is as much a learned response (i.e., a pattern of behaviour that is deemed acceptable in specific situations, and between certain people) as it is an expression of anger, frustration, depression or some other potent emotional force. Such behaviour may or may not require a trigger like alcohol to spark a violent confrontation.

It has been said that 'drinking, gambling and sport have been the staple leisure diet of Australians since the birth of the colony' (Caldwell, 1977, p.413). Certainly, there is a general social tolerance and acceptance regarding drinking, particularly amongst men, which is probably a significant factor in Australia's alcoholic problem. It has been estimated that there are 250,000 to 300,000 alcoholics in Australia, comprising 5% of the men, and 1% of the women (Caldwell, 1977). In addition, a survey in 1968 ranked Australians first in the English-speaking world as consumers of alcohol (based on the annual per capita intake of the population aged 15 years and over).

Nevertheless, one must be careful not to assume a necessary connection between the prevalence of drinking in a particular culture and violence, particularly homicidal violence. This is evidenced when other high alcohol consumption countries are examined. Ireland, for example, with its renowned reputation for drinking and 'scrapping', has an extremely low homicide rate. The heavy drinkers of Ireland appear to be little inclined to murder, no matter how drunk they get (Gastil, 1971). This suggests that not only are there differing cultural definitions of when it is appropriate or inappropriate to use violence, but also cultural definitions regarding the level of violence that is appropriate in these situations. More detailed discussion of such cultural definitions will follow when homicides involving specific relationships are examined.

SUMMARY

This chapter has been concerned to analyse where, when and how homicides occur in New South Wales. Violent deaths were found to be as common in rural as in urban areas—a somewhat unexpected finding, as typically crime rates are lower in the country than in the city. The characteristics of homicides were found to vary according to the location of offence: the incidence of family killings, and homicides involving firearms, was higher in rural than in urban areas; stranger

killings were more common in cities than in the country. The majority of violent deaths occurred within the privacy of a home. Females were particularly vulnerable in the home while a large proportion of males were killed in public places, e.g., in the street, or in and around a hotel or other licensed premises.

Significantly, the most common weapon used was a firearm—accounting for one third of the homicide deaths.

The role of alcohol as a contributing factor in homicide is debatable. Alcohol had been consumed in just over a third of the homicides—so clearly it was absent in the majority of killings. Alcohol consumption was, however, greatest in killings involving friends and acquaintances, and in circumstances in which the victim had apparently been the initial aggressor in the dispute.

Throughout the preceding analysis the association between situational variables (such as location and setting of offence and the methods employed) and the type of offence was stressed. The pattern of such variables was frequently found to vary according to sex of offender, sex of victim, and to the relationship between them. The following chapter explores in detail the exact nature of these relationships.

CHAPTER 7

Offender—Victim Relationship

It was argued earlier in this report that in order to understand homicide in any meaningful way it is necessary to distinguish, and examine separately, qualitatively different types of homicide. Certain features common to the act of violence itself (method, time, location etc), as well as to the perpetrator and the victim, have already been examined separately. This overview is useful and necessary, but nevertheless limited with regard to understanding different types of homicide. A more sophisticated form of research is required to separate out and analyse these different types. For various reasons (discussed in Chapter 4), the classification of homicide according to legally defined categories, or to ostensible motives, has been rejected. It has been argued that a contextual analysis of the circumstances of the crime is a meaningful way to classify homicide. This chapter examines one of the most important of the contextual features the relationship between victim and offender. Wherever possible the data from the current study are compared with those of the two earlier studies, by MacKenzie (1961) and Rod (1979). This provides a unique opportunity to examine any changes in the nature of homicide (as defined by the relationship between victim and offender) that have occurred in New South Wales over the last half century.

SEX OF OFFENDER—VICTIM PAIRS

The most basic relationship aspect is that concerning the sex of offender and victim. Analysis of the sex of victim-offender pairs revealed that by far the most common type of homicide occurred between male offenders and male victims. Table 7.1 shows that more than half (53%) of the homicides were of this type. The next most common type of homicide involved male offenders and female victims, with almost one third (32.5%) of the homicides falling into this category. Women killing males accounted for only 10.8% of the relationships; but even rarer were cases involving female offenders and female victims; only 3.6% of all killings were of this type. Thus overwhelmingly men were responsible for the deaths of both male and female victims— 83% of male, and 90% of female victims were killed by men. This figure was even more pronounced for adult victims; 86% of males aged 16 years or over were killed by males, while almost all (97%) of the adult females were killed by males.

Table 7.1. Sex of offender by sex of victim*

Sex relationship	Number	%
Male offender-male victim	675	53.0
Male offender-female victim	414	32.5
Female offender-male victim	137	10.8
Female offender-female victim	46	3.6
Total	1272	100.0

* Excludes unsolved homicides and 6 victims whose sex was unknown.

There is some indication that these sex relationship patterns have become more pronounced over the 1933-1981 period. Table 7.2 reveals that the proportion of homicides involving male offenders and male victims has been slowly but steadily increasing over the 49 year period.* Over this time, these homicides have increased from 44% to 54% of all homicides. Meanwhile, the other three categories have constituted an ever decreasing proportion of the homicide. Male offender-female victim homicides have decreased from 35.2% to 31.5%, female offender-male victim incidents from 15.1% to 11.6% and female offender-female victim homicides from 5.3% to 3.5%. These patterns are consistent with the findings in Chapter 5. Over the last 49 years, men have constituted an increasing proportion of homicide offenders; the proportion of male victims has also increased during this period. Meanwhile, homicides involving male offenders and male victims have become increasingly common in New South Wales in recent years. Homicide is increasingly a male phenomenon.

Table 7.2. Sex of offender by sex of victim for the time periods 1933-1957, 1958-1967, 1968-1981.*

Type of relationship	Time period		
	1933-1957 %	1958-1967 %	1968-1981 %
Male accused—male deceased	44.4	49.2	54.0
Male accused—female deceased	35.2	35.0	31.5
Female accused—male deceased	15.1	10.9	11.6
Female accused—female deceased	5.3	4.9	3.5
Total	100.0	100.0	100.0

* Figures have been adjusted for purposes of comparison: homicide classified as 'manslaughter' by the police, and neonaticides are excluded. The figures are based on all offender-victim pairs, not principal offender-victim pairs.

But what are the circumstances in which males and females kill or are killed? What are the situations which pose the highest risk for a violent death? Are they different for males and females? It is these questions that are now addressed.

RELATIONSHIP OF VICTIM TO OFFENDER

Homicide in New South Wales occurred most frequently between intimates. This may not come as a surprise to those familiar with homicide patterns elsewhere. Nevertheless, as many as 80% of the victims in this sample were in some way associated with or known to the offender, and in the majority of cases, this association was a close one (see Table 7.3). By far the largest category of homicide consisted of those classed as 'domestic': 541 (42.5%) of the homicide victims were killed by members of their own family. Friends and acquaintances were the next group most at risk, accounting for one in five (20%) of the homicide victims. Meanwhile, homicides between people with residential (i.e., between neighbours, flatmates etc), sexual (lovers, sexual rivals) and occupational (employers, employees) associations accounted for 8%, 6.8% and 2.3% of the cases, respectively. Killings by strangers, the most publicly feared murder, accounted for only 229 or 18% of the deaths.

Table 7.3. Relationship of victim to offender by sex of victim

Relationship of victim to offender	Sex of victim				Total	
	Male		Female			
	No.	%	No.	%	No.	%
Family	231	28.4	310	67.4	541	42.5
Friend/acquaintance	210	25.9	44	9.6	254	20.0
Stranger	187	23.0	42	9.1	229	18.0
Residential	80	9.9	22	4.8	102	8.0
Sexual	58	7.1	29	6.3	87	6.8
Occupational	23	2.8	6	1.3	29	2.3
Not Known	23	2.8	7	1.5	30	2.4
Total	812	100.0	460	100.0	1272	100.0

* Excludes 6 victims of unknown sex, and unsolved cases. These figures based on principal offender-victim pairs.

It is possible that a disproportionate number of unsolved murders were stranger killings, and that by excluding these, the stranger figure is artificially low. However, even if *all* the 95 unsolved killings were included in these figures and all of these were classed as stranger killings (a highly unlikely proposition—police are of the opinion that in many unsolved murder cases, the offender was known to the victim), stranger killings would still only account for less than a quarter of the total, and the vast majority of the homicides (75%) would have occurred between people in some way associated with one another.

Analysis of the sex of the offenders and victims in particular relationships reveals some interesting patterns. Table 7.3 reveals that both male and female *victims* were most at risk from family members. However, a much larger proportion of female than male victims were killed in domestic situations. Females were almost two and a half times as likely as males to be killed by relatives: 310 (67.4%) females died at the hands of family members compared with only 231 (28.4%) of the males. Both as a proportion of their sex, and in absolute numbers females were far more likely than males to die in domestic homicides.

The picture is somewhat different in other homicides. In all other categories, males were more at risk than females. Males were almost at as much risk from friends or acquaintances, as they were from family members; approximately one quarter (25.9%) of the male victims were killed as a result of disputes with friends. A much smaller proportion (9.6%) of females were killed in this way. Males were also three times more likely than females to be killed by strangers; almost one in four males (23.0%) were killed by people unknown to them, compared with less than one in ten females (9.1%). In the remaining homicides, there were less startling differences in the sex of the victim.

Similar striking differences also emerged when the sex of the *offender* was examined. Table 7.4 illustrates the dramatic differences between men and women in who they kill. The overwhelming majority of homicides committed by women (81.2%) occurred within their own family. Women were very rarely involved in the deaths of friends and acquaintances, or of neighbours or flatmates. Even rarer were women involved in killing strangers or lovers or

sexual rivals. Indeed over the 14 year study period, only six women were classed as the principal offender in the killing of a stranger, and only three in the death of a lover or sexual rival.

Table 7.4. Relationship of victim to offender by sex of offender*

Relationship of victim to offender	Sex of victim					
	Male		Female		Total	
	No.	%	No.	%	No.	%
Family	391	36.0	156	81.2	547	42.8
Friend/acquaintance	241	22.2	13	6.8	254	19.9
Stranger	223	20.5	6	3.1	229	17.9
Residential	89	8.2	13	6.8	102	8.0
Sexual	84	7.7	3	1.6	87	6.8
Occupational	28	2.6	1	0.5	29	2.3
Not known	30	2.8	0	0.0	30	2.3
Total	1086	100.0	192	100.0	1278	100.0

* Figures based on solved homicides, and principal offender-victim pairs.

When men killed, they were far more likely than women to kill outside the family. Only just over a third (36.0%) of the male offenders killed family members. However, almost a quarter (22.2%) of the men killed friends or acquaintances, while a fifth (20.5%) killed strangers. To a lesser extent, men were involved in the killings of neighbours, workmates and the like. Nevertheless, men were five times more likely than women to kill lovers and/or sexual rivals.

In summary, females were most likely to kill and be killed within the family. Only rarely were they involved in other types of homicide. Males, on the other hand, while also most likely to kill and be killed within a domestic context, were considerably involved in homicides outside the family. Almost a quarter of them killed or were killed by friends and acquaintances, while about one fifth of them killed or were killed by strangers.

INTERNATIONAL COMPARISONS

How do these patterns compare with other research findings on homicide? A review of studies throughout the world in which the relationship between homicide offenders and their victims was examined revealed that homicide between family members figured prominently in most reports (Curtis 1974). Particularly noticeable were figures from Denmark, where 57% of homicides occurred within the family, Poland (41%) Moscow (42%) and elsewhere in the U.S.S.R. (41%). Homicide amongst family members and relatives was also considerable in Israel (42%), rural India (48.6%) Africa (West Uganda 41%) and England/Wales (36.1%). On the other hand, domestic homicides, although still frequent, formed a smaller proportion of the total killings in such places as the United States (24.7%), Montreal (27.1%), Scotland (17.1%) and Florence, Italy (25.5%). It would appear that the pattern of homicide in New South Wales is on a par with that in the first group of countries mentioned, with family homicides forming a considerable proportion of the total homicide incidents.

The definitional and counting rules employed in some of these studies were different from those used in the current project, making comparisons with the other categories of relationship difficult. Nevertheless, some comparisons were possible. Denmark had a relatively low proportion of stranger murders (12.3%), while the figures for Scotland (34.8%) and Montreal (47.9%) were relatively high. The remaining countries were somewhere in between, with stranger murders constituting about 20% of all homicides. At 18%, the New South Wales figure is comparable with the average figure for other countries for which figures were available.

What can account for the distinct character of homicide in a particular country? Such a question is intriguing, but is beyond the scope of this study. Curtis (1974) however, has made some attempt to analyse the varying composition of homicide in different settings according to historical and cultural criteria. He concluded that he had not been successful in detecting or identifying any obvious common thread underlying the diverse patterns: for example, distinctions between western and eastern cultures, or between more and less advanced industrial societies, did not prove to be particularly useful. Curtis remarked:

... the real lesson simply may be that the unique social institutions, roles and expectations that develop in a country over time become important in understanding the relationship pattern between victim and offender. Thus, note how in Ceylon, conflict is ostensibly discouraged through social expectations of harmony and female subservience, how among Arabs in Israel the passiveness of women and their treatment as property similarly discourages spouse killings, but how the comparatively less obtrusive passivity expected of and generally received from British women does not seem to do so, how the emphasis on real partnerships in rural India works to increase husband-wife killings, and how the relatively lessened emphasis on such life-long partnership in America exists along with a not insignificant proportion of mate slayings ... Homicide, then, is driven by deep social and cultural currents. (1974, p.58)

Whatever the particular cultural and historical factors operating in New South Wales, they have resulted in the crime of homicide being one that typically occurs between intimates, with a relatively high (in international terms) proportion of killings occurring between family members.

HISTORICAL TRENDS IN NEW SOUTH WALES

To what extent has there been any change in the pattern of homicide (as defined by the relationship of victim to offender) in New South Wales over the last half century? This question can be answered in two ways:

- (a) by analysing the relative proportions of different types of homicide over this period, thereby establishing the particular 'character' of homicide at a given time.
- (b) by analysing any change in the *rate* of occurrence (as measured per 100,000 population) of a particular type of killing.

Both analyses are necessary as a *proportional* increase of a particular type of killing (eg., those within the family) does not necessarily indicate a greater *rate* in real term of such homicides. The domestic homicide rate may in fact remain steady, but the *proportion* of all such homicides increase by virtue of a decrease in another type of killing.

(a) Proportional change

Current study data were compared with that of the two earlier studies completed by MacKenzie (1961) and Rod (1979). Table 7.5 details the

proportions of different types of killings in each of the three study periods, 1933-1957, 1958-1967, and 1968-1981. It is clear that family killings have been the major category of homicide over the last 49 years. There are indications, however, that the proportion of all homicides that are 'domestic' has declined slightly over this period. In both the 1933-57 and 1958-1967 periods, just over half (52%) of all homicides were family killings. During the current study period, this percentage dropped to 45%. Whilst figures for other types of killings were unavailable for the first time period—the data were not comparable—there are indications of some change between the second and third periods in non-familial homicides. A small increase was evident in the proportion of homicides that involved strangers, and in those in the 'other' category (this refers to lovers, sexual rivals, neighbours, workmates etc.); stranger killings increased in proportion from 13% to 17% while those in the miscellaneous 'other' category rose slightly from 16% to 20%. The proportion of killings that occurred between friends and acquaintances remained approximately the same.

On this evidence it would appear that the character of homicide in New South Wales, as defined by the relationship of victim to offender, has undergone some slight change in the last half century. Most notable is the declining proportion of homicides that occur between family members and the increasing proportion that occur between strangers and those in a miscellaneous category.

Table 7.5. Relationship of victim to offender for the time periods 1933-57, 1958-67 and 1968-81.*

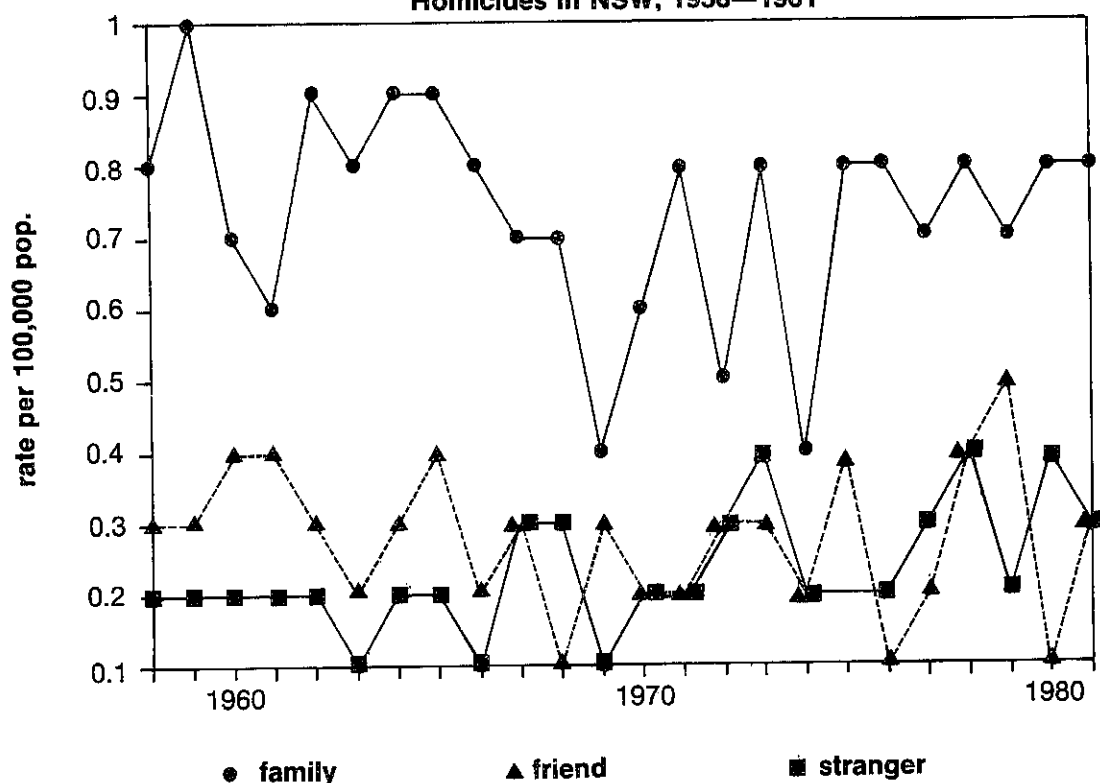
Relationship of victim to offender	1933-1957 %	1958-1967 %	1968-1981 %
Family	52	52	45
Friend	—	19	18
Stranger	—	13	17
Other	—	16	20
Total	100 (n = 820)	100 (n = 1042)	100 (n = 1042)

* Figures for 1968-81 are adjusted for comparability with previous study periods. Neonaticides and manslaughter cases excluded, figures based on principal offender-victim pairs.

(b) Change in the rate of occurrence

Figure 7.1 illustrates the *rate of occurrence* of the three major categories of homicide (family, friend and stranger) between 1958 and 1981 (figures unavailable for the 1933-57 period). No linear trend was apparent for killings involving family members, or friends and acquaintances. An upward linear trend was evident, however, for stranger killings. Although fluctuation occurred on a year-by-year basis, the rate of stranger killings increased significantly over the 24 year period ($F^{1, 19} = 8.66$, $p < 0.01$). This trend was apparent for male offenders only ($F^{1, 19} = 9.22$, $p < 0.005$); no similar trend for female offenders was found.

Fig 7.1 Victim—offender relationship
Homicides in NSW, 1958—1981



From this analysis of both the proportions and rates of occurrence of different types of homicide over time, it is apparent that some change has occurred. Homicide of intimates (particularly family members) has consistently been the most common type of killing in the last half century. Although the *proportion* of all homicides involving family members has decreased slightly, there is no indication that the *incidence* of such killings is declining. Its rate of occurrence has been fairly constant throughout this period. In the last 24 years, homicides by strangers, however, have undergone a slight increase both in terms of the proportion of all homicides, and in terms of the rate of occurrence. This upward trend has not been dramatic, but it has, nevertheless, slightly altered the character of homicide in New South Wales.

A cautionary note must be made in relation to these findings. These data are based on 'cleared' homicides. There is a possibility that the rise in the proportion and rate of stranger homicides is merely a function of a change in police efficiency e.g., perhaps police are more efficient now than in the past in apprehending offenders involved in homicides of strangers compared with other relationship categories. There is no evidence, however, that this has happened. Also, given the consistently low number of unsolved homicides, it is unlikely that such a tendency could explain away the trend.

Evidence from studies completed in the United States have indicated similar, if sometimes more alarming, trends in the character of homicide. Lundsgaarde (1979) examined 40 years of homicide statistics for Houston. He concluded that the categories of killer-and-victim relationships did not appear to have changed significantly over the study period, but that a slight increase in the number of killings involving strangers had occurred since 1969. He attributed this to an overall increase in narcotic-related crimes. Block (1977), on examining homicide patterns in Chicago between 1965 and 1973, found similar results; he found

that the proportion of homicides involving strangers had increased over the nine year period. He attributed this change to an increase in the number of robbery murders (from 33 in 1965, to 162 in 1973). Finally, Curtis (1974), in a review of homicide statistics based on FBI Uniform Crime Reports from 1963 to 1972, found that although all types of relationship had increased in volume over the ten year period, the relative proportion of killings by strangers had risen at the expense of other categories. (It should be noted that some of these researchers talk about 'numbers', others about 'proportions', and others about 'volume' of different types of homicide).

FAMILY HOMICIDE

As family killings have been the major type of homicide in New South Wales, it is of interest to examine in more detail the particular pattern of killing of family members. Within the family there are several types of homicide: there are, for example, spouse killings, child killings, parent and sibling killings. Which family members are most at risk?

(a) Relationship of victim to offender

The relative prevalences of these and other family homicides are set out in Table 7.6.

As Table 7.6 shows, more than half (54.7%) of the domestic homicides were committed on spouses. Between 1968 and 1981, 296 people were killed by their legal or de facto spouse. This means that very nearly one quarter (23.2%) of the homicides in the total sample were spouse killings. The most intimate relationship in society is also the most dangerous and violent.

Moreover, spouse killings were not equally distributed between husbands and wives. Women were very nearly three times as likely as men to be the victim of a spouse homicide: 217, or 73.3% of the spouse killings involved men killing their wives, while in 79, or 26.7% of the cases, women killed their husbands. This finding accords with those from elsewhere in Australia (South Australian Office of Crime Statistics, 1981) and such countries as England and Wales. It differs, however, from the pattern in the United States, where it has been reported that men and women are equally likely to kill their spouses (Curtis, 1974).

The second most common type of family killing was committed by parents on their children. Over a quarter (27.2%) of the domestic homicides were of this type. Women were more than twice as likely as men to kill their own children, but in terms of absolute numbers, more fathers than mothers killed their own offspring. Parent-child relations (like the marital relationship) have been idealised in Western culture. The prevailing mythology portrays the relationship between children and parents as a picture of love, affection and care. However, as one observer has remarked:

The suffering, frustration and anger involved in child-rearing have been minimised in the collective cultural awareness. The inherent stresses and suffering associated with parenthood and growing up have been relegated to distortions which take place only under pathological circumstances. (Tanay, 1973, p.273)

That such stresses can and do lead to violence, particularly during child-rearing years, is evident from the fact that in the vast majority of cases in which parents killed their children, the victims were less than sixteen years old (see Table 7.7). Indeed children were most at risk from a parent when they were most vulnerable, that is, when they were of pre-school age (for further discussion see Chapter 9). That the parents were frequently undergoing significant distress at the time of the killing is also evidenced by the relatively high number of murder-suicides in these cases. Almost one third of these children's deaths occurred within the context of a murder-suicide or an attempted murder-suicide.

Table 7.6. Relationship of victim to offender by sex of offender—family killings*

Relationship of victim to offender		Sex of offender					
		Male		Female		Total	
		No.	%	No.	%	No.	%
Spouse:	Legal	127	32.5	43	27.5	170	31.1
	Defacto	90	23.0	36	23.1	126	23.0
	Total spouse	217	55.5	79	50.6	296	54.1
Offspring:	Son	48	12.3	33	21.2	81	14.8
	Daughter	30	7.6	32	20.5	62	11.3
	Child-sex unknown	0	0.0	6	3.8	6	1.1
	Total offspring	78	19.9	71	45.5	149	27.2
Parent:	Father	24	6.1	1	0.6	25	4.6
	Mother	17	4.3	1	0.6	18	3.3
	Total parent	41	10.5	2	1.3	43	7.9
Sibling:	Brother	18	4.6	2	1.3	20	3.6
	Sister	2	0.5	1	0.6	3	0.5
	Total sibling	20	5.1	3	1.9	23	4.2
In laws		20	5.1	1	0.6	21	3.8
Other family		15	3.8	0	0.0	15	2.7
Total		391	100.0	156	100.0	547	100.0

* Principal relationships.

Table 7.7. Age distribution of victims killed by parents

Age	Number	%
0-5	101	67.8
6-10	18	12.1
11-15	10	6.7
16+	20	13.4
Total	149	100.0

Together, spouse and child killings accounted for 81% of all the family homicides. To a lesser extent, homicidal violence involved parent, sibling and other family victims. When these killings did occur, however, the offender was almost always a male. Only a tiny minority of women killed family members other than spouses and children.

(b) Historical trends in intra-familial homicide

Earlier in this chapter, historical trends in family killings as a whole were analysed. No increase overall in family killings as a rate was found, although the proportion of all homicides that were domestic had decreased slightly.

Using MacKenzie's (1961) and Rod's (1979) data, a similar analysis was conducted on the pattern of different types of family killings over the 49 year period from 1933 to 1981.*Table 7.8 details the relationship of victim to offender in family killings, by sex of offender. It can be seen that spouse killings have consistently been the major type of family homicide throughout this period. Nevertheless, some changes have occurred. The first notable feature is that the *proportion* of domestic killings involving spouses has increased over the three study periods from 46% in 1933-57, to 55% in 1958-67, and to 59% in the current study period. There has been a corresponding decrease in the proportion of family killings of juvenile and adult kin. This decrease, however, was most notable for killings involving children; from 36% to 24% to 19% over the three respective study periods. It is evident from these figures that the 'character' of family killings has changed over the last half century. Spouse homicide continues to be the most common type of family killing, but a much larger proportion of domestic homicides are now of this type. A smaller proportion of family killings than in the past now involve children.

Analysis of the relationship of victim to offender according to sex of offender revealed that within the family, a larger proportion of both men and women kill spouses, and a smaller proportion kill children. However, the most dramatic changes were evident in the victims of female rather than male offenders. Whereas in the 1933-57 period, only 34% of women who killed within the family killed their husbands, this had risen to 46% and then to 59% in the latter two study periods. Correspondingly, while the majority of women (59%) in the first study period killed juvenile kin, this had changed by 1958-1967, when only 40% killed children; by 1968-1981, this percentage had dropped even further to 32%.

In summary, throughout the three study periods, male offenders have been consistently more likely to kill their wife than any other family member. The pattern of women killing within the family, however, has changed. A woman is now more likely to kill her husband than her child, a reversal of the situation in the earlier study period.

A note of caution is necessary in interpreting these figures. It is important to stress that the above findings are only relevant to a discussion of the nature of the *pattern* of killings within the family by men and women. They do not necessarily indicate an increase in the *rate* of spouse homicide, particularly by women. Further analysis supports this. Firstly analysis of the spouse homicide rate from 1958-1981 (data for 1933-57 not available) revealed no significant upward linear trend. This indicates that although the *proportion* of family killings involving spouses has risen, the *rate* of such killings at least between 1958 and 1981 has not. Secondly, the ratio of male to female spouse killers was examined over the three study of periods, and found to be stable; that is, the ratio of men to women killing spouses has remained steady at about 3:1. Thus, although women are more likely now than in the past to kill a husband than a child, spouse killings by women *have not increased* relative to spouse killings by men.

* The rate of occurrence could only be calculated for spouse killings. Yearly data on other types of family killings unavailable for 1933-1967 period.

Table 7.8. Percentage of family killings by sex of offender for the time periods 1933-1957, 1958-1967, 1968-1981*

Relationship of victim to offender	1933-1957			1958-1967			1968-1981		
	Male %	Female %	Total %	Male %	Female %	Total %	Male %	Female %	Total %
Spouse	52	34	46	58	46	55	58	59	59
Juvenile kin**	24	59	36	18	40	24	14	32	19
Adult kin	24	7	18	24	14	21	28	9	22
Total (Number of cases)	100 (271)	100 (145)	100 (416)	100 (229)	100 (88)	100 (317)	100 (347)	100 (132)	100 (479)

* Figures are adjusted for 1968-1981 data for purposes of comparability with previous study periods (murder only, neonaticides excluded and all victim -offender pairs).

** 'Juvenile kin' defined as all kin under 15 years of age.

Given that both the ratio of male to female spouse killings and the rate of occurrence of such homicides has remained fairly steady, it would appear that the increased proportion of family killings of this type is attributable to a *decrease* in volume of another type of family killing, that of juvenile kin, particularly by women. This proposition is consistent with the earlier finding (Chapter 5) that the proportion of homicide victims under fifteen years has more than halved since the 1933-57 period, at a time when the proportion of the total population of this age declined only very slightly.

SUMMARY

Homicide in New South Wales is a crime which typically occurs between intimates; four out of five victims knew their attacker, and in the majority of cases, their relationship was a close one. The family was the most common venue for these homicides. The relationship patterns varied considerably, however, according to the sex of the offender and of the victim. Most commonly, homicide involved a male offender and a male victim. Males killed or became victims most often outside the family. They were considerably involved in killings of friends, strangers, neighbours, lovers and sexual rivals. Women were most likely to kill or be killed within the family: as many as two-thirds of all females were killed by a family member. Women were less commonly involved in killings outside the domestic sphere.

Analysis of patterns over time revealed that familial homicide has consistently been the most common type of homicide over the last half century. There is some evidence that there has been an increase in the volume of other types of homicide, for example, that between strangers, but this increase has not been dramatic, and is nowhere as near as alarming as that reported in some parts of the United States.

The fact that the social group that society most often looks to for warmth, intimacy and love is also characterised by cruelty and violence requires further examination. Spouse killings and child killings were found to be the two major types of family homicide, but killings of other family members—siblings and parents—also occurred. The following chapters explore in more detail the circumstances of these family killings. They examine the precipitating events leading to the violence, and the general circumstances prevalent at the time of the killings.

A TYPOLOGY OF HOMICIDE

CHAPTER 8

Spouse Killings

INTRODUCTION

More homicides occur within marriage than in any other single relationship in society. Very nearly one quarter (23.2%) of all homicides in New South Wales occurred between spouses. Women are particularly vulnerable in spouse homicides: almost half (47%) of all female victims were killed by their spouse compared with only 10% of the male victims. Clearly the marital relationship provides the context for some of the most violent encounters in our society.

Until relatively recently, the phenomenon of family violence was a 'hidden' issue. As recently as 1975, there was no published research in Australia specifically devoted to the subject of domestic violence (O'Donnell and Saville, 1982). It was only in the 1970's that the issue of marital violence began to surface and receive wide publicity and debate. Articles in the popular press, governmental enquiries, and academic seminars on the subject now occur regularly in Australia, as they do elsewhere. Social services have been set up and new legislation introduced in an attempt to deal with the serious and recurrent abuse that many women are subjected to within the family. There has been a subsequent growth in community awareness of both the extent and the serious nature of assaults that can occur within the confines of the family. Yet serious misconceptions about family violence continue to exist. Domestic violence is still treated by many as being somehow of a less serious nature than other forms of violence in society. The continued tolerance for certain types of violence, i.e. family violence, is evident, for example, in the treatment of domestic homicide in the press. Lovejoy's (1979) perusal of seven years of press cuttings in New South Wales revealed that killings of strangers for gain received prominent coverage accompanied by exclamations of outrage. Meanwhile the 'ordinariness' of domestic homicide events was stressed, and reporting on such incidents was rarely accompanied by a sense of outrage or moral panic as in the former case.

Nevertheless, the proliferation of research material on domestic violence has made a welcome and valuable contribution to raising the consciousness of people as to the problems encountered by victims of domestic violence and by marital violence victims in particular. Relatively little research, however, has been done on domestic *homicide*. Marital murder has only recently received specific attention (Rod, 1979; Bacon and Lansdowne, 1982). This chapter aims to explore these homicides further.

The following analysis falls into two sections. The first section analyses some of the characteristics of the cases in which marital conflict led to lethal violence. It is important to state at this point that this chapter will not concentrate on such factors to the exclusion of wider considerations—be they economic, cultural or social—which may have had a bearing on the actions of these couples. The current study does *not* wish to be guilty of the 'myopic empiricism' (Dobash and Dobash, 1977) of some other studies on domestic violence, that have analysed these cases in isolation from the wider issue of domestic violence and the historical and cultural context in which it occurs. Nevertheless, the current

study does have the advantage of presenting population (rather than sample) data, and as such, can provide good indicators as to the situations in which spouse violence is most likely to result in death.

The second half of the chapter examines the nature of the marital conflict, and the events leading up to the killings. It also discusses how men and women kill spouses in response to different sets of pressures and considerations.

DATA

(a) Sex of offender

Marital murder in New South Wales is, as it was 100 years ago (Allen, 1982), a practice largely confined to men: 73.3% (217) of the 296 spouse killings were committed by husbands; 26.7% (79) were committed by wives. Thus women were three times more likely than men to be killed by their spouse. Both numerically and proportionately, more women than men were killed by their marital partner.

This ratio in spouse killings is similar to that found elsewhere in Australia (South Australian Office of Crime Statistics, 1981) but is somewhat different to spouse homicide patterns found in some overseas countries. The New South Wales pattern is more akin to that found in England and Wales than that found, for example, in the United States. Several American studies have indicated that women kill their spouses just as often, and sometimes more often, than men. For example, in Wolfgang's Philadelphia study (1966), almost as many wives as husbands killed their spouse, while Lundsgaarde (1977) found that in Houston nearly twice as many wives killed than were themselves killed by their husbands. Even within the same society, however, complex social, cultural and political differences appear to be in operation, resulting in differential spouse homicide patterns. Wolfgang (1966), for example, found that spouse homicide patterns were different for blacks and whites. Amongst blacks, wives were more likely to be the aggressors than the victims. The picture was reversed for whites: white women were three times more likely to be victims than aggressors in spouse killings.

These figures raise the question of why Australian women are so prevalent amongst the victims of spouse homicide. This question cannot be answered without referring, however briefly, to the historical and cultural context of relations between men and women, and in particular the relationship between husbands and wives, in Australian society. The family has assumed a central position in Australian society. The cultural tradition prevalent in Australia has meant that the majority of women have rarely had the opportunity to do anything else but identify themselves primarily with the family and their prescribed role in it. Although basic sexist assumptions about women and men were transported to Australia from England with the First Fleet, it has been argued that the particular social and economic conditions prevalent in the colony in the first 50 years had the effect of maintaining these assumptions with a distinct and explicable fervour, resulting in particularly rigid sex role distinctions (Summers, 1975). Thus, it has been argued that Australian women have been particularly physically and psychologically bound to prescribed notions about their function and role as wives and mothers. This has led to a high level of social and economic dependence of women on men, and, some have argued, to a particular level of passivity amongst Australian women. This, in turn, may have affected their response to violence. As Rod remarks:

It is possible that the early history of Australia encouraged more male violence against females; however, it made certain that women were less likely to retaliate in like manner when assaulted. (1979, p.168)

The life experience of, say, women in black American families has been somewhat different from that of Australian women. Historically, conditions of perpetual poverty and chronic unemployment of black males have forced black American women to seek a measure of financial independence in order to support themselves and their children. As a consequence, in contrast to their white counterparts, black women have achieved a measure of economic and emotional independence from their husbands. It has been argued that as a result of this independence, black women are less likely to passively take or accept continual verbal or physical abuse, and are more likely to retaliate in the event of being attacked. As Rod (1979) has observed:

Economic independence encourages women to take an active role in controlling the behaviour of the males in the household; this control may often need to be violent in the face of violent opposition from men. (p.123)

One possible explanation for variation in the ratio of male to female spouse killers, then, is that women with a measure of physical and psychological independence are more assertive and therefore more likely to hit back if attacked. It is most important to note that this does not in any way imply that more spouse homicides occur as a result of this independence; it only implies that in the event of violent conflict between husband and wife, the woman is more likely to retaliate and therefore has less chance of being the fatally injured party than her more passive or dependent counterpart.

(b) Marital status

More spouse homicides occur between legally married couples than between those in de facto unions: 58.4% of the marital homicides occurred between people legally married, compared with 39.9% in de facto relationships. A further 1.7% occurred between divorced couples (Table 8.1). However, the number of spouse killings that occurred between de facto couples is disproportionate to their numbers in the general population. Preliminary figures from the 1982 Australian Bureau of Statistics study "Australian Families" indicate that only 4.7% of married couples live in a de facto relationship. Although this figure is likely to be an underestimate, it is apparent that de facto killings are considerably over-represented (up to eight times) relative to their numbers in the population. This finding confirms the earlier findings of Rod (1979) and Allen (1982) both of whom found de facto relationships over-represented in their spouse murder samples.

Table 8.1. Marital status of spouse homicide offenders

Marital status	Sex of offender					
	Male		Female		Total	
	No	%	No	%	No	%
Legal	130	59.9	43	54.4	173	58.4
De facto	83	38.2	35	44.3	118	39.9
Divorced	4	1.8	1	1.3	5	1.7
Total	217	100.0	79	100.0	296	100.0

That such an over-representation of de facto relationships occurred in spouse homicide was somewhat surprising. Interestingly, no discussion of this over-representation could be found in the domestic violence literature. Various

variables were examined according to marital status (that is, whether de facto or legal) to ascertain whether there were any differences in the characteristics of de facto and legal couples which could account for the greater likelihood of de facto relationships to foster homicidal violence.

A higher percentage of those who killed de factos (56%) than those who killed legal spouses (42%) were found to come from the unskilled socio-economic groupings. This might reflect the fact that de facto relationships have traditionally been most prevalent amongst the lower social economic classes, although in recent years they have been growing in popularity among young middle class people (New South Wales Law Reform Commission, 1983). High levels of unemployment have traditionally been associated with a high level of informal marriages; and historically, certain sections of the working class, particularly the unemployed, seasonal and migratory workers, have not entered into formal marriages. It has been argued that the relative difficulty and expense of obtaining a divorce has also contributed to de facto relationships becoming what has been called the "poor people's remarriage". Recent research has revealed that similar patterns are in existence today: in terms of unemployment, income distribution and housing occupancy, men in de facto relationships (particularly those in the younger age groups) show a consistent tendency to be at a financial disadvantage in comparison with married men (New South Wales Law Reform Commission, 1983). Similarly, in the homicide sample, a higher level of unemployment was found to exist amongst those in de facto relationships than those in legal unions. In the next few pages the effects that such matters as poverty and unemployment can have on the use of violence will be discussed. However, the mere fact that a higher proportion of de factos in the spouse homicide sample were drawn from lower social economic classes is in itself unlikely to account for the disproportionate number of de facto relationships in the spouse killings.

Differences were also evident in the circumstances of de facto and legal spouse killings. Although the reported incidence of previous domestic violence between the couples was the same for de facto as for legal unions, one quarter (24%) of those in de facto unions had prior convictions for a violent offence compared with 9% of those in legal unions.* Violent manual means of killing were twice as common in the de facto relationships.

What all this adds up to is difficult to say. That differences exist in the circumstances of the killings of de facto and legal spouses is clear. How these differences may or may not contribute to the use of lethal violence is another matter and one can only speculate as to the reasons.

One possible explanation is that in the event of conflict arising there is less to bind de facto couples together: there are no legal ties between the two, and there is less likelihood than in legal unions of there being children in the relationship, and, without wishing to make stereotyped assumptions about the nature of de facto relationships, the couple may be less likely to have made a formal pledge or a long term emotional commitment to one another. In the absence of these binding elements, it may be that the only way a man perceives he can keep or "control" his wife is by the use of force.

* It is not known how many of these convictions were for violent offences against spouses. alcohol was also much more prevalent in the de facto than in the legal spouse homicides: alcohol had been consumed in 60% of the de facto spouse homicides, compared with 35% of the legal spouse homicides. Suicide, or suicide attempts, however, were less common in de facto than in legal unions.

An alternative explanation is that separation may in fact be harder for some de facto couples because the legal options for resolving property matters or the custody of children are currently unsatisfactory and unclear. On the other hand, divorce and other legal options are available to married couples, and however distressing these may be, they do at least provide the machinery by which a dispute can be settled. In the absence of this machinery, de facto relationships may be more likely to deteriorate until crisis stage is reached.

Disparity in expectations with regard to what is felt to be the 'appropriate' behaviour of either party in a de facto relationship may also be a consideration. One partner, for example, may believe that the fact that he/she lives with another person places constraints on the behaviour of that other person, particularly in their relations with members of the opposite sex. Certainly, a considerable number of the conflicts and arguments that led to the use of violence by a de facto (usually a de facto husband) occurred over alleged infidelity of their partner. Without more evidence, however, the above such ideas can only be speculation. The question of the over-representation of de facto spouses in homicidal violence would seem to be one worth pursuing in future research.

(c) Duration of relationship

Fatal domestic violence was found to occur at all stages of the marital relationship, ranging from a couple who had lived together for less than one month, to a couple who had been married for 55 years. However, some periods in the marriage were clearly more critical than others. The duration of the relationship in the spouse homicide sample was compared to that in the Australian population (Table 8.2). It would appear that the younger the relationship, the greater the potential for marital conflict and violence. The first few years, and the first year in particular, were the most critical. While only 3.2% of marriages (legal and de facto combined) in 1976 were of less than one year's duration, 14% of all spouse homicides occurred within twelve months of the couple living together. Almost half (43.6%) of all the spouse homicides occurred within the first four years of the relationship, while only 16.3% of marriages in the Australian population were of this duration. Long-term relationships were under-represented in the homicide statistics; less than 10% of the spouse killings occurred in marriages of 25 years or more, while almost one third (32.3%) of all marriages were of this duration.

Table 8.2. Duration of relationship of spouse homicide couples compared with duration of marriages in Australian population*

Duration of relationship	Population Spouse homicide couples %	Couples in Australian population** %
Less than 1 yr.	14.0	3.2
1—2 yrs.	16.9	6.2
3—4 yrs.	12.7	6.9
5—9 yrs.	19.7	16.3
10—24 yrs.	27.7	35.1
25 yrs or more	8.9	32.3
Total	100.0	100.0

* relationships of unknown duration excluded.

** source: Australian Bureau of Statistics Census, 1976.

There was no difference in the duration of the relationship according to whether the husband or the wife was the offender. There was, however, an interesting difference relating to the nature of the relationship, that is whether legal or de facto (Table 8.3). De facto spouse killings were particularly likely to occur within the first few years of the relationship, almost a quarter (23.5%) occurring when the relationship was less than one year old. Spouse killings involving married couples, however, were more likely to occur after the couple had spent a considerable number of years together. While the preponderance of killings between de facto spouses within a few years of their relationship in part reflects the pattern of duration of such marriages in the population (the majority being of 3 years duration or less (Australian Bureau of Statistics, 1982)), the numbers in the first year in particular are disproportionate to the numbers of that duration in the population. Both proportionately, and in absolute numbers, then, more marital homicides occurred early on in the relationship in de facto than in legally married couples. Once again, these data suggest that some featural differences exist between de facto and legal spouse killings, although precisely what these differences are is hard to establish.

Table 8.3 Duration of spouse relationship according to marital status*

Duration of relationship	Type of relationship			
	Legal		Defacto	
	No.	%	No.	%
Less than 1 yr.	6	5.4	24	23.5
1—2 yrs.	8	7.2	28	27.4
3—5 yrs.	18	16.2	19	18.6
6—10 yrs.	20	18.0	19	18.6
11—20 yrs.	36	32.4	10	9.8
21—33 yrs.	15	13.5	2	2.0
33 yrs or more	8	7.2	0	0.0
Total	111	100.0	102	100.0

* relationships of unknown duration excluded.

(d) Occupational status

Congalton's four-point classification (1969) was used to assess the socio-economic status of those accused of the murder of a spouse (see previous discussions of this in Chapter 4). Unfortunately, information on the occupation of the victim was frequently unavailable, and so only that of the accused has been analysed (Table 8.4). Similar to those findings by Rod (1979), the majority (92.8%) of spouse slayers were to be found in the lower two socio-economic grades. According to comparison with Congalton's scale (1969), there was, moreover, a considerable over-representation of spouse homicides in the unskilled category and a consequent under-representation in the higher social economic grades.

Table 8.4. Socio-economic status of spouse homicide offenders*

Occupational Status	No.	%
Professional/managerial	0	0.0
Semi-professional/middle management	17	7.2
Sales, small business, clerical, skilled trade	75	31.6
Unskilled	145	61.2
Total	237	100.0

* excludes 60 people (44 domestic duties and 16 not stated) whose socio-economic status unknown.

Research has consistently illustrated that there is no indication that domestic violence is exclusive to the lower social classes (Gelles, 1980). It is a phenomenon that cuts across all social and economic boundaries. Yet the evidence from the current study is that marital violence resulting in death only very rarely occurs in the professional and semi-professional and managerial classes. Why should there be this discrepancy? Previous studies on domestic violence in New South Wales may provide some clues. O'Donnell and Saville's study (1982) of 145 battered women in Sydney, found that those women whose occupations placed them within the upper and middle categories tended to experience less frequent attacks than those in the lower status categories. In addition, women from the upper categories often remained in the violent relationship for a shorter period of time than those from the unskilled categories, who tended to experience higher levels of violence over longer periods of time. In a similar vein, another New South Wales study found that while there was no indication that domestic violence was exclusive to lower classes, the severity of the attack did appear to differ according to socio-economic status (Johnson, Ross and Vinson, 1982). Women from lower status families suffered more severe injuries than those in higher occupational categories.

Differences were also apparent in the characteristics of women who proceed to take legal action against their husbands. Recent research completed in Sydney indicated that working class women had more difficulty than middle class women in leaving the marital home and in charging their husbands with assault. They were also considerably less likely to have consulted a solicitor regarding their husband's assaultive behaviour (Cox, 1978). The explanation for these differences may lie in the fact that working class women are the most oppressed both of their sex and of their class. They lack the financial resources of many middle or upper class women to seek professional guidance, or indeed to escape an intolerable situation, for example, by leaving and seeking alternative accommodation. Whilst it would be difficult for a woman from any class to economically establish herself sufficiently to leave a violent or unhappy relationship, working class women are less likely than their middle class counterparts to have the ready cash or financial resources to draw upon. Women with dependent children are particularly disadvantaged in this respect and often face what must seem insurmountable practical and financial problems in escaping a violent relationship. Economic considerations are therefore very powerful in explaining why working class women apparently stay and endure assaults by their husband for longer.

In addition to their lack of financial resources, working class women may also suffer from a perceived lack of personal resources. Bacon and Lansdowne's study (1982) of women who kill provides convincing evidence that the longer

a woman stays in a violent relationship the harder it may be for her to make the break and leave. Typically, women battered for a long time suffer a lack of confidence and extremely low self esteem. This can lead to a perceived inability on the part of the women to take the initiative and act, even indeed if the resources were available to do so.

Another explanation that has been put forward for the over- representation of violence in lower social economic strata has been the notion of the subculture of violence. This notion hypothesises that the use of violence is more likely to be condoned and socially approved amongst the lower socio-economic classes than amongst the middle and higher socio-economic classes. Criticism of this view has been discussed earlier. It should be emphasised again that the over-representation of homicide offenders amongst the lower socio-economic classes does not necessarily reflect class differences in attitudes towards the use of violence but instead indicates a response to fundamental social structural forces which affect families at all social levels, but press harder and more frequently on those in the lower socio-economic classes (Steinmetz and Straus, 1973). It is thus important to emphasise that in itself, socio-economic status may not be as important as the myriad of factors associated with that status. Largely as a result of their status, working class women have few financial resources available to enable them to escape a violent marriage and are thereby forced to remain in a situation of escalating violence. But other factors relating to socio-economic status can also contribute to use of violence: stress and strain in families as a result of overcrowding, low wages, poverty or, as we shall see, unemployment; all of these factors, which are more prevalent amongst the lower socio-economic classes, may exacerbate any existing conflict and contribute to an escalation of violence in a marital relationship.

(e) Employment status

As in the homicide sample as a whole, there was a very high level of unemployment amongst the spouse slayers. Once again there was little information on the employment status of victims and therefore the present analysis is based only on the employment status of the offenders in the sample. Almost one third (31.8%) of the wife killers were unemployed at the time of the killing, while the majority of the women (67.5%) who killed their husbands were housewives outside the paid work force.

Domestic violence literature has consistently shown that domestic violence is likely to escalate in stressful situations, and that unemployment and the accompanying financial pressures are known to contribute considerably to family conflict (Gelles, 1980; O'Donnell and Saville, 1982). The impact on health and family relationships of having continually to cope on limited financial resources, particularly over long periods of time, should not be underestimated. Research in New South Wales has indicated that the reaction of most unemployed people to such financial stress includes depression, boredom, lack of confidence and self respect (Smith, 1982). The lack of income can also produce tension between spouses and children and other relations and even friends. Unemployment was reported to be one of the major contributing causes for those battered women presenting to the Elsie Women's Refuge in Sydney in 1977 (A.C.O.S.S., 1977). Increasing rates of unemployment have been linked to an unprecedented demand for medical and social services by victims of domestic violence. Women's refuges, for example, have reported being overwhelmed by the demand for their services due to the escalation of violence that has occurred in the recent times of recession (Daily Telegraph, 1983). Clearly, the effects of unemployment can place considerable strain on a marriage.

(f) Country of birth

The majority of spouse killers were Australian born. Nevertheless, one third (33%) of those who killed their spouses were born elsewhere. Thus, as during the study period approximately 20% of the New South Wales population were born overseas, it is apparent that a disproportionate number of spouse killers were drawn from the migrant population. This over-representation, however, was only present in cases in which men killed their wives: 37% of the wife killers were born overseas, compared with only 22% of the husband killers. Non-Australian born women who killed their husbands were not over-represented. Over-representation did not occur across all non-Australian cultures; indeed some countries were under-represented. However, a few countries were over-represented to a significant degree, in particular, Turkey, Lebanon, Italy, Poland and Yugoslavia. Still, caution should be applied here, as Table 8.5 indicates that the actual numbers for these countries were small.

Table 8.5. Country of birth of male spouse homicide offenders

Country of Birth	No.	%	% of N.S.W. population in 1976
<i>Oceania</i>			
Australia	132	62.8	80.7
New Zealand	2	1.0	0.8
Other Oceania	2	1.0	0.2
<i>Africa</i>			
United Arab Republic	0	0.0	0.3
Other Africa	3	1.4	0.3
<i>America</i>			
Canada	0	0.0	0.1
U.S.A.	0	0.0	0.2
Other America	3	1.4	0.5
<i>Asia</i>			
Cyprus	2	1.0	0.2
Turkey/Lebanon	5	2.4	0.7
Other Asia	2	1.0	1.3
<i>Europe</i>			
Austria	0	0.0	0.2
Czechoslovakia	1	0.5	0.1
Germany	1	0.5	0.7
Greece	2	1.0	1.0
Hungary	2	1.0	0.2
Italy	8	3.8	1.6
Malta	1	0.5	0.5
Netherlands	2	1.0	0.5
Poland	6	2.9	0.3
United Kingdom and Eire	15	7.1	7.0
U.S.S.R.	2	1.0	0.1
Yugoslavia	13	6.2	1.2
Other Europe	6	2.8	1.0
Total outside Australia	78	37.2	19.3
Total	210	100.0	100.0

To what could the disproportionate number of wife-killers of migrant background, and of the above countries in particular, be attributed? Migration rates very highly on any scale of stressful life events (Dohrenwend, 1974). Indeed, Huntington (1982) places migration next to death or marriage breakdown among the major stress-inducing life events. The first few years in a new country can be critical, and the potential for emotional trauma is high. Migration affects not only the individual's life experience, but also the family's as a whole—patterns of blame and responsibility appear in the face of the distress experienced (Renouf, 1983). Research conducted by the Family Court of Australia has indicated that migrant couples typically present a greater number of problems during the counselling process (e.g. relating to marital breakdown, health and environmental issues) than Australian-born couples, and that a sizeable proportion of migrant couples seeking court counselling have separated within the first five years of migration (Renouf, 1983). In the present study, slightly less than one third (29%) of the spouse killings involving migrants occurred within five years or less of their arrival in Australia, and almost half (48%) within ten years.

In addition to facing practical problems (as discussed in Chapter 5), migrants may also encounter some measure of cultural conflict, particularly in relation to the issues of family relationships (most notable, husband and wife relations) and child custody in the event of separation. Horwill's (1979) comments on migrants and Family Law illustrate this well:

Repeated comments in the literature and interviews referred to the family pressures arising from the greater independence of wives through employment in Australia . . . and also to the near disbelief of some migrant men who find that custody, particularly of sons, can be granted to their wife rather than to them. Family honour is an important concept in many cultures, and the extended family often have tremendous influence and importance. (p.3)

In a similar vein Renouf, (1983), in a study of migrant clients and their passage through the Family Court observed:

Role discordance in family members as a result of migration will be greatest among those ethnic groups where differences accorded by culture to the role status of men and women are greater i.e., patriarchal societies with men in privileged positions—women in these marriages will be the 'leavers'. (p.10-11)

Of course, modern western industrialised societies, including Australia, are also based on a patriarchal social order, and as such, there exists within the family a prescribed hierarchical and moral order. Any difference between migrant and Australian-born men is less a matter of quality than degree. Nevertheless, for various reasons migrant men might pursue these values more vigorously than their Australian-born counterparts. Traditional values regarding the power relationship between husband and wife are more entrenched in certain cultures, or in parts of these cultures. In some parts of rural Yugoslavia, for example, a man who is left by his wife is subjected to much humiliation and shame, even to the extent of being ostracised by his friends and relatives. Italy and Lebanon have cultural equivalents of this; in Italy the term 'cornuto' is a term of ridicule for a man who has been 'cuckolded' by his wife, while in Lebanon a colloquial term used to describe such a man is 'aard'. For such men, it is important that some action is taken in order that his honour in the community can be restored. This action may take the form of violence.

If severe marital conflict occurs and violence is used, migrant women are in a particularly vulnerable position. Many migrant women, for reasons of language or isolation, are unaware of support services for battered women. An additional complicating factor is that in many migrant communities, women who leave their husbands are socially ostracised and can be denied access to friends, relatives,

or other support persons. It can then be very difficult for a migrant women to escape a violent relationship. If, however, a migrant woman does leave her husband, the psychological consequences for him can be more dramatic than for an Australian-born man. Renouf elaborates on this point:

. . . migrant men's dependency needs are not only likely to be greater than those of Australian men (because of their isolation and insecure status) but that the absence of compensatory mechanisms to keep the homeostasis in the couple's emotional system will make the load carried by the wives greater than those in Australian marriages. The withdrawal of a spouse from such a system will tend to throw the husband into greater individual crisis because of the greater convergence of stresses. (p. 27)

Clearly, the over-representation of migrants in the spouse homicide sample is the result of a number of complex forces including cultural considerations compounded by the very real stresses experienced by many migrants in the Australian community.

(g) Alcohol consumption

The link between alcohol consumption and violence was discussed earlier in this report (Chapter 6). In that discussion it was argued that no firm conclusions could be drawn regarding any causal link between alcohol and violence—even though the presence of alcohol was a common factor in many homicides. A similar point is argued in relation to the association between alcohol consumption and domestic violence in general and domestic homicide in particular. Domestic homicide frequently occurred when alcohol had been consumed: in almost half (46%) of the spouse killings, one or both the parties had been drinking. On the other hand, in the remaining 54% of cases, there was no mention of alcohol being present. Clearly, fatal attacks on spouses occurred whether or not alcohol had been consumed, and irrespective of the level of sobriety or intoxication.

Nevertheless, in a number of cases it was apparent that violence by the husband was *more likely* to occur if he had been drinking. It was stressed repeatedly by intimates of a dead woman, or by some of the battered wives who killed their spouse, that the husband would become particularly violent when drunk. Wives reportedly received more severe beatings when their husbands were drunk. They were also more likely to be beaten when the husband was drunk than when he was sober. Some of the wives who killed their husband described how they would wait in fear of the return of their husband from a drinking bout, anticipating an argument and dreading a beating. In this regard, it was of note that it was the husband who was most likely to have consumed alcohol in all spouse killings, whether or not he was the offender or the victim, and that not infrequently he was the only party to have been drinking (Table 8.6).

Table 8.6. Alcohol consumption by victim and offender in spouse killings.

Alcohol consumption	Wife-killing %	Husband- killing %	Total %
By offender only	9.2	5.0	8.1
By victim only	2.3	17.5	6.4
By offender & victim	24.0	51.3	31.3
No alcohol consumption	64.5	26.2	54.2
Total	100.0	100.0	100.0

In summary, alcohol was present in about half the spouse killings, but was by no means a pre-requisite for marital violence. In the cases in which alcohol had been consumed, there was some evidence that drinking was associated with more severe assaults. This does not, however, support the argument that alcohol 'causes' domestic violence. As Scutt (1981) has argued, alcohol may be symptomatic of marriage breakdown, and a response to stress, rather than a cause. Great caution should be taken then, when discussing the link between alcohol and domestic violence.

(h) Method

Shooting was the most common method of killing in the spouse homicides: 40.9% of the victims had been shot by their spouse, a higher percentage than that in the total homicide sample (Table 8.7). The second most common method was stabbing (25.3%) followed by bashing (11.1%) or battering with object (7.8%). There were some clear sex differences, however, in the methods used to kill spouses. Women always used a weapon. Stabbing was the most frequent weapon used by wives: nearly half (45.6%) of the women stabbed their husband. Guns were used in a further 40.5% of the cases. Only one woman allegedly poisoned her husband and no woman bashed or strangled her husband to death. Men, on the other hand, used guns more than any other weapon against their wife. Manual means were the second most common method: nearly a quarter of men bashed, kicked or strangled their wife to death. A further 18% stabbed their wives and 7.8% battered them with an object.

Table 8.7. Spouse killings—Method by sex of offender

Method	Sex of offender					
	Male		Female		Total	
	No.	%	No.	%	No.	%
Shot	89	41.0	32	40.5	121	40.9
Stabbed	39	18.0	36	45.6	75	25.3
Bashed (fists and feet only)	33	15.2	0	0.0	33	11.1
Battered with object	17	7.8	6	7.6	23	7.8
Strangled	16	7.4	0	0.0	16	5.4
Other	23	10.6	5	6.3	28	9.4
Total	217	100.0	79	100.0	296	100.0

That more women than men used weapons in spouse killing is to be expected. Wives know very well what the balance of power is when it comes to attacking a husband. As Rasko (1976) points out, the use of weapons by women is not a matter of female psychology but rather one of a situational technical nature, determined by available means and balance of forces. As will be elaborated later in this chapter, frequently a woman's use of a weapon is the only way she can protect herself from an attack by her husband. The use of a weapon can be the only means by which she can tilt the physical imbalance between herself and her husband, and thus the only way she can prevent herself from being injured. One consequence of the use of a weapon, however, is that it makes lethal violence more likely; an assault with a weapon is more likely to end in death than when no weapon is used at all.

(i) Location

Domestic violence usually takes place in private, late at night, behind closed doors. Such is the case with spouse killings: 79% of these killings occurred in or around the private home of either victim or offender, and in most cases, in the home shared by both. That most private of rooms, the bedroom, was the most common venue for spouse homicide: one quarter of all the marital murder victims were attacked in their bedroom and one third of those killed at home were killed in the bedroom; women were particularly vulnerable in this room.

Spouse murder was rarely committed outside the home; but when it did, it most usually happened in public places, for example in the street, in or around the club or pub, the offender's or victim's place of work—although in several cases a homicide did occur within the relative privacy of a car. Killings outside the home were quite frequently premeditated rather than spontaneous occurrences, and they were most common between spouses who were separated. It was not uncommon for a person, almost always the wife, to be attacked in the street (e.g. while going to or from work, or while shopping) as her spouse, knowing her movements, lay in wait for her to appear.

The private nature of the spouse homicides meant witnesses were rarely present at the time of the homicide. Opportunities for an outsider to intervene in the situation, thus preventing the violence from escalating were very limited. As will be revealed in a later chapter, intervening in a domestic dispute, particularly a dispute between spouses, can be exceedingly dangerous, and a significant proportion of family members lose their lives in such circumstances.

Domestic violence literature frequently indicates that isolation can contribute to escalating violence within the home (Gelles, 1980). Psychological isolation from friends, family and other social contacts can be exacerbated by geographical isolation. Psychological and physical isolation combine to contribute to the atmosphere of silence and privacy in which domestic violence flourishes (Report of the New South Wales Task Force on Domestic Violence, 1981). This has led to some speculation about the level of domestic violence in rural areas. The difficulties in establishing the incidence of family violence in any section of society are well known. However, the current study has the advantage of having a total population of spouse homicide. This provides a good opportunity to test the hypotheses that geographical isolation increases the likelihood of marital conflict reaching a fatal conclusion.

Analysis of the spouse murders according to victim's area of residence revealed that a disproportionate number of these killings did in fact occur in rural areas. Over the fourteen year study period (1968-1981), the geographical distribution of the New South Wales population remained at about 89% urban and 11% rural. Yet more than one quarter (27.4%) of the spouse killings occurred amongst couples who lived in rural areas. Interestingly, the proportion was even greater for husband-killings than wife-killings: while 26% of the women killed by their husbands lived in rural areas, as many as 33% of men killed by their wives lived in country areas. Spouse killings, and husband killings in particular, were considerably over-represented in rural areas of the State.

Analysis was done to ascertain whether any distinguishing features in urban and rural spouse killings could be identified. There appeared to be little difference between spouse killings according to geographical location across most of the variables examined. However, there was some variation, for example, with respect to the weapons employed in these killings: only 35% of

the urban killings compared with 54% of the rural spouse killings involved the use of firearms. The greater availability of guns in rural areas combined with the greater lethal potential of such weapons, may have contributed to the relatively high incidence of spouse killings in rural areas.

Other interesting differences emerged when husband and wife killings were examined separately according to geographical location. Analysis revealed that compared with those in the city areas, a greater proportion of women in rural areas who killed their husbands, were living with their husband, were at home out of the paid work force and had children living with them at the time of the homicide incident. One interpretation of this is that women in rural areas are relatively more 'trapped' and more isolated within the family than their urban counterparts—conditions which research has shown can lead to marital conflict or violence being 'undetected', less visible, and hence with less likelihood of intervention (Gelles, 1980).

(j) Murder-suicide

A high incidence of murder-suicide was evident in the spouse homicides: 83 (28%) of the offenders attempted to or succeeded in taking their own lives following the killing, compared with 10.8% for the total homicide sample. This high level of murder-suicide was almost totally attributable to the male spouse killers: 78 (36%) of the men compared with 5 (6%) of the women were suicidal. Men were thus six times more likely than women to suicide after killing a spouse. More detailed analysis of patterns of murder-suicide will follow in a later chapter (Chapter 12) of this report. For the moment, suffice it to say that the above differential in murder-suicide can be explained by the circumstances in which husbands and wives kill one another. As the following section reveals, men and women kill spouses in different circumstances and in response to different events. The circumstances in which women kill husbands are less conducive to murder-suicide than those in which the wife is the victim rather than the offender.

PRECIPITATING CIRCUMSTANCES

Four main precipitating circumstances were identified as leading to spouse homicide: a) history of marital violence; b) separation; c) jealousy/sexual exclusivity; d) child custody.

(a) History of marital violence

It is notoriously difficult to gauge the extent of marital violence in society. Domestic violence is a very difficult phenomenon to quantify, occurring as it does privately, behind closed doors, hidden by victims due to feelings of guilt or shame. Only when the conflict occurs in the public sphere, or when some official agencies become involved, is domestic violence openly acknowledged. For these reasons the study was constrained, in its attempts to ascertain the extent and nature of prior violence between spouses, by what police, witnesses and the offender thought important information to state or to record in the homicide files. Police investigation is often more concerned with the facts of the case immediately at hand, rather than with the history of events prior to the homicide incident. For these reasons, figures of the extent of domestic violence (defined as physical assault and/or threat of physical harm) are likely to underestimate the extent to which physical abuse characterised the marital relationship on previous occasions. This is particularly true in wife-killings; a man accused of the murder of his wife is unlikely to volunteer information about his previous wife bashing habits.

A history of physical abuse was evident, however, in almost half (48%) of the spouse homicides. In almost all these cases, this abuse was in one direction, i.e., by the husband against the wife. In only a few isolated cases was there evidence that women had physically retaliated in the course of a violent dispute with her husband. In some cases, violence by the husband was not only directed at the wife but also at other family members, usually children. (Violence or threats of violence towards children was a common device used by the husband in order to get his wife either to return or remain with him.) Violence was particularly prevalent in the husband-killings; while a history of assault was evident in 40% of the wife-killings as many as 70% of the husband killings occurred in the context of violence by the husband on the wife. Moreover, over half (52%) of the husband-killings occurred in response to an immediate threat or attack by the victim. Violence or fear of future violence was both the background and the cause of the use of force by women on their husbands. They killed their husbands after they or another family member had been attacked. Wife-killings, on the other hand, rarely, if ever, occurred in response to violence by the wife on the husband.

i. Duration of violent relationship

The duration of the violent relationships varied enormously from a few months to more than twenty-five years. Some men had apparently beaten their wives for the duration of their time together; one started right at the beginning of his marriage when he assaulted his wife on their wedding day by hitting her across the face. Amongst other couples, the early years of the relationship had been apparently violence-free, but after several years, physical abuse became a common and recurrent feature of the relationship.

ii. Types of violence

The violence used by the husbands on their wives was not confined to the odd slap or push. Both as victims and offenders, the majority of the women who had been subjected to physical abuse had sustained moderate to severe injuries. Punching and kicking was the most common mode of assault. Punching about the head was particularly common, resulting in such injuries as black eyes, bruised cheeks, split lips, broken teeth. Bruises on the body, especially on the arms and legs, were also common, in cases where the husband had kicked his wife. In a few cases, wives had sustained bruising around the neck where their husband had attempted to strangle them. A number of husbands were known to have used weapons against their wives on previous occasions: several had threatened their wives with a knife and actually scarred them a number of times; others had threatened to use a gun and assaults with broken glass had also occurred. In one case, a man deliberately drove a car over his wife's legs.

Evidence was sparse as to whether or not medical treatment had been sought for injuries sustained in such assaults by these women on previous occasions. However, at least thirty-three women were known to have sought medical attention. Eleven women's injuries were so severe they had to be hospitalized for at least several days or more. One of the worst cases involved a thirty-year old woman who had lived in a de facto relationship with her husband for about a year, and had on several occasions during this short period been very severely beaten. Relatives and friends pointed out that when she had met the offender, she had been a normal healthy girl, and had weighed between nine and nine and-a-half stone. One year later, at the time of her death, she weighed only 70 lbs, and had a damaged lip due to a previous assault by her husband, giving an appearance of a hare-lip; injuries to her leg made it difficult for her to walk.

At the post-mortem it was discovered she had numerous scars and evidence of broken ribs, all from previous assaults by her husband. She died during yet another assault by her husband when she suffered a cerebral haemorrhage due to a blow to her head.

Some of the husbands subjected their wives not only to physical but also to sexual abuse. Sexual abuse within the family is even more hidden from public gaze than physical abuse. The shame and humiliation felt by the victims of such treatment means that only very rarely is there any discussion of the assault within the family involved, or with people outside the family. Of course, when the women involved are dead, details of such abuse is even less likely to emerge. However, at least two of the women who died had complained to others prior to their death that they had been forced to engage in sexual acts against their will. In several other cases the sexual assaults were directed against other members of the family, usually the daughters. In one case, the father raped the daughter after he had killed her mother, and in another case a man chained up his daughter in their home for three weeks and raped her repeatedly. Women who killed their husbands also reported being sexually abused; seven reported that they had been forced to have sex against their wishes. One of these women was forced to have sex even though she was in pain and advised not to have intercourse due to a series of operations for cancer some years before. Some of the women had also been forced to perform sexual acts distasteful and degrading to them. One woman was a prostitute and her husband, who lived off her earnings, felt he was entitled to use and abuse her body in any way he liked. While she and other women were understandably reluctant to relate details of the sexual acts they had been forced into, anal rape was one such act that was mentioned.

Some husbands not only physically and sexually abused their wives in the ways described, but also appeared to deliberately degrade and humiliate the women in other ways. For example, one man who had previously beaten his wife so badly on several occasions that she required medical treatment, made her crawl naked around the floor picking up matches he had dropped after he had assaulted her on yet another occasion. As she did this, he burnt her shoulder with a lit cigarette. Another man locked his wife up in a hut after beating her and causing bruising and cuts to her face as well as broken ribs. Psychological harassment was also present in a considerable number of these cases, as in other cases where there was no evidence of any actual physical abuse. A number of the women who were killed had been subjected to continual allegations of infidelity or had been watched constantly by a suspicious husband. In some cases, the women were not permitted to see certain people, even friends and relatives. Women who killed their husbands reported similar humiliating experiences, including having their undergarments examined for signs of infidelity. One woman had been assaulted, stripped and thrown out of her flat naked only days before she killed her husband during yet another attack on her.

(b) Separation

The majority of men and women killed spouses with whom they were living. While women rarely killed husbands from whom they were separated, however, a substantial number of men killed estranged wives. More than one in three (35%) of the men killed wives from whom they were separated: 47 killed legal wives from whom they were separated, 24 men killed ex-de factos, and 4 men killed wives from whom they were divorced. Both legal, de facto and ex-wives were thus at risk from estranged husbands: men were just as likely to kill de

facto wives from whom they were separated, as they were estranged legal spouses. Moreover, whilst 75 wives were killed while actually separated from their husband, a further 23 women were killed while in the process of leaving their spouse (for example, while instituting divorce proceedings). Thus, altogether, in very nearly half (46%) of the wife killings, the woman had either left or was in the process of leaving her husband when she was killed. Although the exact figures were unavailable, in the majority of cases it appeared that it was the woman who had taken the initiative and terminated the relationship. In the majority of these wife homicides, it was the consequences of separation that prompted the killing. The issue of separation was relevant only in three cases in which women killed husbands. Separation as both the condition and the cause was thus only highly prevalent in the wife-killings. This is now discussed further.

In the majority of cases in which estranged couples were involved in homicide, no violence was apparent following their separation. However, more than one third of the women who separated from their husbands had been subsequently harassed and threatened by their estranged spouses prior to their death. Verbal threats were most common and threats to kill were not unusual. Other men, however, continued actually to physically assault their wives even though they no longer lived together. Assaults would occur, for example, when the couple met over access to children, or during unsuccessful attempts at reconciliation. Some women, although not physically harmed themselves, had their property damaged or destroyed. For example, one husband broke into his estranged wife's house and destroyed all her belongings; another broke the windows of his separated wife's home when she refused to let him into the house.

A few of the women, although not under actual threats of violence, were nevertheless severely psychologically harassed by their estranged husbands. One man, for example, used to visit his wife every day, despite her wishes that he leave her alone. He also used to follow her around in his car to see where she went, and he constantly accused her of having an affair. Another man constantly harassed his separated wife, even after ten months of living apart. He used to visit her at home and at work, despite restraining orders, and once tried to force her off the road in her car.

The extent of the constant state of fear in which these women lived is illustrated by the lengths some took to protect themselves. Several took legal action, taking out restraining orders; others, whose husbands broke the orders and who felt there was little legal protection for them, had to resort to other methods. One woman, separated from a violent husband for only nine weeks, was so afraid that he might hurt her, that she arranged for friends to ring her home every half an hour to make sure that she was all right. Another woman who was terrified of her husband arranged that her parents visited her twice a day to make sure she was safe. A third woman who was nervous of returning to her empty house for fear that her husband had broken in, used to get friends to accompany her and check windows and doors to see if there had been a break-in. One of the worst cases involved a woman who was actually divorced from her husband. He had threatened to kill her on numerous occasions and she was so desperate that she had gone to the police, consulted solicitors, and even gone to the newspapers for help; no one, it seems, could help her. She was shot one night as she drove her car into her home and her husband was subsequently arrested for her murder.

Most of the husbands who eventually killed wives from whom they had separated, perpetrated the homicide within a fairly short period of time of the separation. Some of the women were killed literally as they walked out of the door. Others who made it beyond that point were killed from anywhere between a few days up to six years after their departure from the marital home. However, most wives were killed within a few months of the separation. Certainly the most dangerous period was the first few weeks of the separation: five women were killed within a few days or so of separation when they returned to the marital home to collect some clothes and possessions. In these circumstances, women who feared violence from their husband would sometimes take a companion for protection. On occasion these companions paid with their lives because they were also attacked by the husband at the same time as the wife was killed. One quarter of the men killed their wives during the first months of the separation and half of them killed their wives before three months had passed. The time between separation and the homicidal attack apparently depended on a number of considerations. One of the most important factors appeared to be the woman's clear intention of not returning to her husband. Despite some attempts at reconciliation the husband finally realised that the woman was serious and determined about ending their relationship. (It should be noted that a number of these attempts at 'reconciliation' were made under threat—the husband being armed at the time). For some men, this realisation came when the wife started to institute divorce proceedings, or fight for custody of children, or make maintenance claims. For others, the realisation came when the woman returned home to pick up some of her clothes and belongings.

Clearly, separation was a very common precipitating factor in the use of violence by the husband on the wife. Given the commonly held view that a woman somehow has 'only herself to blame' if she stays in a violent or unhappy relationship, it is an important finding of this research that nearly half the wives killed had left or were leaving their husbands; moreover, it was precisely because they had left or were about to leave their husbands that the vast majority of these women were killed. Separation did not protect these women from further violence. The question of why men find separation so difficult is pursued later in this chapter.

(c) Sexual jealousy

Sexual jealousy was the major precipitating factor in approximately 12% of the spouse-killings, almost without exception wife killings. Frequently, there was no actual evidence of any infidelity on the part of the wife; suspicion was enough. In other cases, the wife did have a boyfriend but in half those cases, she had already left her husband. It was not uncommon in these cases for the suspected lover also to be attacked by the husband. However, only two cases could be identified in which the husband actually found his wife with another man, and killed her in what is commonly called 'a crime of passion'.

A number of women were killed when their husbands attacked them for supposedly 'inappropriate' behaviour with other men. It was quite common for these men to become jealous and possessive when drunk on returning home from an evening when alcohol had been consumed, arguments would often develop. For example, one man bashed up and killed his wife after an argument when he accused her of 'flirting' with other men while they had been out together. Another man caught his wife embracing another man outside a hotel and shot them both, and commented afterwards that he could not tolerate his

wife looking at another man. In another case, the husband and wife had been at a party at a friend's house. Sometime during the evening the husband fell asleep, but was awoken later to be told that his wife had been raped by two men. He got up and assaulted the two men; he then took his wife home where he assaulted her for her alleged part in the incident. She died later in hospital. For a considerable number of other men, the mere suspicion of infidelity was enough for assault on a spouse. Some men had constantly accused their wives of having affairs, even though there was never evidence, either before or after the homicide event, to suggest that such an affair was taking place. Accusations were particularly common if the women worked outside the home, for example in a club or in a bar. These women were never found or seen with other men, but the husbands were particularly possessive and jealous and always suspicious about their wives. One or two men took this to extreme lengths, even going so far as to check their wives' clothing for any signs of infidelity. These suspicions were as likely to occur between couples who had been married for thirty years or more as they were among those who had lived together for only short periods of time. Possessiveness and jealousy were also extended to estranged wives. Several husbands threatened to kill their estranged wives if they were ever 'caught' with another man. Interestingly, in a handful of cases the estranged husband, apparently unconcerned at the separation and sometimes after lengthy periods of no contact, suddenly became violent and abusive towards his wife on discovering that she had formed a relationship with another man.

Sexual possessiveness is clearly a strong force amongst these men. Dobash and Dobash (1977) have discussed how, early on in a relationship, sexual possessiveness can be an admired characteristic. They describe how, as a relationship grows, there is an increasing sense of exclusivity and possession and a greater expectation that the girls or women would go out exclusively with the men. At this point, increasing possessiveness and periodic displays of sexual jealousy actually serve as a sign of commitment to the relationship, not as a warning sign of something more sinister in the future. After marriage, or living together, it is expected that the wife remains the husband's exclusive sexual partner (irrespective of his own sexual activity). This expectation of sexual exclusivity, as well as other wifely obligations, is, according to Dobash and Dobash, not only personally pleasant for the man, it also becomes an outward sign of his rightful possession, of his authority over her and ability to control her (1977, p.438).

(d) Child custody

A minority of the spouse killings occurred mainly in conflicts over children. Eight spouses were killed primarily due to disputes over the care and custody of children. In each case, the couple were living apart at the time of the homicide, but had been involved in wrangles over the children for some time. In all but one case, the child or children were living with the mother at the time of the killing. With the exception of one case, the husband had previously been violent towards his wife. In several cases, the children had also been assaulted, a major factor apparently in the woman's decision to leave the husband in the first place. The woman's fear of the husband, and in several cases also the children's fear of the father, was the reason the woman sometimes tried to prevent her husband from gaining access to the children. In five cases, the couples were known to have had ongoing legal action over the custody of the children at the time of the homicide; in only one case had the custody matter apparently been resolved by the Family Law Court prior to the homicide. In

one case a husband strangled his wife the day before she was due to appear in the Family Court to gain custody of their baby daughter. In another case, in which the custody matter had been finalised and the wife had received custody of the children, she was subsequently killed by her husband. On a prior occasion, this man had abducted one of the children and smuggled him out of the country.

That most of these men were undergoing severe psychological torment was quite apparent from the files. Many were extremely distressed over the custody disputes and a few became quite obsessive. One man, whose wife used to leave the baby with a childminder while working, used to hang around all day outside the childminder's house and would occasionally knock on the door to see the baby. Another man became so upset and agitated over his wife's refusal to return to him, and over the custody battles over their children, that he informed various people that he planned to kill himself and his four children. Eventually, he killed his wife by stabbing her eighteen times before attempting to commit suicide himself. Yet another man was said to have undergone terrible emotional torment and loneliness during the period of separation and custody battle, so much so that he could not eat or sleep. Three of these men involved in custody battles over children subsequently attempted or were successful in committing suicide after killing their wives. The symptoms displayed by these men were very similar to those experienced by the men undergoing divorce applications in the Family Law court. Jordan (1985) observed that a traumatic outcome for many men at separation is the loss of their father role. The sorting out and reorganising of a new role with their children is a task which, for some men, is the longest and hardest struggle. Depression, bitterness, despair, hate, love, all seem to have their place in these killings. Revenge was also present, however, as in one of the cases in which a husband lay in wait for his wife in the street and shot her before killing himself. Witnesses say that just before he shot her he said:

You thought you were going to get away with it. You are not taking the baby either.

Feelings run extraordinarily high in such circumstances and in such an emotionally charged atmosphere it is not unusual or entirely unexpected that a violent solution may be sought by some parents to resolve a situation. There have been comments made recently by the President of the Lone Parent's Self Action Group of Australia, that she personally knew of 'many' divorced or separated people who had tried to 'get even' by seeking murder contracts on their spouses. As another commentator from the group remarked 'desperate situations call for desperate means', particularly if the Court process has been an interminably long and frustrating experience (Hickie, 1981). Certainly, the men in this sample had indicated on prior occasions their willingness to use violence against their family.

In summary, spouse killings were found to occur almost exclusively against a background of severe marital discord. Escalating conflict and tension between husband and wife often preceded one or more violent confrontations. A history of violent conflict was highly prevalent. Rarely was marital murder an isolated act activated by mental illness, jealousy or 'passion'; typically it followed a series of violent exchanges and threats that culminated in a lethal attack. While the background circumstances were similar for the majority of killings by both husbands and wives, the immediate precipitating events varied. The most striking features of the cases in which men killed their wives were the large number who killed wives from whom they were separated (this being related to such issues as expectations of sexual exclusivity and child custody); the high incidence of often severe physical abuse by the husband against his wife prior

to the actual killing; and finally, the very large number of cases in which the men subsequently attempted or succeeded in taking their lives following the killing, particularly following separation. Women, in contrast, rarely killed husbands from whom they were separated and almost never killed over sexual jealousy or termination of a relationship. Most notable was the very high prevalence and degree of prior domestic violence suffered by these women at the hands of their husbands. The immediate precipitating events in husband-killings reflected this history of maltreatment: the majority of women killed in response to violence or threat of violence perpetrated on them by the victim, their husband. For this reason, murder-suicides were rare amongst husband slayers. Initially at least, a sense of relief rather than remorse characterised some of the women's response to the killing.

A clear relationship emerged between the women who became victims of marital murder and the women who killed their husbands. In terms of the issues over which conflict occurred, and the form of mistreatment, physical and mental, that women as both victims and offenders had endured, their experiences were very similar. The difference between the two appeared to be that whereas in husband-killings the women took action into their own hands and retaliated, in the wife-killings, the women did not.

DISCUSSION

(a) Why some women stay in violent relationships

It is common to hear statements that a woman 'only has herself to blame' if she is eventually killed in a violent marital clash which has been preceded by several serious assaults such as those described earlier in this chapter. 'Why didn't she leave?' is a typical question. 'It's her own fault for not getting out of the relationship earlier' is another common response. Often, little compassion is expressed for such women, and even less is expressed for women who retaliate and kill their husband. Comments criticising her 'taking the law into her own hands', or of there being 'alternatives to violent solutions' for battered wives, can still be heard today. It will be argued that such comments completely ignore the psychological, social and economic reality of women who are subjected to physical and emotional abuse.

The psychological effects of continual mistreatment can be devastating for battered women. One of the most graphic descriptions of what it is like to live constantly in an atmosphere of violence and fear is provided by Hilberman and Munsen (1977) in a study of 60 battered women in North Carolina:

In contrast to dreams in which they attempted to protect themselves or to fight back or to escape, their waking lives were characterised by overwhelming passivity and inability to act on their own behalf. They felt drained, fatigued and numb, often without energy to do more than minimal household chores and childcare. There was a pervasive sense of hopelessness and despair about themselves and about their lives. They saw themselves as incompetent, unworthy, unlovable and they were ridden with guilt and shame. They felt they deserved the abuse, and had no vision of any other way to live, and were powerless to make changes. (p.400-470)

Similarly, a study of 30 women convicted of the killing of their husbands in California in the late 1970's, revealed that many of the women felt desperate and unhappy. Significantly, their willingness to accept or tolerate violence was based not so much on some outdated psychological interpretation of feminine masochism and passivity, but rather on a perceived lack of choice. As one woman remarked: 'I just thought that's what women were supposed to do. Most of my friends (and my mother) had it the same way.' (Totman, 1978)

Isolation, both geographical and social, is also a major factor in the lives of many battered women. Isolation can be both the cause and effect of domestic violence. It is perhaps significant, as was noted earlier, that one-third of the husband killings in New South Wales occurred in rural areas. It has been observed elsewhere (Gelles, 1980) that violence in a geographically isolated family can escalate because it is more likely to go unchecked, as there are no neighbours around to intervene. Also, the difficulties encountered in the country may be greater for women since there may be no assistance available apart from the local police, and the isolation and social sanctions against seeking help may be greater (Report of the New South Wales Task Force on Domestic Violence, 1981). Geographical isolation can make escape from violent relationships especially difficult. But social isolation—distancing from friends, relatives and hence from potential support networks—can occur in city or country. This kind of isolation both contributes to the atmosphere of silence and privacy in which marital violence flourishes, and helps maintain women in violent relationships. Totman (1978) observed that it was rare for the women homicide offenders in her sample to discuss problems with others, and some were totally isolated from social contact. Bacon and Lansdowne (1982) observed similar trends in their New South Wales sample. Walker has described the process by which this may happen:

The feeling of powerlessness to change a battering relationship was also reinforced by the 'happy family' cultural stereotypes. Battered women do not usually know other battered women. Battered women tend to isolate themselves so that friends and family do not find out how bad their life really is. They make excuses for their men and assume self-blame in many battering incidents. They begin to believe all the negative comments made by the batterers to them. (1977, p.530)

Clearly, repeated physical and or mental treatment takes its toll. While, in the current study, evidence was not generally available on the mental state of the women eventually killed by their husbands, it was available for battered women who killed their husbands. Such was the stress these women were under, that at least one in five were known to have been receiving psychiatric help for depression or nervous tension at the time of the homicide. Moreover, one in eight of the women who eventually killed their husbands had attempted suicide on previous occasions. So desperate and unhappy had they been about their life situation, that they had decided suicide was the only means of escape or of drawing attention to their plight. A number of the women had attempted suicide on more than one occasion: one such woman, who had been subjected to years of bashing by her husband, had attempted suicide no less than seven times before she killed her husband.

Chesler has remarked that such behaviour is often typical of depressed and unhappy women; depression rather than aggression is the usual response of women to stress (1973). What is interesting in the cases in which women killed their husbands, was that the previously inwardly turned depression, helplessness and anger was suddenly turned outwards toward the source of many of these feelings, the husband. This was illustrated well in the case of one woman who decided to commit suicide to escape her husband's violence after 20 years of violence and misery. The psychiatrist at the trial testified that he had never before seen such a case where one person (the wife) had been so badly treated by another (the husband). While contemplating suicide, she explained how she began to ask 'Why me, and not him?' At that point she decided to kill her husband. As Storr has remarked:

A great deal of human violence seems to be the worm turning; the person who felt comparatively weak and helpless suddenly reverses this. (1978, p.3)

Notwithstanding many of the psychological effects that recurrent physical and mental abuse can have, many other factors prevent women leaving a violent or unhappy marriage. Considerations which make it extremely difficult for a woman to leave a violent relationship include: her emotional investment in the ideals of marriage and motherhood, contrasting with the alternative identity available as a lone mother or worker; her social status in the circle of her friends and how this depends upon her marriage; her financial investment in marriage, that is, the standard of living and financial protection it brings compared with alternative resources or living alone; the possibility and stigma of getting alternative income from Social Security or legal processes; the availability of alternative accommodation; access to the law and willingness and ability to use it (Marsden, 1978).

To this should be added one very important consideration, and that is fear. Fear can have two consequences for battered women. Firstly, fear of what might happen to them or to the children should they leave, means that remaining in a violent relationship is often, in reality, a matter of necessity rather than choice. Secondly, fear itself can have a very debilitating effect psychologically. Bacon and Lansdowne commented on the fear experienced by women who killed their husbands:

For most of these women fear was as debilitating a product of the threats and violence as the physical injuries they suffered. Fear not only imposes limits on behaviour, it can also erode the ability to act at all. (1982, p.196)

Despite the debilitating effects that fear and constant batterings can have on a battered woman, and the myriad of practical barriers to be overcome in the event of deciding to leave, it would be totally wrong to assume that these women sat back passively and accepted their fate. Many of the women who died, as well as the women who eventually killed their husbands, had previously tried various means to escape their situation. Police intervention had occurred, for example, in about one quarter of the cases where there was evidence of prior domestic violence. Legal action was also pursued by a number of the women. In some cases, however, such action proved to be counter-productive. For example, one man killed his wife in an argument fourteen days before he was due in court on an assault charge. Another man killed his separated wife and their young daughter before killing himself, whilst on a charge of 'assault female' and 'threatening words' as a result of violence towards his wife. A third man, on an assault charge for domestic violence, killed his wife when he burned down her home shortly after being released on conditional bail. There was evidence that a number of the women refused to take action or advice to contact police or consult a chamber magistrate, for fear of their husbands' reaction. Once again, fear was a major contributing factor in the decision of the women to remain in a violent relationship.

It is now known that a substantial proportion of the women had in fact taken steps to escape the violence- either by leaving, or making plans to leave their husband. As we have seen, such steps did not protect them from further violence.

(b) Men and separation

Why do so many men kill wives from whom they are separated? And why do so few women kill husbands who have left them? The answer to these questions are complex and relate to a range of powerful cultural, sociological and psychological factors.

Part of the reason why men kill wives from whom they are separated can be found in cultural considerations affecting the relationship between men and women and husbands and wives in particular. Historically, women's subordination in marriage has been embodied in the law and other processes of official machinery. As Allen (1982) observed when examining spouse murders in New South Wales at the end of the 19th century and beginning of the 20th century:

Women's socialised expectations of marriage based on romantic love, were never reconciled with traditional male values based on legal and material reality which located women as male responsibility and property rather than as equal partners. In leaving violent men, women often unwittingly unleashed whatever punitive consequences men believed themselves entitled to inflict.

Moreover, Allen goes on to say that if a woman had an affair with another man, this was:

the most direct affront to men's perceptions of the authority they believed themselves entitled to exert over their wives.

Many men expect sexual exclusivity of their wives. There is often a fine dividing line between socially approved images of masculine protectiveness and possessive jealousy, and an extension of this into an attitude of total possessiveness and control of a woman by her husband (Marsden, 1978). Such an attitude was evident to varying degrees in some of the cases where men killed wives from whom they were separated. As one husband who shot his ex de facto wife from whom he had been separated for one month said:

I was in love with Margaret, and she would not live with me anymore. I knew it was all finished so I bought the rifle to shoot her and then kill myself. If I can't have her, nobody can.

Another man who shot his wife from whom he had been separated also for one month said:

I love her and she is my wife, and nobody will have or use her anymore.

By leaving their husbands and refusing to return, these women were perceived as challenging their husbands' authority and therefore had to take the consequences of their actions. A host of other factors, however, were also at work in influencing these men's behaviour. Of the men who killed estranged wives, 40% subsequently attempted or succeeded in killing themselves. While murder-suicides will be discussed in more detail later in this book (Chapter 12), suffice it to say at the moment, that a substantial proportion of men who killed wives from whom they were separated were sufficiently angry, distressed and emotionally disturbed to contemplate committing suicide.

What effect does a wife's leaving have on a husband, and how might this explain these men's actions? Research relating to men and the effect of marital separation has been the subject of a recent Australian publication, and I am indebted to Jordan (1985) for the following review of the literature on this matter. Jordan's own research findings (based on a sample of 168 men party to a divorce application in the Brisbane Registry of the Family Court) indicated that men undergoing separation or divorce proceedings are often deeply distressed, bewildered, disraught and angry. He observed:

The most commonly expressed reactions to separation were those of shock and devastation following their wives' 'unexpected' announcement that they wanted the marital relationship to end. Most respondents felt dumped and bewildered by the entire experience. (p. 43)

Similarly, Morgan's study (1981) of separated men reported that 'an ego-shattering pain' engulfed the men combined with an overwhelming sense of failure. Emotional difficulties such as depression, sadness, loneliness and anxiety amongst separated men were reported by Chang and Dermand (1982). Two-thirds of the men in an English study (Ambrose, Harper and Pemberton, 1983) reported mental health problems associated with divorce, including disturbed sleep, loss of appetite, increased irritability, deep depression and excessive worrying. Research in Australia has indicated similar patterns (Gilmour, 1983; Jordan, 1985). Jordan observed:

The most striking effect of the separation experience was on men's psycho-physical health. Between 60 to 80% reported a number of long-lasting stress-related symptoms such as sleeplessness, crying, reduced energy, poor appetite and excessive tiredness. (p. 39-40)

Interestingly, research indicates that the separation experience is particularly painful for men. Krantzler (1975), for example, found that divorced men tended to be more frightened than women by feelings of vulnerability, helplessness, loneliness and fear that erupt in them during the crisis of separation. Similarly Ambrose et al (1983) found, in men particularly, an inability to accept what had happened and feelings of rage and despair. Burn's research (1980) also indicated that although separation and divorce was painful for both men and women, men were more likely to find the adjustment to separation traumatic, and more likely to have a consistently more difficult time coping with the marital break-up.

Why are men so traumatised by separation? Research suggests a variety of reasons for their response. Some commentators have emphasised men's inability to handle emotions. Men often have difficulty in fully experiencing and expressing the emotional and interpersonal side of life. It has been argued that men's socialisation builds a wall between them and their emotions. But if that wall is broken by an extreme situation, such as separation, the shock of the ensuing flow of emotions can be devastating (Chiriboga and Cutler, 1977).

Other researchers have placed emphasis on what marriage means to men. Gove (1972) argues that, contrary to common perceptions, in many ways marriage benefits men more than women. Common wisdom suggests that women need and are dependent on men, while men are independent and self-contained beings who don't need women in the same way. In reality, many men are highly dependent on women, both in an emotional and a practical sense-but the nature of this dependency is conventionally concealed (Jordan, 1985). This dependency helps explain both men's emotional reaction to separation, and also some of the practical difficulties they encounter in trying to get their life together. When a man loses his wife, he loses not only a companion, but the person most able to help him with that loss. As Jordan observed:

The difficulty in coping with and maintaining social interactions at the separation time can relate to the role wives play in such interactions, and the extent to which husbands rely on their wives for someone to talk to. So the outcome of separation can be that men lose the only person to whom they have been able to express their feelings. Such a sense of aloneness at separation is increased when men believe no one wants to listen to their problems. There appears to be few places where, or people to whom, men are able to openly talk about their feelings and emotions. (p.54)

Social and daily living activities can affect significantly men's ability to cope with separation. Practical problems such as work, household tasks including shopping, cooking, laundry and cleaning, and management of finances, have all

been identified by men as causing difficulties (Hetherington, Cox and Cox, 1978; Jordan 1985). Men from marriages in which conventional sex roles had been maintained and the wife had not been employed, initially experience considerable difficulty in maintaining a household routine, and this adds to the distress and chaos of their lives (Hetherington, Cox and Cox, 1978).

Another consideration relating to men's response to separation concerns who initiates the separation. Research in Australia indicates that the final decision to separate is usually made by women rather than men (Headlam, 1983; Jordan, 1985). The typical pattern is that the spouse initiating the divorce proceedings experiences greatest stress prior to the separation, while the non-initiating spouse experiences the greatest trauma at the time of separation, and a heightened sense of anger, hurt and resentment. Jordan found that, in general, men displayed a lack of sensitivity in relation to the emotional state of their marriage, and failed to heed their wives' earlier attempts to communicate their dissatisfaction with the relationship. Those men least aware of the pending separation reportedly paid the highest price in terms of having the greatest difficulty in adjusting to separation. While it was not possible to quantify exactly how many of the wives in the present sample had initiated the separation, the data indicated that in the majority of cases, it was the wife had left the husband rather than the other way around.

Finally, a significant finding of the research into men and separation is the level of resentment, bitterness and victimisation experienced by men. A sense of victimisation enables men to feel they have been unjustly treated and this may result in their transferring blame to their wives, their wives' relatives, or alternatively to a system (such as the Family Court) which may be seen as supporting women and their actions. As Jordan concluded:

There were clear indications in this research that many men saw themselves at the time of separation as having little control or power over the continuance of the marital relationship. (1985, p. 49-50)

Violence, can be viewed as the ultimate expression of a man's perceived power over his wife; it can equally be viewed as a man's admission that indeed he has no such power.

SUMMARY

The issues which provoked marital violence varied according to the sex of the offending spouse. Women killed their husbands against a background of violence; they killed in response to and because of violence perpetrated by their husband on them and/or other members of their family. Men killed their wives in different circumstances; separation, or threat of separation, and sexual jealousy were the major precipitating factors in wife-killings. In other cases, the actual substance or details of the argument was less important than the context in which they occurred, i.e., the authority relationship between men and women or more particularly, between husband and wife. In this respect, it is necessary to repeat the point made at the beginning of this chapter that any meaningful analysis of spouse homicide must go beyond the individuals or couples involved in violent relationships, and place their actions in a wider societal context. Violence was used by the majority of males (both as spouse homicide offenders and victims) as a means of expressing their power and control over their wives—from such trivial issues as a wife refusing to have a drink with her husband to more serious 'transgressions' of his authority, e.g., the wife attempting to terminate her marital relationship. This is part and parcel of a form of behaviour (wife beating) that has existed for centuries as an

acceptable, even desirable part of the patriarchal social system. The sex differential in spouse homicide is not an accidental historical artifact—but is a logical extension of the control/power men believe they can exert over their wives in the face of marital conflict and discord, a direct reflection of the social, political and economic inequality inherent in the institution of marriage.

CHAPTER 9

Child Killings

Children are one of the most vulnerable and powerless groups in society, and this is reflected in the fact that one in eight homicide victims was aged under 16 years. By far the majority (68%) of these were aged 5 years or less. For this reason it was decided to concentrate on the deaths of pre-school children, as it is these children who are most at risk of being killed.

The following chapter is divided into two sections. The first section examines the characteristics of both the child victims and their slayers. The second section discusses different types of child killing and examines the events surrounding these deaths.

VICTIMS

Of the total homicide sample, 120 (8.7%) were aged 5 years or less at the time of their death. Table 9.1 shows the age by sex of these victims.

Table 9.1 Age of victim by sex of victim

Age of victim	Sex of victim							
	Male		Female		Not known		Total	
	No.	%	No.	%	No.	%	No.	%
Less than 1	27	45.0	26	48.0	6	100.0	59	49.1
1	3	5.0	9	16.7	0	0.0	12	10.0
2	8	13.3	9	16.7	0	0.0	17	14.2
3	15	25.0	2	3.7	0	0.0	17	14.2
4	4	6.7	7	13.0	0	0.0	11	9.2
5	3	5.0	1	1.9	0	0.0	4	3.3
Total	60	100.0	54	100.0	6	100.0	120	100.0

By far the highest number of child victims were killed before their first birthday. Toddlers were less at risk, and only a small number of children of pre-school age were killed. It is clear that children under 12 months of age were most vulnerable to attack. Male and female children were equally at risk. Exactly half the children killed were known to be male and 45% were female. There were six victims whose sex was not known. (In each case, the child had died either during or shortly after birth, and its body had been successfully concealed for some time, making sex identification impossible).

Bashing with fists or feet was the most common cause of death of the children; one third of the children died by these violent means (Table 9.2). In 19 cases, it was unclear what methods were used to kill the child. In seventeen of these cases, the victims were neonates (new-born babies) and it was often extremely difficult to establish a cause of death (further discussion of this follows later in this chapter). A smaller number of children had been strangled, smothered or drowned. In contrast with adult killings, weapons were rarely used. Only a minority of the children were stabbed or shot, and only four were gassed or poisoned. Nine children died primarily due to neglect, that is, due to malnutrition or lack of adequate health care.

Table 9.2 Method of killing

Method	No.	%
Bashing fists/feet	39	32.5
Cause of death unclear	19	15.8
Strangled/smothered	12	10.0
Drowned	12	10.0
Shot	10	8.3
Neglect	9	7.5
Stabbed	8	6.7
Hit by object	3	2.5
Gassed	2	1.7
Poisoned	2	1.7
Pushed, thrown off cliff	2	1.7
Burned	1	0.8
Stabbed, strangled, sexually assaulted	1	0.8
Total	120	100.0

RELATIONSHIP OF VICTIM TO OFFENDER

The majority of the children (95.4%) were killed by people known to them: 86.8% were killed by a family member, (Table 9.3). A small number of children were killed by acquaintances, e.g., babysitters, friends, and an even smaller number (6) were killed by strangers. Clearly, child victims are most at risk within the family sphere.

Within the family, the child was most vulnerable to attack from a parent: 85.2% of all the children were killed by their father or mother. In most of these cases, the slayer was the biological parent of the child, but in one in five (20.2%) deaths attributed to parents, the child was killed by a de facto, step or foster parent. There was some variation in this according to the sex of the offender. While mothers almost always killed their own children, the incidence of men killing children whom they had not fathered, but over whom they had a caretaker role, was high. More than one third (38%) of the fathers, compared with 7.8% of the mothers killed children they had not biologically parented.

Table 9.3 Relationship of victim to offender by sex of offender*

Relationship of victim to offender	Sex of offender					
	Male		Female		Total	
	No.	%	No.	%	No.	%
Biological child	28	50.0	59	82.0	87	68.0
Child of de-facto spouse foster child/step child	17	30.4	5	6.9	22	17.2
Other relative	1	1.8	1	1.4	2	1.6
Acquaintance	5	8.9	6	8.3	11	8.6
Stranger	5	8.9	1	1.4	6	4.7
Total	56	100.0	72	100.0	128	100.0

* This table based on all victim-offender pairs.

Table 9.4 Age of victim by sex of offender*

Sex of offender	Age of victim											
	Less than 1 year		1 year		2 years		3 years		4 years		5 years	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Male	16	27.1	9	60.0	12	60.0	8	47.1	7	53.8	4	100.0
											56	43.8
Female	43	72.9	6	40.0	8	40.0	9	52.9	6	46.2	0	0.0
											72	56.2
Total	59	100.0	15	100.0	20	100.0	17	100.0	13	100.0	4	100.0
											128	100.0

* This table based on all victim-offender pairs

OFFENDERS

A total of 114 people were charged with the homicide of the 120 young children. Unlike the total homicide sample, in which male offenders greatly outnumbered female offenders, the sex distribution of offenders in child homicides was more even: 63 (55%) were female and 51 (45%) were male. Men and women were equally likely to kill male or female children. A difference was evident, however, in relation to the age of the children killed by men and by women. Women were most likely to kill very young children, that is babies under twelve months of age: 72.9% of children less than one year old were killed by women (Table 9.4). Children of one to five years of age, however, were most at risk from males (with the exception of three years olds): 58% of these children were victims of men.

Women's participation in the deaths of young children is certainly high, but the prevailing myth that child killings are the prerogative only of women is proved to be patently wrong. Clearly both men and women are involved in the violent deaths of young children. Any research based on the stereotype of mothers to the exclusion of fathers who kill their children would clearly be inadequate in contributing to any understanding of child homicide.

The majority of the offenders were drawn from the young age groups: over three-quarters (76.3%) were aged under 30 years (Table 9.5). The women, however, tended to be younger than the men. Over half the women (55.5%) were under 25, and one in five women (20.6%) were only teenagers at the time they killed the child. Very young men rarely killed children and most male offenders were 25 years or older.

Table 9.5 Age by sex of offender

Age	Sex of offender					
	Male		Female		Total	
	No.	%	No.	%	No.	%
14-19	4	7.8	13	20.6	17	14.9
20-24	9	17.6	22	34.9	31	27.2
25-29	23	45.1	16	25.4	39	34.2
30-34	7	13.7	5	7.9	12	10.5
35-39	4	7.8	6	9.5	10	8.8
40-44	0	0.0	1	1.6	1	0.9
45 +	3	5.9	0	0.0	3	2.6
Not known	1	2.0	0	0.0	1	0.9
Total	51	100.0	63	100.0	114	100.0

The majority of female offenders were classified by the police as being engaged in 'domestic duties' and it was therefore impossible to ascertain their socio-economic status. However, from more detailed information from court papers, it was apparent that the majority of the women were housewives from the lower socio-economic groups. The majority of male offenders (88%) were also drawn from these groups, and those from the unskilled category were over-represented (Table 9.6), according to Congalton's classification (1969). Unemployment was particularly high (59.6%) amongst the child homicide

offenders, mainly due to the large number of women in the sample who were housewives with young children.

The majority of the child homicide offenders were Australian-born (77%); migrants were no more likely to kill their offspring or other children than were Australian-born offenders. As in the total sample, Aboriginals were over-represented by about six times relative to their numbers in the population.

Table 9.6 Socio-economic status by sex of offender

Occupational status	Sex of offender					
	Male		Female		Total	
	No.	%	No.	%	No.	%
Professional/managerial	0	0.0	0	0.0	0	0.0
Semiprofessional/middle management	4	7.8	2	3.2	6	5.3
Sales, small business, clerical, skilled trade	19	37.3	5	7.9	24	21.0
Unskilled	25	49.0	9	14.3	34	29.8
Student	1	2.0	3	4.8	4	3.5
Domestic	0	0.0	41	65.0	41	36.0
Not stated	2	3.9	3	4.8	5	4.4
Total	51	100.0	63	100.0	114	100.0

Overall, the child slayers had had less contact with the police or court systems than the homicide offenders in the total sample. A relatively small percentage had a juvenile record (16.7%), an adult criminal record (32.5%) or a conviction for a violent offence (6.1%). Some important differences were evident, however, between male and female offenders. Female offenders in the child sample were almost eight times less likely than men, and almost four times less likely than women in the total homicide sample, to have had a criminal record. Not one had been previously convicted of a violent offence. The picture was somewhat different for the male child slayers since almost one third of these men had a juvenile record, and the majority (63%) had a criminal record. Not only was this figure high relative to women, it was also marginally higher than for the male offenders in the total sample. The incidence of prior serious assault convictions was also higher relative to the total sample: 14% of the men had been convicted of an indictable violent offence. In summary, the vast majority (92%) of the female child slayers had had no previous encounters with the police or court systems in relation to any criminal or violent activity. The majority of male child slayers, in comparison, had a criminal record and about a quarter of these had a violent record.

Available information on the mental health of the offenders suggested a substantial proportion (39%) of the child slayers had received professional treatment for a mental disorder some time prior to the homicide incident. The incidence of prior mental disorder was apparently particularly prevalent amongst the women. More than half (54%) of the women, but only 20% of the men, were known to have had professional treatment for a mental disorder. This disparity between men and women may, however, be more apparent than real. Women are more likely than men both to seek help for a psychological problem,

and to be hospitalised for treatment in the event of being seen as 'unable to cope' (Chesler, 1973). While the incidence of mental disorder was somewhat higher than in the total homicide sample, the number of murder-suicides was not.

CLASSIFICATION OF CHILD KILLINGS

Any classification of human behaviour is difficult. Nevertheless, for the purpose of analysis it is helpful to identify apparently distinct homicides. It was clear from the material available that considerable variation existed in the characteristics of offenders, their victims and the situational or contextual properties of the act of child murder. This finding is in itself important, as many researchers have failed to recognise such distinctions, and have analysed all child murders together in undifferentiated samples. Those few researchers who have classified child homicide, have chosen to do so either according to the criterion of 'motive' or to the psychopathology of the offender. Resnick (1970), for example, devised a five-way classification according to motive. His classification included the altruistic offender; the acutely psychotic offender; the unwanted child; spouse revenge and accidental filicide. Another classification, suggested by the Royal Medico-Psychological Association (1970), based very heavily on psychopathology, divided child homicide offenders into four broad categories: the psychotic; the dull and inadequate; the sadistic; and those who exhibited a sudden lack of control. Scott's (1973) classification, based on 'the source of the impulse to kill', seems little different from those based on motive or psychopathology which he criticised.

One could argue that the above classifications are unsatisfactory for two reasons. They are both unreliable and unhelpful. With regard to the question of reliability, classification according to 'motive' can be very misleading. The question of who defines the motive is rarely addressed. Invariably it is a police-ascribed motive, hardly the basis for meaningful and scientific understanding of the offender's behaviour. Use of the word 'motive' also implies an instrumentality that is generally absent in a large proportion of homicides. In addition to this, some apparent motives, e.g., a crying child, are merely the immediate stimulus for an assault, not the direct cause of that assault. Moreover, classifications that concentrate on a single causal variable (for example, the psychopathology of the offender) in child murder are unhelpful in that they are too narrow in their focus of interest. They fail to address or give weight to other potentially important explanatory variables. They ignore wider considerations such as the relationship between stress and poverty, bad housing, unemployment and marital conflict. They also ignore the fact that stresses can operate differentially on men and women in a child-rearing context. Most importantly, they fail to acknowledge social tolerance of the use of violence by parents on children. Apart from oversimplifying the problem by concentrating on one small subset of variables, they generate little analytic understanding of the genesis of the offender's behaviour. They do not distinguish the *behaviour* in question from the explanation (Gelles, 1973).

For these reasons, past classifications have been rejected in favour of a new categorisation (not unlike that in Wilkey, Pearn, Petrie and Nixon, 1982) based on the broader considerations outlined above. Whilst a degree of overlap may exist between categories, essentially a cluster of common features was quite evident in each of the six identified types.

- (a) *Neonaticide*- The killing of a young baby within twenty-four hours of its birth.

- (b) *Neglect*- The killing of a child by acts of omission, usually failure to provide adequate nutrition and/or health care.
- (c) *Battered baby*- The killing of a child by one massive assault, or a series of assaults over time.
- (d) *Childbirth depression*- The killing of babies by the mother due to severe depression following childbirth.
- (e) *Murder-suicide*- The killing of a child within the context of the suicide of the offender.
- (f) *Other*- This category contains miscellaneous other types of child killings. It includes killings by strangers, by babysitters, as well as killings in which the child's death was apparently accidental and incidental to another event.

(a) Neonaticide

Neonaticide is the killing of an infant within twenty-four hours of its birth. Although literature on this type of child killing is sparse—the few writings that do exist are usually psychological in orientation and based on a small number of case studies—there is a general recognition amongst researchers that special circumstances surround neonaticide and that it should be distinguished from other types of child killing. Arboleda-Florez (1976), for example, argues that neonaticide is a 'specific clinical entity' differing from infanticide. Resnick (1970) distinguishes between 'neonaticide' (the killing of a new-born infant by a parent) and 'filicide' (the killing of an older infant by a parent) and argues that the former is a separate entity, differing from filicide in the diagnoses, motives and disposition of the murderer. Similarly, in this study, the neonaticide cases presented certain characteristic features not found in other types of child killing, concerning both the circumstances in which neonaticides occurred, as well as the special medico-legal technicalities raised by such cases.

Despite the common belief that the killing of newborn babies is a phenomenon uncharacteristic of modern times, 17 such cases were identified in the fourteen year study period. It is of course impossible to determine the number successfully concealed, but it is possible that the number that remain undiscovered would outnumber those which come to the attention of the authorities.

In 15 of these 17 cases, police laid charges against ten women.* Nine women were charged over the death of a single baby, and one woman was charged over the death of six newborn babies over an eight year period. The remaining two cases were unsolved by police. All the above women were charged in relation to the death of their own child.

Typically, the women were very young; seven of the ten were teenagers (the youngest being only 15 years old) and the remaining three were in their twenties. These findings on the youthfulness of the mothers confirm those found elsewhere in Australia (Wilkey et al, 1982) and overseas (Brozovsky and Falit, 1971; Resnick, 1970). With the exception of one woman, the mothers were single, and the majority lived at home with their family, usually their parents. The one woman who was married was charged in connection with the death of six of her babies, but at the time of the birth of the first child had been unmarried.

* Men are only very rarely directly involved in neonaticide. In a review of world literature on the topic, from 1751- 1968, Resnick (1970) found that in only 2 of the 168 cases reported was the father held solely responsible for the death of a newborn infant.

In contrast with the findings of some other studies, a few of these women did not come from poverty backgrounds. Interestingly, two were student nurses.

Without exception, the neonaticides were accompanied by the concealment both of pregnancy and of the birth itself. All of the women had their babies alone, most commonly in their own bedroom or bathroom—even, in some cases, when others were present in the home at the time. That these women could successfully conceal their pregnancy and the ordeals of childbirth from others close to them may appear somewhat incredible, but once again is a typical feature of neonaticides reported elsewhere. In only two or three cases were the women suspected of being pregnant by others and challenged as to their condition. On each occasion, the women strongly denied that they were expecting and one woman accounted for her rotund appearance by explaining she had a problem of fluid retention. All women continued their usual activities, as students, shop assistants, typists, and failed to seek any kind of medical attention or advice regarding their health or the impending birth. In some cases, this behaviour appeared to be linked to fear of discovery of their gravid state, but in other cases, it was linked to a denial to themselves that they were in fact expecting a baby.

Although the evidence is not to hand in this study, it is possible that a number of these women did not exhibit obvious signs of their condition. It has been suggested that the woman's need to deny may be so strong that the biological manifestation of the pregnancy may be influenced (Gerchow, 1957). Of the fifteen cases in Gerchow's sample, almost all failed to demonstrate any obvious bodily changes and practically none had any other signs of pregnancy. A possible flaw in this argument, however, is that only those women who fail to exhibit obvious signs of pregnancy can successfully conceal their pregnancy and thus the subsequent birth. Clearly, few women whose pregnant condition was obvious would be able to conceal their pregnancy; they would then be unlikely to reach the stage where neonaticide was a possibility.

Nevertheless, the suggestion that a woman's self-denial may be so strong that she convinces others she is not pregnant remains an interesting feature of these cases. In some cases, this denial was so strong that it was maintained right up until the actual birth of the child. When labour pains began, several of the women failed to associate such pain with the impending birth and said they went to the toilet because they felt they needed to urinate or defecate. (In another study, women in a similar predicament interpreted labour pains as an attack of colic, or menstrual pain (Brozovsky and Falit, 1971).) The resulting delivery thus came as a complete surprise to the unsuspecting women.

Given the strength of the woman's denial, sometimes right up until the delivery, the subsequent birth of the baby clearly can have a cataclysmic effect on the woman. With the appearance of the child, the woman may no longer be able to maintain the denial and may then undergo considerable psychological trauma. The denial so tenaciously clung to during pregnancy is no longer tenable when the child is born. The psychological trauma, could be equally devastating even where denial did not occur. A lonely, precipitous delivery to a young girl would be a terrifying experience. Small wonder that most of these women were very vague about what actually happened at the time of delivery. Some were disassociated or distant and a couple had no recall as to how the child died.

Unfortunately, from the available material, the reason why these women concealed their pregnancy could not always be deduced. However, a few cases did provide clues as to the women's mental state during the course of their pregnancy. For one woman, the prominent fear was the reaction of her family

to the news of her pregnancy. As she explained, 'I was afraid and I didn't want my family to worry.' In another somewhat unusual case, involving one woman and six babies, fear and the shame of illegitimacy seemed prominent in the first pregnancy. In subsequent pregnancies, fear that her previous pregnancy(-ies) would be discovered was apparently the motivating force behind her actions. Researchers in similar studies have postulated that fear of being abandoned by their loved ones, particularly their mother (Brozovsky and Falit, 1971) and fear of the stigma related to illegitimate birth (Resnick, 1970) are prominent features in neonaticide cases.

One of the difficulties with neonaticide is in establishing the infant's cause of death even with modern forensic techniques. A feature peculiar to these child killings is that, first and foremost, it must be established whether or not the baby had actually lived; that it had experienced a separate existence from the mother. Technically, in order for a homicide to be committed, it must be proven that the victim had in fact lived. The viability of the infant must also be ascertained. If the child had been born live, was there anything the mother could have done to save its life? If, for example, the child was premature, or if complications had occurred during the birth, it would be very difficult for the mother to save the child. As Evans (1968) has observed, there are all kinds of natural causes of death in newborn infants. They include stillbirths, congenital anatomical abnormalities, various forms of pneumonia, suffocation from the aspiration of natural fluids of the mouth or throat, or strangulation by the umbilical cord during birth. Haemorrhage from an untied cord may also result in the fatality of a baby. Any one of these factors could account for the death of a baby in the absence of any obvious trauma. In addition, injuries from falls may result in fractures or ruptures. A precipitate delivery into a toilet bowl may result in a death by drowning, or a fractured skull, without any intent on the part of the mother to do harm.

On the whole, the causes of death (as far as they could be established) of the babies in the sample reflected the precipitous nature of their births. Babies born into toilets died of fractured skulls, drowning or asphyxiation. Complications involving the umbilical cord were responsible for the deaths in a further two cases. In one case, the baby was born with the umbilical cord wrapped around its neck. In another case, the mother was found with the dead baby in her arms, still attached to it by the umbilical cord. Failure to get medical attention, or exposure, appeared to be the cause of death in a further few cases. In a number of cases, it was difficult or impossible to determine how the baby had died—usually due to the length of time between the baby's death and the discovery of the body. In few, if any, of the cases, did there appear to be evidence of any deliberate action by the mother to kill her new baby. At the very worst, in a few cases, acts of omission, rather than commission, were the cause (although both are equally culpable under the law). In many of these cases, however, it was clear that the mother was not in a position to save the life of her child—given the frightening circumstances, physical conditions and the resultant shock and emotional trauma of the birth.

These tragic incidents were discovered in two ways. Either the body of the baby was found, not long after the birth, or the mother fell ill shortly after the delivery and her post-natal condition was revealed. Typically, the mother made very little real attempt to conceal the body of her child. One woman simply left the baby in the toilet; another woman placed her baby in a plastic container in the house before leaving for work. One girl placed the baby in a box with blankets and left it in the wardrobe in her bedroom, while another wrapped the baby in a towel and left it in the bedroom. Two women made more determined

efforts to conceal the bodies, but they were the exception. These somewhat pathetic attempts to hide the babies reflect the women's psychological state; some apparently continuing to deny that the birth had happened (two women went to work only hours after giving birth to a child), rather than any deliberate callousness on the part of the mother.

Problems in establishing cause of death and with demonstrating any premeditation or intent to kill the child are reflected in the disposition of these neonaticide cases. Seven of the ten women were either discharged at committal (3), no billed (2), or acquitted (2—one after an appeal against a manslaughter conviction). Only three were convicted of any offence, and two of these were convicted solely of concealment of birth. In the case of the tenth woman (on charges relating to the deaths of six babies) convictions ensued on all six counts (1 manslaughter, 2 concealment of birth and 3 contribution to the death of a baby). Only this woman received a prison sentence, (although one other woman did have to serve time in prison prior to her conviction being quashed on appeal). Similar dispositions have been found in neonaticide cases in other countries. Historically, however, dispositions in such cases were very different. English law, in the reign of James I, presumed an illegitimate newborn found dead to have been murdered by its mother, unless she could prove by at least one witness that the child had been born dead (Resnick, 1970).

(b) Neglect

Neglect of a child is commonly regarded as an act of omission rather than commission, whereby a child is deprived of adequate nutrition and/or health care. It is thus a failure to provide what society regards as adequate care, supervision or protection of a child. Recognition of such a phenomenon is fairly recent, and to date little has been written about neglect compared with the mass of information available on the 'battered baby' syndrome. However, a number of researchers have argued that reported cases of neglect (that is, non-fatal reported cases), similar to reported cases of physical abuse, represent merely the tip of the iceberg (Bialestock, 1966; Birrell and Birrell, 1968; Trube-Becker, 1977). However, the evidence from this study indicates that the number of children who die as a result of neglect and lack of adequate nutrition and care, is fairly small compared with those who die from non-accidental injury and other causes. Only 9 children (8% of those 5 years or under) died solely or primarily due to such acts of omission by their caretakers.

Seven of the nine children were suffering from malnutrition at the time of their deaths; most died due to complications which arose as a result of their wasted condition, e.g., bronchopneumonia, septicaemia, hypothermia, dehydration. At least two of the infants who died from malnutrition (one ten weeks old, the other nine months old), weighed less than their birth weight at the time of their death. In the remaining two cases, the child's death was primarily attributed not to malnutrition, but to a combination of neglectful or negligent acts. In these two cases (unlike the others) there was evidence that the children had also been subjected to some deliberate acts of cruelty. They had sores, burns or bruises on their bodies, although these did not in themselves cause the death of the child.

Although the infants ranged in age from six weeks to four years, all but two were young babies at the time of their deaths (one year or less). On the evidence available, it was the two older children (one two years old, the other four years old) who had been physically mistreated prior to their deaths, while the younger infants died of malnutrition and its accompanying complications.

In every case, the child lived in a family with two adult caretakers. There were no children from single-parent families. With one exception, the people charged over the deaths of the babies were parents. In five cases, both parents were arrested, and, in one case, a doctor was also charged. In a further three cases, the mother only was charged; in each case, the mother lived in a defacto relationship. In the final case, a couple were charged after the discovery of the death of a child left in their care by his mother for a few months.

The dead children came from both large and small families. In three cases, the dead infant had been an only child, but in five cases, the child had been the youngest of a number of other children—in two cases of quite large families consisting of five and six children respectively (no information was available in the ninth case). The families were of either skilled or semi-skilled background and the father was usually in employment. Not one of those arrested had previously been convicted of a violent offence and, with one exception, any criminal background was absent.

As mentioned earlier, the topic of 'neglect' of children has received much less attention in the literature than physical abuse. Nevertheless, recent writings on the matter have produced differing interpretations of the problem—both in terms of its size and in the precipitating factors responsible for its occurrence. According to Burns and Goodnow (1979), some researchers have argued that the two types of child abuse, acts of omission versus acts of commission, are mutually exclusive. Steele and Pollock, for example (quoted in Burns and Goodnow, 1979), found that where active injury was found, neglect was not: physically abused children were usually being well-fed and cared for. Similarly, Light (1973) found that families in which neglect occurred tended to be younger and poorer, lived in worse housing and had more children than families in which children were physically abused. Research completed in Australia, however, has reported cases in which parents displayed both neglect *and* abuse (Birrell and Birrell, 1968).

Although the child homicide sample is small, it would seem to indicate a variety of circumstances in which neglect cases become fatal. None of the *babies* who died of malnutrition exhibited signs of trauma; typically they were clean and well clothed. A couple of the *children*, however, were in a filthy condition and exhibited evidence of being physically abused. These findings would indicate that some overlap between acts of omission and commission can occur in lethal cases—but that more often than not they occur exclusively rather than together.

Opinion also varies as to the precipitating circumstances behind these deaths. Some commentators, such as Adelson (1963), have called deaths by starvation 'the nutritional variant of the battered child'. Clearly the implication is that such deaths should be regarded as a subtle and covert form of abuse, but one which can be as 'dangerous to the child's welfare as more overt forms. In a similar vein, Scott (1973) has argued that deprivation of food and adequate health care is one way that parents can rid themselves of an 'unwanted' child. Clearly the view espoused by such writers is that neglect/malnutrition is a deliberate and calculated act. An alternative view is posed by Emery (1978), an English pathologist with experience in 10,000 child deaths, who maintains that malnutrition is not usually the result of deliberate mistreatment by parents. He comments that in his experience, 'it is extremely rare for a child in this country (England) to die from deliberate with-holding of food' (1978, p.138). Similar conclusions were reached by Trube-Becker (1977) in a study of 54 cases of death by neglect in West Germany. She attributed the problem to ignorance and an incapacity on the part of the mothers in her sample (who were mostly young,

single parents, with little or no support, in disadvantaged social circumstances) to cope with their difficult life situations.

The findings in the current study would lend some support to the latter viewpoint. In no case was it apparent that the parents or parent had deliberately starved their child—rather there was a lack of knowledge about the food needs and/or other health care requirements of their infant. This ignorance was often compounded by stresses of social disadvantage which failed to alert the parent as to the real state of health of their child before it was too late.

On the face of it, one might be surprised how a starving child, who at death, weighed around its birth weight, could fail to have been subjected to deliberate maltreatment by its parent. The dynamics of a situation in which such a death can occur, however, can be often complex, and are perhaps best illustrated by an example.

One such case involved a 26 year old man and his 24 year old wife who were charged over the death of their nine month old son who died shortly after being admitted to hospital suffering from malnutrition and dehydration. Although a young couple, they had five children, all under five years of age. They lived in the country, half a mile from their nearest neighbour. The mother spent the days at home with her five children and social contact was confined to her own family and an old schoolfriend. The father was at work for about twelve hours each day. The baby, the youngest in the family, was breastfed until he was about two months old, and then was weaned onto cow's milk. According to the parents, the child was passive, rarely cried, slept a lot and was a slow grower.* The parents did not attend a baby clinic as they felt they knew enough about babies, having raised four already. Although the child lost some weight and slept a lot, this was apparently not regarded as out of the ordinary by the parents. When the child developed a rash, however, it was taken to a doctor for treatment, only one month before his death. Eventually, the child became listless and refused to eat. He was taken to hospital, limp and cold, where he died three hours later from pneumonia, septicaemia, hypothermia and malnutrition—weighing less than his birth weight. This case caused a furore in the press at the time of the trial, when the couple were initially convicted of manslaughter. Significantly, however, that conviction was quashed on appeal when new evidence came to light.

In explanation of the parents' inaction, the following factors were pertinent. The child's physical deterioration was of a long-term and insidious nature. The family's relative isolation, combined with their continuous contact with this slow and gradual decline failed to alert them to an alarming change in the physical appearance of their son, a change which might have appeared dramatic, for example, to someone who saw the child only occasionally. It seemed that the child's thin appearance was not regarded as being particularly unusual by the parents, whose older children had experienced similar growth patterns apparently without suffering any serious effects. In retrospect it appeared that all the children had been malnourished, but whereas their youngest child had died, the other children had survived until they were somewhat older; then they could more effectively communicate their need and desire for food, and thereafter achieved adequate growth and development. The parents' treatment of the child was thus not held to constitute deliberate abuse. Rather it arose out

* The passivity of the malnourished child is seemingly not at all unusual in such cases. Emery (1978) attributed this to a breakdown in communication between parent and child, resulting in the child becoming withdrawn because of the failure to develop a normal rapport with parents. The infant does not then communicate its needs in the normal way by crying. Because the baby appears to be 'good', its parents are not alerted to the fact that the child is in distress.

of a situation of ignorance compounded by a particular set of social circumstances, which made it difficult for the parents to realise the seriousness of the child's condition. The shocking physical appearance of the baby, medical evidence suggested, could be attributed to a period of rapid deterioration in his condition just prior to his death.

Clearly, the set of circumstances evident in the death described above are unique to that particular case, and would not be replicated in any other case. What the case does illustrate, however, is that malnutrition deaths are often the result of an interwoven set of personal experiences and social circumstances.

In other cases, lack of preparation and support for the responsibility of parenthood was a primary factor, as in the case of a young intellectually retarded mother and her psychiatrically disturbed husband. Ignorance of the food requirements of young babies was also a common element, as in the case of a couple who fed their sick child regularly, every three hours, but failed to provide appropriate nutrition which a very young baby could absorb and benefit from. Ignorance of the consequences of depriving a sick young child of food, and providing only a liquid diet over a prolonged period, was the primary factor in another case. Only in a small minority of cases was there any evidence that the dead child had been subjected to deliberate cruelty and deprivation. Ignorance combined with personal or social disadvantages were the primary features in these deaths.

A lack of intention to kill or cause grievous bodily harm was evident when the disposition of these cases was analysed. Only four of the sixteen people charged over these deaths were convicted and only two of these received a gaol sentence—both in relation to one of the unusual cases in which the child had suffered a history of physical maltreatment in addition to neglect.

(c) Battered babies (non-accidental injury)

By far the largest number of children fell into the category of 'non-accidental injury'. As many as 44 (36.6%) of the children died as a result of injuries sustained due to an assault, or a series of assaults on them, by one or more parents. These children are at the extreme and fatal end of the spectrum of physical abuse by parents. The injuries they suffered included bruising, fractures, dislocations, ruptures, all consistent with those found in what in common usage is called the 'battered baby' syndrome. All the children had allegedly been punched, hit, kicked, shaken or thrown by a parent. Weapons were never used in these cases. Assaults on children are regarded by the community as being particularly horrifying, largely based on expectations about respect for the defenceless and about the 'natural' ties that should exist between parents and children (Burns and Goodnow, 1979).

The children died from such injuries as cerebral haemorrhages from blows to the head, epileptic convulsions, peritonitis from ruptures, fractured skulls and other injuries to the head and body. There was evidence that at least two-thirds of these children had been assaulted on previous occasions. However, it was evident that at least some of the children had not been subjected to protracted beatings over time and had instead died from a single assault by their attacker. Thus two broad patterns emerged: the majority of the children had endured an escalating degree of physical violence, and had died either as a result of a series of assaults, or from one, particularly serious assault the last in a chain of such attacks. In the remaining cases, there was no indication of any previous abuse; there was an absence of old injuries and there was no evidence to suggest they had been physically maltreated. These children died apparently from a one-off assault.

A number of children who had suffered a history of mistreatment had been badly injured on prior occasions. At least seven (one quarter of those known to have been abused over a period of time) were known to have been hospitalised for injuries sustained in earlier assaults. One of these children was only two to three weeks old when squeezed by its father, resulting in a fracture of the tibia and hospitalisation for one month. Another child, who died when only seven months old, had had a history of admissions to hospital for head injuries, a broken leg, and bruising. Yet another child, aged two and a half years, had been hospitalised on no less than three occasions with, amongst other injuries, a fractured skull, broken legs and wrists, and multiple bruising. It would appear that in each case the child was returned to its parents on being released from hospital. In fact, in one case, a three year old child who had been hospitalised for bruising to legs, arms and kidneys, as well as to the head, had been released to parents only three weeks prior to its death. It is unfortunate that reliable or consistent information was not available as to how many of the families had been in contact with the social services regarding the injuries to the child. It should be noted that for a substantial part of the period covered by this study, there was no system of mandatory reporting by doctors of suspected child abuse cases, since this was not introduced in New South Wales until 1977. It is nevertheless extremely disturbing to note that a number of these children had previously sustained injuries, some so serious as to require hospitalisation, only to be returned to parents to be fatally assaulted.

It is perhaps a common belief that most fatally battered children are toddlers. Yet the study revealed that exactly half of the battered children deaths occurred amongst babies less than one year old, with some as young as a few weeks and the youngest being only four weeks old. Typically, the dead child was either an only child, or the youngest in a family of two or more children. So very young children are apparently most at risk of being fatally battered. This picture may be somewhat misleading since the vulnerability of a child to physical damage is greater the younger he/she is. Older children are less vulnerable to serious damage due to greater physical hardiness (Gelles, 1973). Yet it should also be recognised that different stresses or forces can be at work in a family, depending on the age of the child and its position within the family. A new baby can place tremendous emotional, physical and financial stress on a family. If a child is a first or only child, parental inexperience and unrealistic expectations of the child may be an additional source of stress.

Perhaps contrary to expectation, almost all of the children resided in two-parent families; there were only two cases in which the offender (the mother) was apparently caring for a family single-handed. This finding is in contrast to some of the literature which suggests a high level of single parenthood amongst child abuse families. Again, perhaps contrary to expectation, there was no preponderance of large families in the cases of battered babies. Approximately half the children were only children and the majority of the remainder came from average size families of two or three children. Only a handful (4) came from what could be regarded as a large family of four or more children. Thus large or single-parent families were not common amongst the fatally battered children. *De facto* relationships, however, were over-represented. Of those families in which two parents were present, approximately two-thirds (63%) of them resided in *de facto* relationships. In common with findings elsewhere (in non-fatal child abuse literature), *de facto* parent relationships are thus very heavily over-represented in these cases and indeed constitute the majority of the family situations involving battered children.

As might be expected, those held responsible for these children's deaths were their caretakers. Almost without exception, the offenders were parents, and in

most cases, the father of the child. Of the 47 people charged by the police, 29 were male and 18 were female. Indeed, the majority (57%) of male child homicide offenders fell into the battered babies category compared with only a quarter of the women who killed children under 5 years of age. In the absence of literature on *fatal* battered baby cases, it is worth commenting on the fact that when the question of sex of the abuser is addressed in the non-fatal child abuse literature, research indicates the predominance of mothers (Gelles, 1973). Indeed, there is an implicit assumption in much of the literature that the abusing parent is female (O'Donnell and Craney, 1982). Yet, as O'Donnell and Craney observe, considering mothers spend so much more time with children and have more direct responsibility for the care of children, it is somewhat surprising that so little interest is taken in the fact that such a high proportion of battering is done by men. It is thus of interest to note that in the present study, the childcaring roles were reversed for a number of the families in which a child was fatally battered. In well over one third (41%) of the incidents involving fathers, the fatal assaults occurred whilst they were alone with a child, or with a number of its siblings, either babysitting or caring while the mother was out, usually working. Some of these fathers had full-time responsibility for the child. While the mother went out to work, they stayed at home and looked after one or more children on a full-time basis. This arrangement was also found to be common amongst fathers who kill children in America (Gil, 1970) and in England (Scott, 1973). (Scott remarked that a common situation in such cases was one in which a young man, unprepared in any way for parenthood, was left with a dependent and apprehensive baby.)

The relationship between the parent and the child also appeared to be an important factor in the child battering cases. Almost half (45%) of the children were killed, not by their biological parent, but by a substitute parent—most commonly the *de facto* spouse of the child's real parent. There was an apparent difference in this pattern depending on the gender of the parent. All but two of the mothers were charged with killing their own biological child. However, 18 (62%) of the fathers were charged over the death not of their own child, but that of a child in their care, usually the child of a *de facto* wife. The possible relevance of this finding will be discussed later in this chapter.

Precipitating circumstances

The precipitating factors which led to the assault on the child were often complex. No single factor could be offered in explanation of such behaviour. A combination of environmental, psychological and cultural considerations were frequently of influence. Stresses arising out of the family situation (marital conflict, a sick or demanding child, lack of support, isolation) and difficulties relating to the employment situation (poverty, unemployment, work-related stress), combined with cultural values about the use of physical punishment, were to varying extents present in the abusing families. These considerations affected both the parents' ability to cope with their childcare responsibilities and the nature of their response to situations of stress.

Frequently, the immediate stimulus for the assault was some behaviour of the child victim. Sometimes it was a child's refusal to eat, or 'obey' some other instruction from the parent, but more typically it was a child's crying which preceded the assault. In many cases it was apparent that the child's crying was merely the catalyst for an assault and that the child was exhibiting behaviour no different from that of the normal infant. In other cases, however, it was clear that difficulties relating directly to the child were primary—for example, the child was sick, or hyperactive, or cried incessantly. In these circumstances, the child's

behaviour contributed more directly to the assault by the parent: exhausted and worn out, an exasperated parent would vent his/her frustration on the perceived source of the problem.

Such pressures were evident in the case of a man who fatally assaulted a baby daughter that he and his wife had adopted several months before. The couple already had two children (both boys), but were unable to have another child and consequently jumped at the chance of adopting a relative's baby daughter. The child's first six months of life, however, had been very unsettled. By the time she was placed in her new parents' care, she had become emotionally disturbed. She cried incessantly and would not go to any men. The couple devoted much time and energy to their new daughter. They consulted professional help and spent hours talking and playing with the baby in an effort to gain her confidence. Despite their efforts, the baby continued to cry incessantly, and after a few months the whole family, including the other two children, began to suffer. Eventually the parents reached a stage where they felt they could no longer cope. Tired and depressed, they were on the verge of a nervous breakdown. On the night of the assault, the child had been particularly distressed. The couple had had no sleep all night and both were exhausted after trying to calm both the baby and the other children who had become upset. The father recounted how all of a sudden he 'snapped' and slapped and punched the baby two or three times in exasperation. Later, the baby became ill and was taken to hospital where she died shortly after.

The above example illustrates how in caring for a 'difficult' and demanding child, pressure or tension can build up over time and culminate in a single explosion of violence. In similar circumstances, however, other parents might abuse their child on a number of occasions before the fatal assault.

Typically, however, the child's behaviour only served to aggravate an already distressed parent. The child was only one of a number of stresses with which the parent had to contend. The parent's response to various feelings of frustration, anger, helplessness, or depression, was apparently to 'take it out' on the child by verbal and/or physical abuse. Sometimes, the stress was primarily work-related. One man, for example, who beat his one year old daughter to death, did so whilst on the edge of a nervous breakdown due to overwork. Following weeks of depression, he returned home from shiftwork at midnight. The baby began to cry, he went into her bedroom and hit her and she was found dead in her cot the next morning. Severe marital conflict was another contributing factor. One man picked up his six week old daughter and flung her to the floor because she wouldn't stop crying, only hours after having a heated argument with his wife, who had walked out the door and left him with two young children. In another case, a woman who fatally assaulted her four year old daughter explained how she used to physically abuse her child after being assaulted by her husband. She explained why she used to hit the child:

When my husband upset me and she upset me at the same time, I would hit her as I was too frightened to hit my husband.

Financial problems, combined with feelings of isolation and lack of practical support were not uncommon, as in the case of a twenty year old woman bringing up three young children, who fatally assaulted her twenty month old daughter. Both the woman and her de facto husband were unemployed and their financial problems were considerable. Their problems were exacerbated when they moved to a new home, away from the practical and financial help of relatives. The girl fell pregnant again and she became depressed and unhappy. She felt isolated

away from friends and family; her husband was away all day looking for work and she had no money to go anywhere. Feeling alone and imprisoned by circumstances and finding it harder and harder to cope with her depression, she seemed to find some expression, or outlet for her feelings, by hitting her children. She explained that she used to abuse the dead child because 'of the tension of the pregnancy' and because 'she had no one to turn to'. It is worth noting at this point that unemployment amongst the battering parents was several times the national average. The findings of a Sydney study are relevant here. Springthorpe (1975), in one of the few studies which have compared characteristics of battering and non-battering families, found that in comparison with the latter, battering families rarely went out, or went visiting during the day. He commented that 'such isolation both produces stresses and reduces the restraints to violence that the presence of another may provide'.

In some cases a certain lack of understanding of child behaviour, and sometimes, an intolerance towards the child was exhibited by the parent. This attitude was particularly evident amongst the men and most notable amongst those men who were not the biological father of the dead child. A number of the men who killed their de facto wife's child seemed to be more ready to use violence than those caring for their own child. Typically, they had been in a de facto relationship with the child's mother for only a short period of time, sometimes only for a matter of weeks before the child was killed. They were often unemployed and frequently found themselves in a position where they looked after one or more children on a part-time or full-time basis while the mother worked, or was busy with household responsibilities. It was common in such circumstances for the men to have unrealistic expectations of a young child's behaviour and to interpret a range of child behaviour as being deliberately wilful and a direct challenge to their perceived authority. One nineteen year old man, for example, used to strike his de facto wife's one year old daughter because he disliked the way the baby stared at him for long periods of time. In another case, a man hit the child if she refused to eat, or wet the floor. One man became so intensely irritated when the one year old daughter of his de facto wife stuck her fingers in her food or up her nose that he would physically chastise her when she 'disobeyed' him. One can't help wondering if the behaviour of these men was complicated by the fact that they were in a caretaking role for a child in whom they perhaps had little emotional investment—and that some more deep-rooted resentment of the child itself was at the root of the abuse. This resentment was clearly evident in at least two cases. One father consistently abused his two year old child because he believed he was the son of another man. In the second case, a man who regularly assaulted his one year old stepdaughter when drunk (he had been married to the child's mother for only three months), talked of finding it difficult to 'accept' the baby and of feeling jealous when his wife, in his view, 'pampered' the child.

Closely linked to battering behaviour was a belief both in the desirability and legitimacy of the use of physical violence in child-rearing, and in the right of parents to inflict their will on a child. Such attitudes clearly emanate from historical and cultural ideas about childhood and child-rearing practices. According to Burns and Goodnow (1979), there has been no Australian study on public attitudes towards the definition and acceptance of violence or physical punishment as a way of controlling children. A study completed in the United States, however, indicates majority approval amongst educators, police and clergy of violence on children in the form of a slap/hit with the hand, and minority (10%) approval of the use of straps, belts or brushes (Parke and Collmer, 1975, quoted in Burns and Goodnow, 1979). If the general society

tolerates the use of physical punishment, then the use of force is always a possibility.

The paradox of corporal punishment is well documented. Violence in child-rearing is not only condoned by many people but continues to be encouraged and sanctioned in some quarters as a parent's or teacher's duty, because it is, 'for the child's own good' (Gelles, 1973). This is evidenced by the failure of teachers' and parents' organisations to eradicate corporal punishment in Australian schools. At the same time, child abuse is socially condemned, so it becomes necessary to ask at what stage does 'discipline' become 'abuse'? The distinction is blurred. While this paradox remains, attitudes such as those expressed by one man whose wife was charged with the murder of their three year old son will persist; he described the physical violence used on the boy—beatings and strappings—as being no more than one would 'normally' use on a naughty child.

In describing the experiences of the battering parents, uni-causal explanations for their behaviour are to be avoided. Stress, and particularly stress relating to the difficulties of child-rearing, compounded by generally difficult life circumstances, such as poverty, isolation and interpersonal conflict, were the most common precipitating factors in these fatally battered baby cases. These findings accord with those in the general child abuse literature. Yet the comment made by Gelles, that 'stress in the family is associated with child abuse is not a sufficient explanation of child abuse', (1973, p.618) is important. Child abuse is one adaptation to stress as opposed to other types of responses. Thus stress does not *always* lead to abuse and not all families undergoing such stress abuse their children.

Why stress finds expression in violence towards children rather than in some other form depends on how that experience of stress is interwoven with other factors. The well-established cultural values regarding the appropriateness of using corporal punishment on children is one of these factors. Another one may be the previous experiences of the batterers themselves. On the evidence available, it was apparent that at least some of the batterers had themselves been bashed as children. These past experiences may, in the event of difficult circumstances, have some effect on their behaviour towards their own children, but it is by no means a pre-requisite of battering. It was also apparent that a number of the parents had had deprived or difficult experiences of other kinds earlier in their life. Some were known to have had institutional backgrounds—either in welfare or in juvenile detention centres—neither of which would provide model preparation for the responsibilities and difficulties in raising one's own family.

Finally, as was argued at the beginning of this section, the disposition of the child may be an important consideration, either as a direct source of the parent's stress, or as a catalyst, or precipitating event in the assault. This is by no means an exhaustive list of all the possibilities, but it illustrates that the answer to the question why these killings occur is to be found in a complex weave of a number of factors and not in some uni-causal mode of explanation.

(d) Childbirth depression.

Severe depression of the mother following childbirth provided the context for thirteen of the children's deaths. The women's depression related closely to their experiences of pregnancy and/or childbirth and the caring responsibilities thereafter. To some extent there was some overlap between this category and both the battered baby and the murder-suicide categories in terms of

precipitating events: some women in the other categories also experienced depression and difficulties following the birth of a child. However, the deaths in this category differed from the others in certain respects. Firstly, all the deaths in this category were perpetrated by women. Secondly, there were indications that these women had undergone severe mental distress at the time of the killing: some didn't remember doing anything to the child, and others could offer no explanation as to why they killed their baby. All the women had received treatment for their mental condition, and many had spent some time in institutional care following the birth of their baby. Their psychological distress and general inability to cope were thus of an acute nature and had been recognised as requiring urgent care and attention. Thirdly, whereas many of the battered baby cases could be classed as 'accidental' deaths, most of these cases involved a more deliberate attempt to kill the child. Drowning, suffocating and stabbing were the primary means by which these babies died. However, with one or two exceptions, none of these babies had been physically abused before the fatal attack.

The mothers concerned were all young married women in their twenties. All worked at home and took full-time care and responsibility for the home and one or more children. In approximately half the cases, the dead baby had been the first and only child in the family. In the remaining cases, the dead baby was the youngest in a family of two or more. Most of the babies killed were under one year of age at the time of their death, with the youngest being only six days old. The two children over one year old were the two and three year old siblings of a baby who was also killed in an attack on all three by their suicidal mother.

As outlined above, the mothers had undergone severe depression in the period leading up to their baby's death. Most were under medication at the time they killed their child. Indeed, one woman cut the throat of her four month old daughter while on weekend leave from hospital. Another woman stabbed her eleven month old daughter only three days after being released from psychiatric care. All the women had in various ways indicated the strength of their desperation. One woman ran away from hospital only two days after giving birth to her child. Two women had had nervous breakdowns after giving birth. A further two women had talked about suicide, and a third had actually attempted to kill herself only two months prior to killing her baby. At a time when a mother's life is purported to be full of joy and fulfillment, these acts of desperation may appear to be incomprehensible.

A commonly held belief is that the killing of young babies in such circumstances is the result of madness, or at least temporary madness on the part of the mother due to the effects of childbirth. Indeed, the legal definition of infanticide is explicitly based on this assumption. In the New South Wales legislature, infanticide is held to constitute the murder of a child under twelve months of age by its mother, but that at the time of the act (or omission) the balance of the mother's mind was disturbed by reason of her not having fully recovered from the effects of giving birth to the child, or the effects of lactation consequent upon the birth of the child. In other words, the mother killed her baby whilst suffering from post-partum psychosis. However, exactly what post-partum psychosis, or post-natal depression as it is more commonly known, is, and what causes it, has given rise to some debate over recent years. About twenty years ago, the predominant belief was that women who killed young children in these circumstances were psychotic and that such killings were the acts of mentally ill women. In fear of similar behaviour being repeated, it was not unusual for authorities to recommend sterilisation of the offending woman to forestall any future pregnancies. The basis of this belief was that the balance

of the woman's mind was affected by physical changes as a result of childbirth and lactation.

Recent commentators, however, have called into question the basis of this assertion. Whilst the fact that these women are suffering deep depression is not disputed, the reason and basis for that depression is increasingly being debated. There has been discussion over whether or not 'post-partum psychosis' constitutes a separate distinct psychological entity. What, for example, is the relationship between post-partum psychosis and 'madness', 'normal' depression and other psychological disorders? Bucove (1968) has argued that depression per se is a common condition which may coincide with childbirth, without there being any causative relationship. Depression may be longstanding and hence aggravated, rather than caused, by the birth. The current study lends some support to this view since a number of women had suffered from depression or some other mental disorder prior to the birth of the child, and prior to the pregnancy. The birth of the baby appeared to aggravate their situation, rather than cause it directly. Melges (1968), in a study of 100 cases of women suffering from post-natal depression, added to the argument when he found that the depression was precipitated by psychological factors such as conflict over the mothering role, and frustration with the dependency and helplessness of the infant, rather than by any physical changes occurring in the mother due to childbirth. Significantly, he discovered a number of cases in which patients developed symptoms similar to that of post-natal depression after *adopting* a child. Bucove (1968) extended this argument to postulate that the arrival of a new baby can create tremendous emotional trauma for *both* parents: the mother *and* father can succumb to depression, as a result of disruption to the usual pattern of social interaction, or to the social equilibrium of their previous family situation. It is these disruptions, he argued, rather than any physiological change, which are primarily responsible for the depression of women and sometimes men, following the addition of a baby to a family.

Whilst not being in a position to confirm or refute the scientific/medical evidence on post-natal depression, it is the opinion of this author that in the past there has been an over-emphasis on the purely physiological, to the detriment of the sociological explanations as to why women kill children in such circumstances. Closer analysis of the cases revealed that physical, emotional, social and cultural forces contributed in varying degrees to the women's depression—evidence that the women's response to their situation was far from purely physiological.

Anxiety about their ability to care for the child and doubts about their ability to cope alone at home were the predominant feelings amongst the women. Poor physical health of the woman, and in some cases the baby, compounded the women's fear of being unable to cope. For example, two women were seriously physically ill after the birth of their child. In one case, the woman's illness was closely related to difficulties experienced in caring for a sick child. The baby had been in and out of hospital several times—he cried a lot and was overactive and had to be fed every two hours due to difficulties in feeding. The mother became distressed and worried that her baby was abnormal. She lost one and a half stone in the couple of weeks before her son's death. Anxious and exhausted from lack of sleep, she received little support from her husband, who was away from home much of the time due to shiftwork. On the night she killed her baby, the woman found herself tending to a sick husband, and to a distressed sibling of the baby who had been crying all night. Overwhelmed by circumstances, she ran out of the house and threw her baby over a nearby cliff.

The above case illustrates how the woman's ability to cope was closely linked to the availability of both emotional and practical support. Lack of support was a common feature in many of these cases, adding to the women's feelings of being overwhelmed by circumstances. One woman, who spoke little English, lived in an isolated farm with three children under four years of age. She often used to phone her neighbour when she felt especially lonely and depressed. Another woman, in addition to coping with two young children, had to contend with her husband's drinking and compulsive gambling habits. The couple had grave financial problems, which the woman had to face on her own as her husband was emotionally non-supportive. The one supportive person in her life, her father, had died a short time before, and she felt isolated with no one to turn to and a multitude of problems on her shoulders.

Feelings of failure at their inability to cope with motherhood often affected the women's actual capacity to handle their situation. These feelings of failure caused particular pain given, that in our society motherly skills are held to be 'innate' in all women. One woman, for example, described how guilty she felt about being depressed, when, in her own words, she 'should have been happy' following the birth of her longed-for child. Another woman, who drowned her nine week old son, described the failure she felt after having to wean her baby because she could no longer breast feed him. She described her feelings of depression and increasing sense of worthlessness, of being of no use to anyone, especially to her own baby. Critical attitudes of other family members only served to heighten her own unhappiness. Significantly, after killing her baby, she explained, 'I did what I did because I didn't want to admit I couldn't cope.'

The above comments and experiences must be placed within the context of expectations about motherhood. The important point to make is that there must be a recognition that motherhood is difficult at the best of times and given an ideal set of conditions. It is extremely hard work when the mother is faced with a variety of problems, marital, social, psychological, and given little support to deal with these problems. In a society in which the nuclear family is predominant, a new mother with young children is discharged from hospital to her home to cope with her new responsibility with little or no support—unlike some other cultures in which other women in the family share in caring for the child, at least initially. As Germaine Greer recently commented:

Motherhood is heroic. It ought to get an automatic O.B.E., but mothers get no help or support from the community. Instead they get solitary confinement with a child and a total collapse of their previous lifestyle. (Sydney Morning Herald, 1984)

In a survey recently undertaken in Sydney by Manderson and Crouch (1983) on first-time motherhood, preliminary results indicate that the new mothers interviewed reported having experienced shock, stress and deadening fatigue on arriving home with their baby. These were experienced to varying degrees, depending on the disposition of the baby, and the availability of support. Even those women with support and a calm disposition reported that there were periods when they had reached a point when they simply felt unable to cope. It would seem the feelings of desperation of the women who killed their child were in essence not qualitatively different from those experienced by many 'normal' mothers.

Thus, the state of health of mother and child, the availability of emotional and practical assistance, conflict over feelings regarding motherhood, the existence of marital or other family conflict, and in some cases pre-existing depression, all contributed significantly to the feelings of helplessness, guilt and entrapment which led those women to kill their children.

(e) Murder—suicide

In thirteen of the child homicides, the offender committed or attempted suicide. These killings were particularly tragic as they involved the deaths of at least two, and frequently more, people. Indeed more than half of these incidents involved multiple victims. All the deaths occurred within the domestic sphere—seven at the hands of mothers, and six by fathers. Typically, the murder-suicides were planned rather than spontaneous events, as was evidenced by the writing of suicide notes and the fact the killings were often committed whilst the victims slept. In some cases, a weapon (usually a gun) had been purchased by the offender a short time beforehand. In only one incident was there evidence to suggest that the suicide took place in response or in reaction to the homicide. With only two exceptions, the homicide seemed secondary to the suicide—that is the motivation behind the incident was more suicidal than homicidal. In a number of cases, suicidal intentions had been indicated on prior occasions. Depression was the most common precipitating factor—depression over such matters as marital conflict and separation, financial and health worries, grief, or in a minority of cases, depression relating to a mental disorder. For example, one woman hung herself and her three year old son after suffering from a period of depression following a miscarriage some months before. Another man killed two of his children and himself, only days after his wife had left him. He left a note stating that he could see 'no other way out'. Another man, in poor physical health and with considerable financial worries, shot his baby son and his wife before killing himself.

Altruistic intentions appeared to motivate the offenders to take the lives of the children when they suicided—altruistic in the sense that regard for the well-being of the child was a primary concern. However, none of these cases could be called mercy killings—there was no evidence to suggest any real degree of suffering in the victim. The primary feature was overwhelming depression and mental anguish in the offender rather than any hostility toward the victim. For various reasons, largely unrelated to the children, e.g., financial, health or emotional problems, the parents contemplated suicide. But they could not face leaving their dependents behind, defenceless and unprotected (in their view) to face the world alone. These sentiments seemed particularly prevalent in families in which the parent had a strong feeling for and close identification with the members of his/her family. Consequently, what might have been merely a suicide, became a suicide associated with murder. It is clear that in such circumstances, murder-suicide is very much an extended suicide rather than a hostile homicide accompanied by a self-destructive offender. The children died only by reason of their intimate and dependent relationship to their suicidal parent.

A typical feature of these murder-suicides was that the suicidal offender did not appear to regard his/her victim as having a separate personality with an independent right to life. Rather, the victim was regarded as being an extension of the offender, sharing their troubles and to be taken with them into death. The key word in this regard is 'dependency'—as only perceived dependents of the offender were killed. An interesting difference emerged with respect to male and female offenders. Suicidal women offenders only ever killed their children; male offenders usually killed their wives *and* their children before committing suicide. More detailed analysis of this 'dependency' factor can be found in the chapter on murder-suicide (Chapter 12).

Whilst the majority of the murder-suicides involving young children were extended suicides, there were indications in two cases of more ambivalent and

hostile attitudes behind the killing. Both incidents involved men whose wives had left them. In the conflict between husband and wife, there was evidence to suggest a strong element of revenge in the murder-suicide event—whereby the death of the child was calculated to cause guilt and suffering to the offender's estranged spouse.

In summary, these children were killed primarily due to the altruism, albeit misguided altruism, of a suicidal parent. Various stresses and pressures were experienced by the parent, although these were not always apparent to others before the suicide. Frequently, very little indication was given as to the degree of pressure the parents felt until after the murder-suicide had been committed.

(f) Other

Twenty four of the children's deaths fell into a miscellaneous category. None of these deaths appeared to have features in common with any of the previously described categories. Rather, they appeared to be isolated, aberrant acts by individuals which did not fit any discernible pattern. Included in these homicides were cases in which babies were killed 'accidentally', in that they inadvertently became involved in a dispute between others, e.g., parents or neighbours, and in the ensuing violence were caught in the crossfire; cases in which the child was killed in a sudden, unprovoked, isolated act by a mentally ill person (usually a parent); cases involving sexual violence; cases in which children died from a negligent act, usually with a gun; and finally cases, perhaps hardest to understand, involving sudden, unprovoked attacks by persons with no evidence of any obvious mental disorder (apart from the homicide they committed).

Ten of these children died at the hands of a family member—usually as a result of mental illness, or an accident in that they were inadvertently killed in a violent dispute between others. A further eight were killed by acquaintances (four by babysitters), and five by strangers. The remaining case was never solved by police. It was in the killings by acquaintances and strangers that the violence on the child seemed most calculated. In most cases, there was no apparent or obvious motivation in the four homicides committed, by young babysitters (two by one girl). Motivation was apparent in only four cases involving a sexual assault (all by strangers): four young children were killed (all stabbed) within the context of a sexual attack. However, only one child (a boy) was the actual victim of a sexual assault; the other three children were killed in the course of a sexual assault, or attempted sexual assault on a third party (in two cases, their mother, and in one, a sibling). Such killings of young children were fortunately rare.

SUMMARY

Child homicide almost always occurs within the family. Only a very small number of children were killed by strangers or people unknown to them. The vast majority of children were killed by their own parent: they were equally at risk from their father and their mother. Whilst babies and toddlers of all ages were at risk, the younger the child, the more vulnerable he or she was to fatal injury. This in part reflects their extreme physical vulnerability, but also reflects the very real demands and stresses placed on a family by a newborn baby. The children's deaths were often 'accidental'; deliberate intentions to kill were uncommon except in particular circumstances (for example, in murder-suicides).

The violence perpetrated on the children could not be attributed to any single factor: it could not be attributed solely to any individual characteristic of the offender, such as psychiatric disorder or 'personality weakness', nor to any

broad-based social factors such as poverty or unemployment. Rather, typically a complex interweave of personal, social and cultural considerations were influential in precipitating the violent deaths of these children.

Violence towards children has to be seen not only in the context of interactions between the child and other family members, but also in the wider structural context of ideas regarding the appropriateness of using physical punishment on children, ideas about children as property, the stigma attached to illegitimacy, and role expectations in parenting—not the least of which are ideas regarding motherhood in general and alleged ‘innate’ coping capabilities of new mothers in particular.

Issues relating to the personal and social resources available to parents undergoing stress are also important. Stress, and different ways of handling that stress, were of paramount importance in setting the scene for child homicide. Stress relating to a variety of circumstances, both outside and within the family (not the least of which is the stress that is part and parcel of being a mother with a young baby or a couple with small children) sometimes operated differentially on men and women. That men have socially sanctioned ways of expressing stress (e.g., in violence expressed outwardly, often in the form of aggression) and are expected to discipline children is reflected in the fact that male child homicide offenders were most likely to be found in the child battering category. That women, on the other hand, experience a socialisation that encourages passivity, nurturance and the internalisation of stress, is reflected in the fact that a higher percentage of mothers suffered depression and other mental disorders, and hence were found in the murder-suicide, childbirth depression and neonaticide categories.

As no single precipitator of child homicide could be identified, no single solution can be found. Any preventive measures would have to take into account both the variety of factors involved in the range of child killings, and the features peculiar to one particular type of child homicide. Prevention of neonaticide, for example, would be very difficult in the short-term. Not until long-term changes in attitudes towards illegitimacy, improvements in sex education and in the availability of contraception occurred, would any inroads be made into the problem.

The malnutrition, child abuse and childbirth depression cases all point to the need for increased support to parents, particularly to the mother of a newborn infant. The provision of adequate knowledge and supervision regarding the needs of young children (as, for example, in the health visitor scheme in Britain), and practical support in the form of a home aid or other forms of child care, would be helpful. Experimental studies of such services in the United States provide strong evidence as to the effectiveness of such schemes in preventing child abuse (Garbarino, 1976). Finally, warning signs as to the gravity of the situation must be taken seriously and acted upon quickly by the relevant helping professionals. A number of women had consulted the medical profession expressing fears that they could not cope and would perhaps hurt their child if help was not forthcoming. A large proportion of the children had been physically hurt on a number of occasions prior to the fatal assault, some so badly as to require hospitalisation—a clear indication that urgent intervention was required. Whilst clearly a review of current services and procedures is beyond the scope of this study, there is a strong possibility that at least *some* of these deaths could have been prevented if appropriate services had been available and effectively administered. Given that prior danger signals had been indicated in a substantial proportion of these cases, child killings like spouse killings, are one category of homicide which has very real prevention possibilities.

CHAPTER 10

Other Domestic Homicides

In comparison with other types of family killing, matricide, patricide and fratricide are less common. Nevertheless, it is important to examine these killings separately for several reasons. Firstly, little is known about these homicides in the Australian context, and secondly, the taboos surrounding these killings, particularly parent and sibling homicides, make them interesting subjects for study.

The following chapter examines parent, sibling and in-law homicides separately, before drawing comparisons between these and other family killings.

PARENT KILLINGS

Forty-three parent killings (8% of all family homicides) occurred in New South Wales between 1968 and 1981. While it is often believed that matricide is a more frequent occurrence than patricide (Green, 1981), the New South Wales experience is that more fathers than mothers were killed by their children: a total of twenty-six fathers, and seventeen mothers were killed. Usually, these incidents involved the death of one parent only, but in three cases, *both* parents were killed by the offender. Parents almost always died at the hands of their sons; only two of the forty-three parent-killings were committed by daughters. In most cases the offender was a young person who lived with his/her parents: the majority were under thirty years old, and over a third were teenagers when they killed their parent, with the youngest being only fifteen at the time of the killing.

Violence by children against their parents is less common than that by parents on their offspring. Yet few murders are regarded as more heinous in the public mind than when the victim of a murder is the parent of the offender. As one observer has remarked, parent killings contravene deep-rooted societal norms.

The inviolateness of the parent at the hand of the child, so deeply entrenched in Western culture through the Judaeo-Christian ethic and profoundly reinforced by traditional custom and sentiment, makes the very thought of killing a parent extremely abhorrent and frightening. (Bloch, 1961, p.200)

In general, there seems to be very little that has been written on parent killings. What little has been written concentrates almost exclusively on the mental state of the offender, analysing the act within a psychoanalytic framework, since the assumption is that the perpetrators of such crimes are seriously mentally disturbed. Perhaps the popularity of this approach is due to parent killing being regarded as a taboo act, one which cuts across some of the most deeply felt values and customs; the extension of this argument is that only 'mad' people could commit such an act of violence. Yet the evidence from the New South Wales material suggests that by no means are all parent killings the result of some kind of psychopathology on the part of the offender. In some circumstances, the offender killed the parent in an act of self-preservation. Parental homicide in New South Wales only rarely occurred suddenly and unexpectedly. Examination of the prevailing circumstances revealed that frequently the killing was preceded by emotional and/or physical intra-familial conflict, often of an extremely serious nature.

i. *Previous violence by the victim on the offender, or on other members of the family* was the most frequent precipitating factor in parental homicide. In seventeen cases, the offender and/or other family members had been subjected to various forms of mistreatment—physical, sexual and emotional—at the hands of the victim, who was in all cases but one the father of the offender. The history of violence in these cases was amongst some of the most horrific of all the family killings encountered in this study. In most cases, the father was a dominant figure in the family; he was often cruel and critical, and frequently brutal towards his offspring or his wife, and in many cases, towards the whole family. Indeed, six of the patricides were committed by boys who intervened to protect their mothers from further violence. Frequently, the whole family lived in dread of the killed parent. Killing in partnership within the family is unusual, but it was in such brutal circumstances that family collusion usually occurred.

Four cases were identified in which more than one family member was involved in the killing. All four occurred in response to extreme and long term abuse by the victim. One case involved two teenage brothers who, together with their mother, had endured years of physical mistreatment by their father; the mother had been punched unconscious on one occasion, and on another more recent occasion, one of the boys had been thrashed unconscious with a belt by his father, despite the pleas of other family members to stop. After yet another confrontation, the two boys joined together and violently attacked their father, fatally wounding him.

The other three cases involved collusion on the part of one or more children and their mother. Two incidents involved a mother and son; in both cases the family had been assaulted and maltreated by the victim over many years. In the fourth case, three daughters and their mother colluded in the death of their father. Each girl had experienced physical and sexual abuse for years, and they all lived in fear of their father. They had tried to leave the family, but could not escape their father's violence and domination. In desperation and hopelessness, the family eventually reached a stage where they could see no other way out but to kill him; together they conspired that one of the daughters would shoot their father whilst he slept.

This last case introduces another element into parental killing—the link with incest. Literature is replete with stories of patricide involving incest; Oedipus and Hamlet are but two examples (Tanay, 1973). Some researchers have suggested that incest is one of the main, if not the main source of conflict in homicides of parents by adolescent children (Cormier et al, 1978). A link between incest* and parental homicide was found in four cases in the New South Wales sample. Given the hidden nature of incest, it may be possible that more parental killings were linked to sexual abuse, but unfortunately it is impossible from the available evidence to ascertain to what extent this was the case.

It is commonly thought that incest is more often committed by fathers than by mothers. Certainly, in each of the homicide cases in which incest and all the associated complex psychological factors emerged as a precipitating element, all the sexual abusers were fathers. The patricide involving three daughters and their mother has already been discussed. In another case, an extremely violent man who used to physically abuse his wife and sexually assault his daughters (he had previously received a six year jail sentence for having carnal knowledge with

* For the purposes of this study, the definition of incest is extended beyond the strictly legal definition to include father-son relationships, and also to include sexual assaults other than intercourse.

them), was shot by his son. In a third, and very tragic case, a twenty year old man shot dead both his parents. He alleged that he hated his father because he had forced sex on him since he was ten years old, and that he also hated his mother for not protecting him. This man was found not guilty on the grounds of mental illness.

Parental killings which occur against a background of physical and or sexual violence have been noted in research elsewhere (Tanay, 1973). They are usually characterised by an overwhelming sense of futility and powerlessness on the part of those being abused, who feel trapped in painful and conflict-ridden interpersonal situations from which they sense no possibility of escape. As one researcher has observed, the killing is a profound and desperate demonstration of their plight. Suicide is reported to be as much a risk for this group as homicide (Sorrells, 1977).

Parental killings in such circumstances have been said to result in a beneficial change to the family. The slaying of the parent may often lead to an improvement in the family life: open relief, even rejoicing after the event, and a noticeable absence of mourning or guilt have been found to characterise some of these cases (Tanay, 1973; Cormier et al, 1978). Similar reactions were also noted in the New South Wales study. For example, one boy who together with his brother killed their father, showed no remorse or grief after the homicide. Immediately after the killing, he sat and wrote a note saying,

He's been such a I decided to kill him for my mother's best interests.

These sentiments implied not only a lack of guilt and remorse, but also a sense of justification for the act. The boy perceived himself to be a 'justice-maker' or 'protector' of his mother (Cormier et al, 1978). A notable feature of this case, as in a number of other patricides, was the extreme violence used in the killing. In this regard, Cormier et al (1978) talk of 'overkill' and the use of violence beyond death. What might be seen as excessive violence may be explained by the offender's desire for reassurance that the omnipotent father will not get up and retaliate. Perhaps not surprisingly, not one of the parent killings which occurred in response to prolonged physical mistreatment resulted in suicide by the offender.

ii. An extremely *high rate of mental disturbance* was also evident amongst parent killers: 15 of the offenders (all sons) were known to have a history of psychological disturbance, and eight were subsequently found either unfit to plead, or acquitted on the grounds of mental illness. In four cases, the offending son committed suicide immediately after the killing. In contrast with the parent killings in response to mistreatment, in the majority of cases in which the offender had previously exhibited psychological disturbance, the violence was directed by the son towards the mother rather than the father: 10 of these boys killed their mothers, only 5 killed their fathers. The link between matricide and mental illness has been noted in a number of studies (Green, 1981; O'Connell, 1963). With few exceptions, the parent, usually the mother, was brutally killed: bashing, stranglings and stabbings were common, and frequently more than one method was used in the attack. It was fairly common for these boys to have exhibited violence or threats of violence towards the victim or other members of their family on previous occasions; expressions of hatred and verbal threats, particularly towards the mother, were not unusual. A typical case was that of a twenty-two year old male who shot his mother in their home one afternoon. Apparently, the boy had been 'normal', happy and intelligent until a few years earlier when he became moody and erratic, and began to believe he was being

persecuted by various people, including his mother. He became violent and abusive towards his mother and had received psychiatric treatment for this behaviour. One afternoon, he shot his mother, alleging that she had 'hassled' him all his life.

In a couple of cases, however, a son would suddenly and inexplicably kill his mother to whom he had previously appeared devoted. It is probable that some deep and complex under currents were at work in such cases. These homicides are likely to be the outcome of complex conflicts which have built up and intensified over the years, eventually culminating in a violent attack by the son. Research elsewhere, however, has indicated that unexpected homicides of this kind have been linked to such issues as maternal and paternal restrictiveness and over-protection, intense and conflict-ridden mother-son relationships, fantasised or, occasionally, actual incest, and limited outlets or opportunities for tension discharge outside the family (Cormier et al, 1978).

iii. Not all parental killings arose out of situations of hate and conflict. Three cases of *euthanasia* were identified, in which the offender had had the sole responsibility of nursing and caring for an elderly and sick parent. Feeling overwhelmed by circumstances and unable to cope due to the lack of adequate support networks, these people felt the only way out of their predicament was to take their parent's life, and in one incidence, also their own.

In two of the three cases, the offender lived alone with the victim. In one of these cases, a forty-five year old man took the life of his mother before killing himself. Despite being in ill health, he had had to nurse his mother who was bedridden. The two were very close, particularly following the death of his father and a brother in the previous year. Depressed and alone, he shot his mother and then committed suicide.

In the second case, the only one in which a woman killed her mother, a forty-five year old woman suffocated her elderly mother by placing a pillow over her head. She said that she could no longer cope with looking after her mother, and that she had promised her mother that she would never place her in a home. This woman attempted to kill herself while on remand for her mother's murder. She was found 'unfit to plead' and never stood trial.

In the third case, a thirty-eight year old man who had been nursing his sick and feeble father for some time, placed a plastic bag over his father's mouth and smothered him. He never told anyone about this, but for years it preyed on his conscience. Eventually, fourteen years later, he confessed to police what he had done.

iv. The remaining eight parental killings did not fit any set pattern. They included a couple of killings which subsequently turned out to be accidental, as well as six which involved a degree of conflict, but apparently not physical or sexual abuse, between parent and child. Four of these conflicts involved adult rather than child offenders, the arguments usually being fuelled by alcohol. Amongst the younger offenders, the arguments usually occurred over such matters as choice of girlfriend, money or homework. While these arguments may appear trivial in comparison with the history of violence prevalent in some of the other parent killings, they should nevertheless be placed in the context of the parent-child relationship. As Coser (1967) has observed, intra-family violence can occur as a climax to repressed conflict. In close-knit groups, such as the family, feelings of hostility may sometimes be suppressed rather than expressed; they therefore tend to accumulate and intensify. At some point, however, this accumulated hostility may find expression in a single, violent

outburst, sometimes over an apparently trivial argument—the proverbial straw that breaks the camel's back. A family in which no actual physical violence had taken place, but in which much psychological pressure was evident, might then find itself in a situation where a massive violent outburst occurred.

SIBLING HOMICIDE

Very little is known about violence between siblings in Australia, or elsewhere for that matter. Discussions on domestic violence concentrate almost exclusively on violence between spouses, or between parents and children. Violence between siblings is apparently of less concern to researchers. Yet it has been argued that sibling violence is a very prevalent form of family violence. Research done in America on siblings of between three and seventeen years of age, has revealed a high incidence of violence between siblings, particularly between boy-girl sibling pairs, ranging from throwing things, pushing, hitting, to more severe forms of physical abuse (Steinmetz, 1977). Research amongst older siblings reports similar findings, although older siblings seem less likely than younger siblings to resolve conflict in a violent manner (Straus, 1974). Indeed, it has been suggested that the rate of sibling violence is in fact higher than that between spouses, or between parents and children, and that the complacency over violence between brothers and sisters must be seriously questioned (Steinmetz, 1977). Although the incidence of violence between siblings may be higher than that between other family members, there is apparently some difference in the *degree* of violence used in such situations. Sibling violence rarely results in actual death: only 23 (4.2%) of the family killings in New South Wales (1.8% of the total homicide sample) occurred between siblings. This finding is consistent with that found in Philadelphia (Wolfgang, 1966) and in New York (Bard, 1971) where only 3% of homicides involved sibling killings.

Fatal sibling violence in New South Wales occurred most commonly between adults. However, 9 of the 23 offending siblings and 7 of the victims were under twenty years of age at the time of the killing; only 5 cases occurred in which both the victim and the offender were teenagers or younger. In all other cases, the siblings were adults. Violence between child siblings in New South Wales thus rarely reaches a homicidal conclusion. However, sibling homicide can occur at almost any age—the youngest victim was seven, the oldest, eighty-one years old.

Sibling homicide is almost exclusively a male phenomenon in New South Wales. All but three of the offending siblings were male, as were all but three of the victims. The vast majority of the cases involved brothers killing brothers; there were only two cases in which brothers killed their sisters, and two cases in which sisters killed their brothers; in a further case, a woman killed her sister. While in the United States the incidence of non-fatal domestic violence is reported to be most prevalent between male and female siblings (Steinmetz, 1977), it is certainly the case that in New South Wales, *fatal* violence rarely occurs outside the male-male sibling relationship.

The majority of the sibling killings, those that involved adult males, appeared to be spontaneous events. There was little evidence to suggest the existence of any serious domestic conflict of any long standing between the brothers. In only a handful of cases was there any indication that the siblings had previously been involved in physical conflicts, or argument of a serious nature. Most commonly, the siblings lived together in the same house; in a few cases they were both quite elderly people and had lived together for years. The violent confrontations between siblings usually occurred after an argument during which alcohol had

been consumed. In most cases, both the victim and the offender had been drinking, usually heavily, when an argument flared up. Typically, a fight would then ensue in which a handy weapon would be produced and the fatal blow struck. A relatively high number of stabbings occurred with the use of a kitchen knife, although guns were also used fairly often. In most of these cases, the victim died as a result of a single, fatal wound. Compared with some of the other family killings, there was a noticeable lack of any premeditation or any intention to kill in the majority of the sibling homicides. In most cases the offending siblings were distraught and extremely distressed by the harm they had inflicted, and immediately rang the police and/or the ambulance for help. In many respects, the precipitating circumstances in these unfortunate deaths were rather similar to those that occurred in killings in or around hotels (See Chapter 11).

The sibling killings involving *younger* offenders were somewhat different from the homicides just described, in that they appeared to involve more ominous undercurrents. Firstly, most of them concerned the killing of an older sibling. There is some evidence to suggest the existence of long-term conflict in these relationships, and that the offender may, in at least some cases, have perceived him or herself as having been subject to some punitive or authoritarian attitude on the part of an elder brother or sister. In one case, for example, a sixteen year old girl shot her sister one morning, because she said she was sick of being 'bossed about'. (This girl subsequently hanged herself in jail on the anniversary of her sister's death.) In another case, a teenage boy armed himself with a gun to protect himself from his elder brother who had assaulted both him and other members of the family on several occasions. It was, perhaps, more than coincidental that in four of these cases involving teenage siblings, the offender killed a step-brother or sister rather than a full sibling. It is possible that some of the antagonism could be attributed to complications arising out of the step-sibling relationship, although there was no direct evidence to substantiate this.

The killing of very young children by a sibling is very unusual: only three such cases occurred in New South Wales during the fourteen year study period. Two cases involved apparently accidental shootings by boys of younger brothers. In both cases, the family lived in rural areas, and the boys (one eleven years old, the other fourteen), had access to loaded rifles. Neither of these cases resulted in a conviction. Only one of the killings of younger siblings could be said to have been the result of a deeply disturbed child. This was the case of a teenage girl who killed her seven year old brother; she was subsequently convicted of his murder as well as that of two other children (both babies).

Sibling killings, then, usually occurred between adults; they were less common between children or adolescents. There was little evidence to suggest any complex sibling rivalries between the adult pairs, but there were indications that more deep and conflicting forces may have been at work in those homicides involving child siblings.

IN-LAW KILLINGS

Less than 4% of the family homicides involved the killing of in-laws; in all only 21 victims (8 brothers-in-law, 5 fathers-in-law, 4 mothers-in-law, 3 sons-in-law and 1 sister-in-law) were killed. With one exception, all the offenders were male. All but one of these deaths occurred against a background of previous domestic conflict of an extremely serious nature. The interesting feature of these incidents, however, was that this conflict did not directly involve the victim and

the offender. In almost all cases, in-law homicides occurred within the context of *spouse* conflict and abuse: the in-laws were killed because of their relationship to one of the spouses, usually the wife. Sometimes they were killed when they directly intervened in a violent dispute between spouses; on other occasions they were killed because the offender believed that they had interfered in his marital relationship. Occasionally, reasons of revenge were prominent: the offender aimed at punishing or hurting the spouse by killing those emotionally close to her (e.g., her parents) rather than attacking her directly.

In the brother-in-law killings (the most common type of in-law homicide), the violent disputes occurred over the mistreatment of a sister. In most cases, a woman had been physically abused by her husband, and the violent encounter would ensue when he was confronted by her protective brother. In one case, a brother directly intervened to save his sister from a further bashing by her husband. In the couple of cases in which no wife battering was evident, the two men would clash if one thought his sister was being mistreated or dishonoured by her husband who was, for example, having an affair with another woman.

Some of the parents-in-law killings were particularly unpleasant. In all cases (9) the son-in-law was the aggressor, and in all but one incident, he was separated from his wife at the time of the killing. In most cases, the wife had left because of her husband's violence. Indeed, the violence endured by these women was amongst the worst encountered in this study. In each case, the woman usually left with her children, to live with her parents. The disputes between the husband and his parents-in-law then escalated as they were blamed by him for interfering in the situation by protecting and sheltering his wife. It was not unusual for the man then to threaten to physically harm his wife and her family if she refused to return to him. It was when she refused to return that the attacks occurred. A number of these homicides (6) were committed in an apparently premeditated manner e.g., the husband forced his way into his parents-in-law's home and fatally assaulted them. In two such incidents, *both* parents were attacked and killed. One such case is described below.

It involved a forty-five year old man who shot his ex (*de facto*) wife's parents in the early hours of the morning after breaking into their home. He had lived in a *de facto* relationship with the woman for two years. During this time, he physically assaulted her on many occasions, as a result of which she took out two summonses for assault. She also made attempts to leave him, but on each occasion he would manage to track her down and find out where she was living. She went to the police several times for help during this period. She was extremely afraid of her *de facto* spouse, who threatened to kill her if he ever saw her with another man. He also threatened that her family would suffer. About the time of the homicide, the woman had been separated from her *de facto* for about a month, and she decided to visit her parents' home for Christmas. It was while she was there that her *de facto* broke into the home. He shot a male friend of the woman, and then forced her to watch as he shot her father and stepmother. She managed to escape, and the offender subsequently committed suicide after a shoot-out with police. This case illustrates, perhaps in a somewhat extreme way, some of the elements that are common to many in-law homicides.

In a few of the parent-in-law killings (3), the killing was more spontaneous than the above incident: the homicide developed out of an argument between a husband and his separated wife and her parents over the custody of a child. On two of these occasions, one or both of the parents was fatally assaulted and the child abducted.

The common theme running through all the in-law homicides was marital conflict and usually marital violence. The domestic dispute had spread to include other members of the family who adopted a protective role of the abused spouse, the wife. It was this involvement which eventually led to their becoming embroiled in a violent clash with their in-laws.

SUMMARY

Analysis of parent, sibling and in-law killings again confirms that there are few human relationships that involve the degree of violence that occurs within the family. Similar to spouse homicides, protracted conflict often preceded the majority of patricides, matricides and in-law killings, and to a lesser extent, fratricides. Again, past violent incidents had set the scene for more lethal encounters. In the absence of any obvious physical violence, other less tangible, but nevertheless equally psychologically damaging, forms of interaction appeared to be influential.

Importantly, a substantial proportion of both parent and in-law killings occurred in the context of spousal violence in that the victim and offender became embroiled in the situation only by reason of their relationship to a third party, usually the wife, engaged in marital conflict. Many of these killings could be viewed as an extension to other family members of violence by husbands on their wives.

CHAPTER 11

Homicides Beyond the Family

This chapter examines the circumstances in which homicidal violence occurred between people outside the domestic sphere. While in the majority of these killings, the nature of the circumstances accorded closely with the particular relationship between victim and offender, qualitatively distinct homicides occurred across various categories of relationship e.g., homicidal violence in the course of a sexual assault could occur between strangers, between acquaintances, or between neighbours. In searching for a means by which both the relationship between victim and offender and the context of the violence could be encompassed, McClintock's classification (1976) of criminal violence was found to be extremely useful. He distinguishes four broad categories of violence, each of which requires separate consideration: 1) instrumental violence 2) interpersonal violence 3) ideological/political violence 4) sensational/destructionist violence. This classification was adopted and slightly modified for the current study's purposes but the resulting categorisation bears a very close resemblance to McClintock's original proposals.

The first three categories proved to be most pertinent to those homicides that occurred outside the family. Each category is subdivided into smaller sections, and defined as follows.

Instrumental violence

- (a) Violence in the course or furtherance of theft (mainly robbery)—this includes attacks in the course of robbery of persons who as part of their employment have charge of money or goods; robbery in the open after sudden attack; robbery on private premises; and robbery in cases of association of short or lengthy duration between victim and offender.
- (b) Violence in the furtherance of sexual coercion (for the purposes of the current study, rape and indecent assault).
- (c) Violence in the course of avoiding apprehension—this includes attacks that occur when police officers or civilians intervene to prevent crime or apprehend an offender.

Interpersonal violence

- (a) Attacks arising from disputes, for example, quarrels between neighbours or between persons working together.
- (b) Attacks arising from quarrels between lovers and/or sexual rivals.
- (c) Attacks in and around public houses, cafes and other places of refreshment or entertainment.
- (d) Attacks (of a non-sexual, non-robbery nature) in thoroughfares and other public places.
- (e) Attacks in special circumstances, including attacks in institutions (prisons or hospitals), injury resulting from criminal negligence, some arsons, criminal rivalries and attacks by persons of insane mind.

Ideological/Political violence

Violence that is politically or ideologically motivated.

Table 11.1 outlines the prevalence of each category of violence in the New South Wales sample of non-domestic homicides. To provide as full and accurate a picture in relation to the context of these killings (irrespective of whether or not an offender was apprehended), figures were given for two populations: 1. solved homicides i.e. homicides for which police have a suspect; 2. all homicides (including unsolved cases).

Quite clearly, the majority (76.5%) of homicides outside the family in which the identity of the offender was known, were classified as 'interpersonal'; only a minority (19.4%) could be classed as 'instrumental'. However, a disproportionately high percentage of killings that occur in the course of other crimes remain unsolved. Even when these unsolved cases were included, however, 'instrumental' killings were still in the minority, and only 5 killings (which occurred in two incidents) could be classed as ideological or political. These two incidents included a bombing outside the Sydney Hilton Hotel in which C.H.O.G.M. was being held (three people died) and the gunning down of the Turkish Consul and his bodyguard.

Table 11.1. Context of non-domestic homicides

Context	Solved homicides		All homicides	
	No.	%	No.	%
Instrumental: in the course of theft/robbery				
in the course of sexual coercion	75	10.3	97	11.7
in the course of apprehension or	35	4.8	47	5.7
intervention in crime	31	4.2	31	3.7
Instrumental: disputes between neighbours or workers				
disputes between lovers and/or sexual	77	10.5	77	9.3
rivals				
altercations in the course of socialising	84	11.5	84	10.2
in or around pub/club other public place				
altercations in or around home of victim				
or offender	118	16.1	118	14.3
violence in throughfares and other				
public place	85	11.6	85	10.3
in special circumstances				
	81	11.1	87	10.5
	115	15.7	121	14.6
Ideological/Political	0	0.0	5	0.6
Not enough information to classify	30	4.1	74	8.9
Total	731	100.0	826	100.0

In the following analysis *only those cases cleared by the police are discussed.*

INSTRUMENTAL VIOLENCE

(a) Violence in the course or furtherance of theft/robbery

Seventy-five (10.3%) of the non-domestic homicides occurred in the course or furtherance of theft or robbery (Table 11.1). These accounted for more than

half of the killings classified as being 'instrumental'. These homicides were almost always committed by males; there were only eight incidents in which women were arrested, and only two in which women alone were involved. Another distinctive feature of these homicides was the very high number (over half) which were perpetrated by multiple offenders on single victims. The majority (72%) of these incidents involved strangers. However, in more than one in four cases the victim and offender(s) were known to one another. e.g., the victim was an employer, or a neighbour, or in some other way acquainted with the suspect. It would seem that these people were chosen to be robbed for the same reason the strangers were—they were known to have money or property, usually in or around their home or premises.

The most common context for robbery killings was in the open, usually in the street: almost half (34) involved muggings in which the victim was attacked and robbed in the street. These victims were usually subject to apparently unprovoked bashings or stabbings, almost always at the hands of strangers. Very often more than one person instigated the attack. They were almost always young males in their teens or early twenties. In most cases, money was apparently the main objective of the assault, but in at least eleven incidents (that is, one third of the street killings), the homicide occurred as a result of a dispute over drugs. In such cases, an argument flared up between a dealer and client over such matters as the quality of the heroin or failure to produce money, resulting in accusations that one was trying to 'rip off' the other. A violent encounter then followed. While a third of the street attacks involving robbery were explicitly over drug (heroin) deals, it is possible that some of the other street attacks were in some way connected with the procurement of money to finance a drug habit.

Commercial premises were the second most common venue for robbery homicides. In most cases the robbed premises were shops and warehouses; banks were less common. As with the muggings, most of these homicides involved multiple rather than single offenders, and strangers rather than acquaintances. However, while guns were almost never used in the street robberies, homicides that occurred during robbery of commercial premises almost always involved a firearm.

A smaller number (17) of robbery homicides occurred in a private home, usually the home of the victim. In these cases the victims and offenders were more likely than in the other robbery homicides to be known to one another. In a few instances, the offender was a neighbour, a tenant, or an employee of the victim and usually he committed the offence on his own, rather than with others.

(b) Violence in the course or furtherance of sexual coercion

Thirty-five (4.8%) homicides occurred in the context of a sexual assault (Table 11.1). Typically these killings involved abductions, or sudden unprovoked attacks by single offenders on lone victims. Rarely were they group incidents involving more than one offender. While all of these offences were committed by men, usually young men, the vast majority of the victims were female. A

disproportionately high number of these sexual murders were perpetrated on children; almost half of the victims were sixteen years of age or less, the youngest being three years old. Sex murder offenders were typically younger than the average homicide offender; about a third of them were only teenagers at the time they committed the offence.

Homicides in the course of sexual assault were amongst the most violent of all killings. They frequently involved particularly brutal physical attacks in addition to the sexual assault, e.g., stabbings, strangulations, bashings—and not uncommonly a combination of two or more methods was used to kill the victim. Usually the offence was committed by a stranger; however, in eleven incidents the victim and offender were acquainted with one another, but usually only very casually. In three cases, however, a young girl was sexually assaulted and killed by her boyfriend. Typically, then, there was no pre-existing relationship between victim and offender. Neither was there any obvious psychiatric abnormality or past history of sexual assault convictions on the part of the offender. In all cases, the offenders were deemed legally culpable and almost without exception they were convicted of murder. The sudden and unprovoked nature of these attacks, the brutality of the offences and the powerlessness and defencelessness of most of the victims, combine to make these incidents amongst the most disturbing of all homicides.

(c) Violence in the course of intervention to prevent crime or apprehend an offender.

Thirty one (4.2%) of the homicides outside the family involved attacks in the course of intervention either to prevent a serious crime being committed, or to apprehend an offender (Table 11.1). In most cases the person intervening became the homicide victim, but in seven instances it was the intervenor who perpetrated the killing. Four of the victims were policemen, but the rest were civilians. The most dangerous intervention situations were undoubtedly robberies and domestic altercations. Thirteen killings occurred in the course of a robbery or theft. Six civilians and two policemen were killed when they attempted to apprehend someone in the course of a property crime, e.g. an armed robbery, a break, enter and steal, or a car theft. However, in five cases, it was the thief or robber who became the homicide victim—in each case he had been stealing from the private or business property of the offender. (The law apparently condones such actions—four of the five cases resulted in acquittals.)

Twelve of the intervention homicides occurred in domestic altercations. Two policemen (both killed in one incident) and ten civilians died in the course of violent domestic disputes. With one exception, these disputes occurred between spouses. One such case involved a man whose wife had left him after she had been seriously assaulted on many occasions. She sought shelter in a women's refuge in an attempt to escape her husband. However, her husband managed to find out where she and the children were living. He burst into the refuge one day, drunk and abusive, demanding the return of the children. With a broken bottle in his hand and threatening to kill her, he advanced towards his wife, and was only stopped when one of the other women in the refuge shot the man with a rifle. In this case, the initial aggressor died; more typically it was the intervenor who was killed.

The further six killings concerned another two policemen, who were killed in one incident by an offender resisting arrest, and four civilians in separate incidents, who intervened in serious but non-domestic violent attacks, e.g., a street mugging, and the attempted rape of a woman.

INTERPERSONAL VIOLENCE

(a) Violence arising from disputes between people who share home or work environment.

This form of interpersonal violence accounted for 77 (10.5%) of the non-domestic homicides (Table 11.1). It was the close proximity that appeared to fuel the conflict that arose between victim and offender.

i. Residential

The most common context for such violence was in or around the place of residence of both participants, e.g., between flatmates, neighbours or people living in the same residential block: 51 victims died in disputes between such people; about half occurred between neighbours, and the remaining half between co-residents.

In the majority of the neighbour homicides, there had been a dispute of some long standing between victim and offender. Most of these conflicts occurred over such matters as boundaries, right of way, noise etc. One such example was the case of two families who became involved in an increasing number of disputes over a two year period. There had been several angry exchanges over allegations of trespassing, spying, and excessive noise due to the playing of records loudly at night and the hooting of horns at all times of the day and night. A couple of the verbal disputes had been so serious that police had been called when a member of one of the families (the homicide offender) threatened to shoot his neighbour(s). On the afternoon of the homicide, the victim was having a barbecue in the garden with some friends when the homicide offender began to play very loud music again and refused to turn it down when requested. The victim died in the ensuing confrontation when he was shot by his neighbour.

This case illustrates the kind of tensions and escalating conflict that can occur between neighbours. In a number of cases, neighbours had taken court action to redress their grievances, but no satisfactory settlement or arrangement had been achieved. The circumstances which led to a fatal clash usually involved a period of heightening tension, combined with a fresh dispute; not infrequently, one or other of the parties was under the influence of alcohol, a factor which appeared to aggravate the situation considerably. It was not uncommon to find that one of the feuding households in particular appeared to indulge in what can only be described as deliberately provocative behaviour. This behaviour was disruptive not only to their immediate neighbours, but also to others who lived nearby. A considerable proportion of the blame for the incident could be therefore attributed to their behaviour.

The other residential homicides occurred between flatmates or co-residents—people who shared the same accommodation. In almost all cases, the homicides were preceded by an argument, but unlike the neighbour homicides, there was rarely any indication of severe escalating conflict between victim and offender. On the contrary, frequently they were regarded as being 'good friends'. Apart from the handful of cases which could be attributed to severe psychological disturbance on the part of the offender, who made a sudden and unprovoked attack on the victim, most deaths occurred in the context of a verbal argument, combined with heavy alcohol consumption and the availability of a weapon—usually a firearm or kitchen knife produced in the heat of the moment. In many ways these spontaneous or unpremeditated killings appeared similar to those that occurred in or around pubs and clubs, the difference being that a lethal weapon was more likely to be close at hand and the disputes always took place in the protagonists' home.

ii. Occupational

Considering the considerable time spent by people at work, it is perhaps surprising to find that few violent interpersonal disputes occurred in the workplace. Violence between employees, and by employees on employers, or vice versa, was not a frequent occurrence. Only 26 such homicides occurred during the fourteen year study period; most of these involved fellow employees. Nevertheless, there did seem to be some similarities in these few cases.

A common feature concerned the nature of occupation of victim and offender. Serious violence appeared to erupt mainly in work situations where the victim and offender were flung together for long periods of time: occupations where long working hours were required and where typically workmates lived, worked and socialised together, e.g., sailors, farm workers, shearers, soldiers, hotelworkers. Opportunities for residing or socialising outside their particular sphere were somewhat limited, perhaps creating a 'hot-house' atmosphere with little chance of relief from any conflicts that arose. It may well be that this confined context was more important than the actual content of the arguments or conflicts that emerged.

In the handful of cases in which employees killed employers, however, the nature of the conflict was more longterm, or more serious. Sometimes it took the form of a longstanding grievance over working conditions, or a dispute over a work contract, e.g., one employee believed his employer was constantly trying to undermine his position. In a further two cases (both on farms), the offenders believed that their employers had reneged on a promise of some substantial reward for longterm working relationships, e.g., land or other property.

In summary, the recurrent theme that ran through many of the disputes between people who resided or worked together was that the issue or point of argument often appeared quite trivial. While disputes between others may blow over or soon be forgotten, disputes between people who are forced to spend a lot of time in close proximity by reason of residence or employment, can escalate out of all proportion and result in a build-up of tension and anxiety. Violent confrontations then become a distinct possibility.

(b) Violence arising out of disputes between lovers and sexual rivals

Eighty-four (11.5%) of the homicides occurred in circumstances associated with sexual (non-domestic) relationships (Table 11.1). These deaths occurred primarily between lovers, or between sexual rivals (this category does not include sexual murders, or the murder of prostitutes). As such, these are the 'crimes of passion' so popular in literature and fiction. Several features of these homicides were quite distinctive. Firstly, the killing of lovers, ex-lovers, or sexual rivals, like so many other killings, was almost exclusively the domain of male offenders. Unlike the picture portrayed in, for example, many Agatha Christie stories (Krouse and Peters, 1975), women almost never killed lovers out of love or passion. However, whereas women offenders accounted for only 3% of the lover or sexual rival killers, they accounted for no less than 33% of the victims. A very high level of premeditation was apparent in many of the sexual homicides, an ironic finding, perhaps, given that these killings are so popularly known as 'crimes of passion'. Also, a very high proportion of these offenders suicided or attempted suicide following the offence, and guns were used more in these homicides than in any other type. The precipitating circumstances in the killings of lovers or sexual rivals were in many respects similar to those in spouse homicides. Indeed, a number of these deaths, particularly those involving sexual rivals, occurred within the context of conflict between spouses. For example, a number of men were killed because of their alleged association with the offender's wife.

i. Sexual Rivals

Forty-nine of the deaths in this category arose out of the 'romantic triangle' situation, and occurred between sexual rivals. These killings almost always involved males; only one woman in New South Wales in twenty-four years (1958-81) has been charged with the death of a sexual rival. In most cases the offender was a man whose wife, or lover, had formed an association with another man, the victim. On close analysis, however, these killings did not fit well with the 'crime of passion' notion, which conjures up images of spur of the moment attacks when the offender finds his wife or lover in a compromising position with the victim. Firstly, these incidents were rarely spontaneous events. Only a handful of cases arose out of situations in which the victim was 'caught in the act'. More commonly, the attacks were quite deliberate and premeditated. Secondly, in the majority of cases, the women involved (that is the wife or lover of the accused) had been separated from the offender at the time of the killing. Moreover, many of them had been separated for quite some considerable period of time—up to three years in one case. Apparently the reason many of the women had not experienced any trouble with their ex-husband or ex-lover was that they had remained single or unattached to another man. Frequently, it was only at the point when the woman decided to form a relationship with another man the fatal attack against the sexual rival occurred. Thirdly, the assault was rarely a single episode of violence regarded as being 'uncharacteristic' of the offender. In the majority of cases, the offender had made verbal, and sometimes physical, threats of his intentions towards both his wife/lover and her new boyfriend. Indeed in most cases, previous violence by the offender on his wife/lover had been the precise reason that the woman had terminated the former relationship. Violence towards the sexual rival, then, was an extension of violence towards the woman, and on occasions, included the woman herself.

The following case is typical of this sort of situation. A young woman in her late twenties, had been married to her husband (the offender) some years before. Their marriage began to deteriorate, and heated arguments took place over money and their sexual relationship. These arguments escalated when the woman decided to take a job, working in a club in the evenings. Her husband objected to her working these hours, and on several occasions assaulted her on her return from work. On at least two occasions, she laid assault charges against her husband, after calling the police. Eventually, the situation reached the stage where the woman left her husband, saying that she was in fear for her life. Some time later the husband broke into her new house in the early hours of the morning, armed with a carving knife. He hid himself in the wardrobe of his wife's bedroom and awaited her return. On arriving home with her new boyfriend, the woman entered her bedroom and opened the wardrobe door. Her husband leapt out, brandishing the knife, threatening to kill her. Her boyfriend arrived and was then attacked by her husband: he was stabbed sixteen times in the chest before the husband ran out of the door. The husband was later found by police hiding underneath his wife's house.

This case clearly illustrates the recurrent theme running through sexual rival killings—that violence to the sexual rival was commonly preceded by violence towards the spouse or girlfriend. On occasion, however, the aggressor himself was killed: in five cases, the sexual rival killed the aggressor either in self defence, or in protection of the woman. Only rarely was a husband the victim at the hands of an abandoned/jealous lover.

ii. Lovers

Twenty-eight (33%) of the sexual killings involved lovers. The majority of these concerned heterosexual relationships, but in some instances, the relationship was a homosexual one (6 between men and 1 between women). Lover homicides tended to be different from the sexual rival killings in some respects, but similar in others. Firstly, in all but two cases, the lovers' association was ongoing at the time of the homicide. However, in about half of these incidents, the violent act occurred directly as a result of the victim's attempt to terminate the relationship with the offender. Usually these attacks occurred in the heat of passion, on the spur of the moment in response to the rejection by the victim. It was in circumstances such as these that the offender was very likely to commit suicide; in fact in more than a quarter of these cases the aggressor committed suicide—a very high proportion. In every case a gun was used firstly to kill the victim, and then to complete the suicide.

In a few cases, the murder was apparently more premeditated: in two cases, the victims were women who had broken off the relationship with the offender and in a further two cases the female victims were shot when they refused the offender's offer of marriage (in both these latter cases the offender subsequently attempted suicide). These women were killed as the offenders lay in wait for them, or broke their way into the victim's house.

The remaining lover killings occurred during arguments between the victim and offender, when more often than not alcohol was a precipitating factor. These arguments occurred over such issues as jealousy and the state of their relationship, to refusal to have sexual intercourse. Disputes would arise, for example, out of an offender's perception that his girlfriend's behaviour at a party was 'inappropriate' or over a woman's desire for the lover to break off his relationship with his wife.

iii. Other sexual associations

Finally, a handful of killings occurred within the context of a sexual association, if not directly between lovers or between 'conventional' sexual rivals. These homicides involved relationships between parents and children, and their respective sexual partners. Although these incidents accounted for only a small number of deaths, they are interesting in that they illustrate a further tension that can rise in the parent-child relationship. Three of these incidents involved the killing, by a father, of his daughter's sexual partner. In two cases, the father had returned home and found the young couple making love; enraged, he attacked the boy—even though in one case the girl was engaged to be married to the victim (she subsequently tried to kill herself after her boyfriend's death). The third case quite explicitly involved incest. A young woman had been sexually assaulted for years by her father. She enlisted the help of her boyfriend to bring charges against her father, who was insanely jealous of the boy. While attempting to persuade the girl to drop charges, the father shot both girl and boy, killing the boy outright.

In a somewhat reverse situation, in two separate incidents, men killed their mothers' boyfriends—apparently for no reason other than that the victims were sexually associated with their mother.

It is hard to escape the conclusion that the common thread running through most of these murders, be they between sexual rivals, sexual partners or some other association, was 'possession' rather than 'passion'. They were 'passionate' in the sense that they occurred in the context of heightened emotion, but that

emotion was closely related to issues of control and power, and in particular that by men over women, be it their lover, daughter or mother. As such, these homicides, as with those that occurred between spouses, must be placed in the context of the cultural and historical forces affecting values and behaviours in relationships between men and women in society.

(c) Violence in or around pubs, clubs, other places of entertainment

Homicidal violence occurred more often in contexts where victim and offender were engaged in social activities than in any other single context (excluding family homicides): 203 (28%) of the non-familial homicides occurred in such circumstances (Table 11.1).

The majority of these incidents (118) occurred in public places: pubs and clubs and other places of entertainment were the usual venues, although some altercations arose out of 'drinking parties' in such public places as parks, reserves and vacant allotments. About a third of these homicides (85) occurred in or around the home of either victim or offender. However, the actual location of these offences, i.e., whether in public or private, appeared to be less important than the social context—indeed in many cases, where a death did occur in or around a home, the protagonists had gone there to continue socialising previously begun in public places of entertainment.

In some ways homicides that occurred whilst socialising differed from other types of killings. Noticeably lacking was a long history of serious interpersonal dispute, so common between husbands and wives, or lovers. Whilst in those other killings longstanding conflict between victim and offender was critical to the outcome of their encounter, such conflict was rare in violence that erupted in places of entertainment. Between strangers, or between acquaintances engaged in socialising, then, violence was not deeply entrenched in the nature of the relationship between victim and offender; rather, features of the situation such as the presence or absence of a 'catalyst' such as alcohol and the availability of a weapon became very important. Many of these incidents involved people who were known to one another even if only very casually. However, about one third of these incidents concerned strangers.

Almost all these altercations were spontaneous incidents between two men. There was apparently little difference in the nature of the disputes which set off the violence, as they arose in or around a pub, or some other public place, or in the home of one of the protagonists. The actual spark that set off the violent encounter often appeared quite trivial. Disputes over the length of someone's hair, a game of pool or darts or football, an argument over a spilt drink, politics, etc., were common occurrences. Disputes would also arise over the issue of money—over old debts not paid, or on some occasions, accusations over theft of money or drink—were particularly common amongst groups of alcoholic men who drank in parks and reserves. In other incidents, alleged unsolicited homosexual advances by the victim were regarded by the offender as justification for an assault. Insulting remarks about a wife, girlfriend, or sister, could also arouse feelings of anger and aggression. Frequently, however, the nature of the offending insult, the 'reason' for the fight, was apparently so inconsequential that the offender could not recall what it was about after the event. Only on an odd occasion did a conflict arise over issues involving deeply felt values—be they racial, political or religious. In a further few cases there had been some history of conflict between victim and offender, e.g., over family conflicts, children, money; but these circumstances were the exception rather than the rule.

As the above analysis implies, alcohol consumption was highly evident in most of the homicides. Indeed, in the vast majority of cases, both victim and offender had been drinking at the time of the incident, usually to excess. These homicides were also typified by a high degree of victim precipitation, i.e., a physical or verbal assault by the *victim* often sparked off the confrontation. Consequently, it almost appeared to be a matter of chance in some incidents as to which person was fatally wounded at the end of the fight. The spontaneous nature of many of these disputes was reflected in the methods used to inflict injury. Most of the deaths resulted from blows struck by feet, or more commonly, fists. Weapons were used rarely; when they were used they tended to be knives, broken bottles or some other handy instrument. The extremely high level of accidental or non-intentional fatal violence in these killings should be noted. That lack of premeditation and intent to kill, combined with a high level of victim precipitation are a typical feature of these homicides, is reflected in the subsequent legal outcomes. Over a third of those arrested for such killings were either discharged at committal or acquitted at trial.

It has been noted elsewhere that many homicides, particularly those which occur in the course of socialising, occur over apparently trivial matters. A number of observers have used such findings to support their claim that there are violent men who commit 'senseless' violence; others have linked such violent responses to apparently inconsequential matters, to the psychodynamics of the offender, e.g., labelling him as being of an 'under controlled' or 'over controlled' personality type. Some have linked such responses to biological or physiological factors.

Other explanations of the apparent triviality of a trigger for violence have centred on the suggestion that what may seem minor insults and threats to outside observers may in fact be perceived as major assaults on the offender's self-esteem. Particularly if one's self esteem is low (and many of the people who find themselves in such a situation are unemployed and may well be experiencing feelings of helplessness or depression), one's sensitivity to critical comment could be heightened. Yet such socio-psychological explanations alone cannot totally explain such violent responses. For example, women also experience frustrations and depression, yet rarely vent this in a violent manner against casual acquaintances or strangers. Thus cultural values and expectations regarding appropriate behaviours in specific encounters must also be examined. Wolfgang (1958) discussed these in relation to the homicides in his Philadelphia study:

... the significance of a jostle, a slightly derogatory remark, or the appearance of a weapon in the hands of an adversary are stimuli differentially perceived and interpreted by Negroes and Whites, males and females. Social expectations of response in particular types of social interaction result in differential 'definitions of the situation'. A male is usually expected to defend the name and honour of his mother, the virtue of womanhood. . . and to accept no derogation about his race (even from a member of his own race), his age, or his masculinity. Quick resort to physical combat as a measure of daring, courage, or defence of status appears to be a cultural expression, especially for lower socio-economic class males of both races. When such a culture norm response is elicited from an individual engaged in social interplay with others who harbor the same response mechanism, physical assaults, altercations, and violent domestic quarrels that result in homicide are likely to be common. (p.188-189)

Wolfgang later used such observations to substantiate his argument on the existence of a 'subculture of violence', at variance with the mainstream culture, particularly with regard to norms and values relating to the use of violence. Whilst the author of the present study does not necessarily agree with his distinction between the subculture and the main culture (physical violence can and does occur at all levels of society), Wolfgang's analysis does have some attraction in relation to those violent incidents between friends, acquaintances and strangers in the situations just described. Those incidents always involve men, and almost exclusively men of lower socio-economic status. That many of these men have responded to conflict in a physical way in the past is evidenced by the fact that over a third have had previous convictions for a violent offence, a considerably higher proportion than other homicide offenders. The degree to which this response can be directly related to cultural values and norms, or to the existence of stress in the offender due to his life situation is hard to say. The truth may well encompass a combination of these and other considerations.

(d) Attacks in thoroughfares and other public places.

Eighty-one (11.1%) of the non-domestic homicides involved attacks (excluding sexual assaults and robberies) on strangers or acquaintances in public thoroughfares. The majority of these attacks arose out of an argument between victim and offender who met in a casual encounter. Similarly to the pub situation, the violence was sparked off by an apparently trivial remark; only very occasionally did the remark have racial, political or religious overtones. Typically, the dispute was a spontaneous occurrence. Interestingly, more than a handful of these street disputes arose out of a traffic incident in which, for example, two cars were almost involved in a collision, or a pedestrian was nearly run down—tempers and emotions can apparently run very high in such incidents, and not infrequently culminate in an exchange of blows. In many respects then, most of these homicides were apparently not unlike the violent encounters in pubs and clubs—both in terms of the social and psychological considerations that contribute to the interaction between victim and offender.

A minority of these public attacks, however, were not preceded by an argument. They were particularly alarming in that they involved apparently unprovoked attacks (of a non-sexual, or non-robbery kind) with no obvious 'motivation' and no apparent mental illness in the offender. Fortunately only a minority of such crimes were committed.

(e) Attacks in special circumstances

The remainder of the non-domestic homicides fell into a miscellaneous category of 'attacks in special circumstances': 115 (15.7%) of the victims fell into this category, which consists of a number of quite distinct but relatively rare occurrences peculiar to a particular set of circumstances. These circumstances included attacks between inmates and staff in closed institutions, e.g., prisons or hospitals; injury resulting from carelessness; killings resulting from disputes between criminal associates or rivals; deaths resulting from arson offences; inexplicable offences when a mentally abnormal offender went berserk and indiscriminately attacked those around him (excluding attacks within the family); mistaken identity killings; attacks between professionals and clients, e.g., doctor and patient, death of victim from illegal abortion.

i. Institutions

Twenty-nine deaths occurred within the confines of a prison or hospital. In most cases the violence occurred between fellow inmates, but on occasion that violence was directed towards staff and vice versa. The majority of these incidents occurred in hospitals, in all but one case between patients, the exception being a patient who attacked and killed a nurse. In all cases, the offender was suffering from some kind of mental disorder. In one particularly tragic case, an elderly man suffering from senile dementia set fire to the hospital in which he was a patient, killing seventeen people.

The remaining eight deaths occurred within a prison. Once again, most of these homicides were committed by prisoners on their fellow inmates, but two cases involved staff-prisoner conflict.

ii. Negligence

Eight of the 'special circumstance' homicides were apparently devoid of any criminal intent to do harm and were due to extreme carelessness or negligence. In almost every case, the homicide charge failed to get past committal proceedings. The majority of these victims had been accidentally shot. However, a substantial proportion died from the accidental administration of a drug (usually heroin) overdose. In these latter incidents, the victim and offender were usually heroin addicts.

iii. Criminal associates

The twelve killings of criminal associates or rivals usually resulted from an escalating dispute over such issues as money, or the control of some kind of illegal business, e.g., prostitution, drug dealing. In most cases, the victims and offenders had previously been involved in some criminal activity together—in several instances, the victim was a well known criminal. These killings were always quite deliberate and premeditated; the victim's movements had been observed and he was usually shot in or around his house as he arrived at or emerged from his home.

iv. Arson

Nineteen people died in what were classed as 'sensational' arsons: there was no dispute between victims and offenders, and the deaths of the victims were more or less incidental to the fire-lighting activities of the accused. All these victims died in only two incidents. In both cases, the offenders were known arsonists. In each incident, the offender lit a fire in the building in which he lived and then waited around until the alarm was raised, and then took part in the rescue activities.

v. Severe mental disorder

Fourteen victims died as a result of attack by a person suffering from gross mental disorder. The choice of victim was apparently quite arbitrary; more than half of the victims died in circumstances where the offender went 'berserk' and indiscriminately attacked one or more people who happened to be in the vicinity. In almost all cases, the offender was found unfit to plead, or not guilty on the grounds of mental illness.

vi. The remaining three victims died in quite distinct but unusual circumstances. One death involved a young girl who enlisted the help of her friends to procure an illegal abortion—she died of scalds as a result of immersion in a boiling

bath. The second death occurred when a patient killed the doctor who had been treating him for a couple of years under the delusion that he was being persecuted. The third case involved a mistaken identity.

SUMMARY

Homicide in New South Wales does not usually occur during the commission of another crime: only a minority of killings (21%) were perpetrated in the course of an offence, such as theft, armed robbery or sexual assault. A higher incidence of such crime can be found in the United States, where an estimated 30% of homicides occur in the course of another felony (Lunde, 1975).

Homicides based on ideological or political motivations were very rare: only two such incidents were identified.

Interpersonal disputes formed the basis of the majority of killings outside the domestic sphere. A large number of these quarrels were unpremeditated, spontaneous events that erupted between strangers or acquaintances, usually while socialising in or around a club or hotel, or in the home of either victim or offender. The content of the disputes in these circumstances may be less important than the male context in which they occurred. Cultural notions regarding the appropriate use of physical violence in response to conflict or aggravation were evident in a number of cases. These clashes were frequently exacerbated by excessive alcohol consumption and sometimes aided by the availability of a lethal weapon. Many of the interpersonal disputes, however, had been preceded by a period of conflict between victim and offender. The killing of a lover, sexual rival, feuding neighbour or criminal rival, for example, usually arose out of a dispute of some long standing. The use of homicidal violence was not entirely unexpected in these situations, as less serious violent confrontations had occurred or threats of violence been made on previous occasions.

CHAPTER 12

Murder—Suicide

In September 1981, Sydney newspapers were filled with the story of a frightening and tragic case involving the violent deaths of six people. A forty-five year old man had broken into the house of his estranged wife and their five children in the early hours of the morning. In a matter of minutes, he had shot his wife, three of his sons, and his daughter, before turning the gun on himself. His youngest son, allegedly his 'favourite', was left unharmed. This event had been preceded by prolonged domestic conflict and violence, involving various court actions regarding occupancy and visiting rights. In preceding weeks, the police had been called on several occasions to remove the man from the family's home, the last time being only three days before the murder-suicide.

Fortunately, tragedies of such magnitude are relatively rare. Yet a substantial number of homicides in New South Wales are accompanied by the suicide or attempted suicide of the offender.

During the fourteen year study period of this report (1968- 1981) the number of suicides in New South Wales totalled 8061. The number of homicide deaths during the same period was 1373, of which 144 were followed by the suicide of the offender. Thus approximately one in 56 suicides were accompanied by homicide, and one in ten homicides were coupled with a suicide. A further 44 killings were accompanied by an unsuccessful suicide attempt—so in total one in seven homicides could properly be classified as suicidal murder. It was frequently a matter of chance that a suicide attempt failed—in most cases there was no evidence of any qualitative distinction (in terms of motivation) between successful and unsuccessful suicides. Some research has indicated that in many respects suicides and attempts at suicide are qualitatively similar (Kraus, 1975).

This chapter explores the circumstances in which people commit murder and then kill themselves. It attempts to ascertain the extent to which murder-suicide resembles homicide, or suicide, or the extent to which it forms a completely separate and distinct phenomenon. It also attempts to clarify the apparent motivations (in the broad sense of the word) of the suicidal offenders, and examines the circumstances which lead to such double tragedies. Before presenting the details of the New South Wales material, however, it is important to examine the existing literature on the relationship between murder and suicide.

THE RELATIONSHIP BETWEEN HOMICIDE AND SUICIDE.

Potentially, the examination and exploration of murder- suicide could contribute to the understanding of both homicide and of suicide, as well as to the long-debated relationship between these two apparently separate acts of violence. Yet information on murder-suicide in Australia is practically non-existent. Whilst relatively little is known about suicide or homicide as separate entities, almost nothing has been written about incidents in which these two forms of behaviour are combined. I am aware of only one Australian study (MacKenzie, 1961) which has studied murder-suicide population figures, and that study is now twenty-four years old.

In the international context, the extent of knowledge and debate on the topic is also disappointing. In recent years a few small scale studies on this have been completed in the United States (Palmer and Humphrey, 1980; Selkin, 1976). But by far the most detailed examination of murder-suicide was completed by West (1966) in England and Wales almost twenty years ago.

In the absence of substantive material on murder combined with suicide, it would seem to be worth pursuing existing writings on the relationship between homicide and suicide. What is the nature of this relationship and what, if anything, can this relationship tell us about the unique phenomenon of murder followed by suicide?

A popular technique for the examination of the relationship between homicide and suicide has been to examine the correlation between the two behaviours. As early as the 19th century, criminologists such as Morselli commented on the apparent inverse relationship between homicide and suicide. Their observations suggested that societies with high homicide rates usually had low suicide rates, and that a low homicide rate in a country indicated the likelihood of a high suicide rate. In suicide and homicide, these early Italian criminologists saw two manifestations of the same state, two effects of the same cause, which find outlets sometimes in one form, sometimes in the other, but never both simultaneously. This idea seemed based on the notion that there existed a 'societal reservoir of aggression' (Clifford and Marjoram, 1979) i.e., a fixed amount of violence in society which could manifest itself in different forms depending on the circumstances. This somewhat intriguing idea could perhaps have originated in the 18th century writings of Quetelet who on examining crime figures concluded that there could be a 'constant propensity' for crime in a given society, though this propensity could find different expressions at different times. (Clifford and Marjoram, 1979).

Despite these somewhat ancient origins, this notion has remained remarkably popular throughout 20th century writings. Von Hentig, in 1948, described the relationship between homicide and suicide in this way:

Murder and suicide are complementary phenomena: the total amount of available destructiveness is discharged in two psychologically similar, socially distinct GESTALTEN. (p. 390)

Throughout recent years, and still today, researchers have spent much time and effort in seeking to verify or refute this hypothesis by examining and comparing gross homicide and suicide statistics over locale and time, in different states and countries. Porterfield, for example, compared suicide and homicide statistics for 86 cities in the United States, and concluded that these violent deaths were due to 'opposite types of adjustment' (Wolfgang, 1966). Other research from England (Grunhut, 1952) and from Australia (Clifford and Marjoram, 1979) has also indicated that homicide and suicide might be mutual substitutes.

However, other studies have indicated quite opposite trends. Verkko (1951), for example, revealed that in Finland, Estonia and Latvia, both homicide and suicide were frequent, while in Iceland, Ireland and Norway both types of violence were infrequent. He therefore asserted that an inverse relationship between homicide and suicide was by no means a universal phenomenon. In a similar vein, Palmer (1965) compared murder and suicide rates across forty non-literate societies and found a positive correlation between the two phenomena.

In an effort to explain or understand the variation in findings, other researchers have attempted slightly more sophisticated analyses of murder and suicide rates by comparing them with other variables. Quinney, for example, analysed the suicide and homicide rates of 48 countries in relation to economic development and concluded, 'Suicide varies directly, and homicide inversely with urban and industrial development' (1965, p.406). Thus, low suicide and high homicide rates were characteristic of rural, non-industrialised countries, and high suicide, low homicide rates characteristic of developed societies. Quinney used his results to argue that homicide and suicide were in fact not functional alternatives, but rather causally separate social phenomena.

Lester (1977) revealed the arbitrary nature of many of these studies by correlating the homicide and suicide rates of each of the states of the United States over a 15 year time period, and by investigating similar rates in other countries, and regions of these countries. He concluded that no simple relationship between murder and suicide could be found, and that positive, negative and zero relationships existed. Overall, Lester's research revealed that some results could support the notion that suicide and homicide are similar behaviours, other results suggest they could be diametrically opposed, whilst other results suggest they could be quite independent of one another. Lester remarked, 'By a judicious selection of the results, it would be possible to argue for any kind of relationship' (1977 p.84).

Apart from the methodological and practical problems associated with studies which persist in searching for some meaningful statistical relationships between homicide and suicide, there are sound theoretical reasons for rejecting such an approach. Even if a constant statistical correlation could be established, this does not then imply a direct causal relationship and therefore cannot help our understanding of the respective behaviours. To date, comparative investigations of the incidence of homicide and suicide have simply dealt with rates of occurrence; they have not distinguished between different types of murder, or for that matter, different types of suicide (MacKenzie, 1961). As has been argued earlier in this study, homicide is not a homogeneous behaviour. There are different kinds of homicide, and a variety of personal and social factors are at work behind these qualitatively distinct behaviours. There is evidence to suggest that suicides are also variable. If this is recognised, then it is clearly of limited value to compare gross homicide and suicide rates. There is most probably no relationship between suicides in general and homicides in general. But this is not to deny, of course, that there are some similarities between some kinds of suicides and some kinds of murders (Lester, 1977). Durkheim, who dealt with murder-suicide only briefly in his treatise on suicide, appeared to recognize this:

Suicide sometimes co-exists with homicide, sometimes they are mutually exclusive; sometimes they react under the same conditions in the same way, sometimes in opposite ways, and the antagonistic cases are the most numerous. (1951, p.355)

It would seem that it is these kinds of distinctions which might be a more fruitful focus of future research on the topic.

Despite the problems with theories of inverse or direct relationships between homicide and suicide, in recent years various writers have attempted to develop these ideas by examining the effects that other components (social structural or social psychological elements such as religious and cultural traditions) might have on the propensity of a society or cultural group to murder or suicide. Henry and Short (1954), for example, attempted to combine social-structural and psychological theories of frustration-aggression. In seeking an explanation of murder and suicide they hypothesised that two sets of social factors were in

operation. The first they identified as various stresses and social frustrations related to economic conditions; such conditions, they hypothesised, might be expected to generate both homicide and suicide. The second set of factors would determine the choice between homicide and suicide, i.e., whether or not aggression was directed outward or inward, these factors being related to cultural and social influences. The theory postulated an inverse relationship between murder and suicide, with religious or cultural traditions playing an important role in influencing propensity to murder or suicide (Lunde, 1975). Thus in Japan, for example, a country with a very high suicide but relatively low homicide rate, it is common to find an emphasis on internal restraints which encourage self-blame. In contrast, in Catholic cultures, where the homicide and suicide rate pattern is the reverse of Japan, i.e., high murder and low suicide, there is a greater use of external restraints. There is also available the 'relieving mechanism' of confession and absolution, and a strong condemnation of suicide. Such factors, Henry and Short (1954) postulated, accounted for the high murder versus suicide rates. As they explain:

When behaviour is subjected to strong external restraint it is easy to blame others when frustration occurs. But when external restraints are weak, the self must bear the responsibility for frustration.

Attractive as this argument may seem, it does have some problems. Firstly, it does not work well for certain groups in society. Women of most cultures, for example, rarely direct aggression outwards, irrespective of the degree of external restraint. Secondly, there is little evidence to suggest that frustration always leads to aggression in one form or another. Thirdly, and most importantly, it lacks a perceptual process. One has to define a situation as frustrating, and this in turn affects how one reacts to it.

Gold (1958) attempted to further develop Henry and Short's idea of fusing social structural and social psychological factors. He suggested that the 'choice' of homicide or suicide was determined in part by a person's place in a particular social system, but also by socialisation—socialisation being the process by which sociological factors are translated into determinants of a psychological choice between directions of aggression. By concentrating on differing socialisation experiences within a single culture or country, one can better account for variations in the incidence of homicide and suicide, say, between males and females or between higher and lower class members.

Links between homicide and suicide have also been discussed in psychoanalytic literature. Some of the ideas expressed in that literature resemble some of the concepts used by Henry and Short (1954), and Gold (1958) e.g., the internalisation or externalisation of aggression. Some of the psychoanalytic writings suggest, for example, that suicide is indirect murder: Freud (who believed suicide was a form of internalised aggression) talked of the psychological mechanism of introjection. Lunde (1975) describes this behaviour as:

... the internalising of feelings toward a loved one, with the result that the emotions intended for another are directed toward the self. Thus in his (Freud's) paper 'Mourning and Melancholia' he described the feelings of blame, anger and self-vilification that often occur after the death of, rejection by, or departure of a loved one and that can ultimately result in suicide. Suicide, then, could be viewed as a form of murder, with the *real* intended victim unconsciously being the introjected once loved *other* person, rather than the self. (p.22-23)

Another theory discusses the notion that murder is indirect suicide, i.e., murder is a bizarre type of suicide caused by a desire for self-punishment. Wolfgang and Ferracutti (1967) state that there may be some evidence to

support this claim, as they cite an article by Abrahamsen (1944) on the epidemic of alleged 'indirect suicides' which took place in Norway and Denmark in the seventeenth and eighteenth centuries. Apparently depressed people in these countries committed murder in order to be put to death because they would not commit suicide for religious reasons. It seems that such cases became so frequent that a special law had to be passed excluding these people from the death penalty in order to prevent this particular type of homicide. There is no evidence to suggest that such bizarre behaviour is common in modern western industrialised societies. However, some recent research has suggested that murder as a form of indirect suicide may be a motive behind some killings in today's society. Danto (1980) in an article entitled 'The Boomerang Bullet' examined a number of case studies of assassins and snipers. He postulated that a number of such killers may have suicidal motives in their actions: they undertake their violent crime in the hope of dying in a blaze of publicity. He found that the assassins and snipers in his sample had failed in all aspects of their life. By committing murder in a sensational manner, they aimed at gaining a measure of recognition or notoriety, while at the same time achieving their ultimate aim, death, by committing the act in a jurisdiction in which the death penalty was in existence. Such motivations, however, are likely to account for only a tiny minority of homicides, and no such cases were identified in the New South Wales sample.

Historically, then, homicide and suicide have been studied as separate if not unrelated acts of violence—although clearly the precise nature of that relationship continues to be a source of debate. In the main, this debate has centred on whether suicide or homicide was the 'choice' of violence arising out of a particular culture, or out of a particular set of circumstances; i.e., suicide and homicide, whether inversely, directly or zero related, have been regarded as *alternatives*. Analysis of situations in which outward and inward acts of aggressions are *combined*, as is found in murder followed by suicide, is rare indeed.

What about the literature that does examine murder followed by suicide? In searching for an explanation and understanding of combined incidences of murder and suicide, researchers have clearly been influenced by the debate on the relationship between murder and suicide. A favourite mode of analysis has been to compare certain characteristics of murder-suicides with those in 'normal' suicides (that is, suicides without murder) and with non-suicidal homicides, in order to establish whether there were any similarities between one or the other. The evidence on resemblances between murder-suicide and homicide on the one hand, or suicide on the other, varies depending on the culture or country being researched. Some research indicates that murder-suicides are quite distinct from normal homicides. In England and Wales, for example, the evidence indicates that murder-suicide is a phenomenon very akin to suicide without murder, and that the primary motivation in the combined act is suicidal rather than homicidal (West, 1966). Material from New South Wales, although admittedly now 30 years out of date could provide support for these conclusions (MacKenzie, 1961). More recent studies completed in the United States, however, suggest contrary findings. Murder-suicide in America would seem more akin to homicide than suicide, the primary motivation being homicidal rather than suicidal (Berman, 1979). It would seem that murder-suicide is not necessarily a 'constant' phenomenon, a form of behaviour that is similar across all cultures: qualitative distinctions occur according to country and/or culture, and a variety of personal and social stresses are at work behind these acts. The following section analyses the particular character of murder-suicide in New South Wales.

MURDER-SUICIDE IN NEW SOUTH WALES

(a) Incidence

Of the 1393 homicide offenders in the total sample, 151 (10.8%) made suicide attempts, 111 of them successfully, subsequent to killing their victims. All in all, a total of 188 homicide victims died in such incidents and this figure accounts for approximately one in seven (13.7%) of the total victim sample, a not insubstantial proportion.

When these proportions are compared with those for other countries, remarkable variation is found which cannot be attributed solely to the methodological and definitional problems inherent in such international comparisons. A very high proportion of homicides in England and Wales, for example, are suicidal. Gibson and Klein (1969) found that approximately one third of all suspects in cases recorded as murder subsequently committed suicide. Similarly, West (1966) found that one third of all cases recorded by the police as murder were murder-suicides.*

A similarly high proportion of homicides in Denmark are murder-suicides. In the 28 years to 1960, as many as 42% of Danish homicide offenders subsequently killed themselves, and a further 10% made a serious suicide attempt (West, 1966). The picture is somewhat different in other countries. Scotland, close neighbour of England and Wales, has a very low proportion of suicidal murders. In 1973, for example, there were 43 cases of murder, but not one suicide amongst the suspects (Gillies, 1976). A low proportion of murder-suicides also occurs in the United States. Wolfgang (1966) found that only 4% of the 621 homicide offenders in Philadelphia between 1948 and 1952 successfully committed suicide. More recently Berman (1979), in a study of murder-suicides in Philadelphia, Baltimore and Washington D.C. in 1974 and 1975, established an even lower percentage; only about 1.5% of the homicides in these cities were followed by the suicide of the offender.

Other studies have indicated a universally low percentage of murder-suicide in the United States, of between less than 1% to a maximum of 9% (Wolfgang and Ferracuti, 1967). Figures from Israel for 1950-64 indicate a figure more akin to the Australian experience, as about 11% of homicides were suicidal (Landau, 1975).

It is somewhat difficult to account for the variation in the proportion of murder-suicides from country to country. To some extent this variation may reflect the character of homicide in a particular country. The United States, for example, has a relatively high proportion of felony murder and a correspondingly low proportion of family killings compared with some other countries. As murder-suicide is most commonly associated with family killings one would expect a larger proportion of murder-suicides in countries in which family killings predominate. Another consideration could be that the proportion of murders that are suicidal is in some way a reflection of the rate of suicide in a given country. Thus one might expect an increased likelihood of homicide offenders taking their own lives in countries with high suicide rates. West (1966) pursued this idea, but concluded:

the briefest glance at the figures, however, suffices to show that variations in suicide rate, substantial though they are, could not in themselves account for the enormous differences in the proportion of murders followed by suicide. (p.8)

* These figures are not totally comparable with the New South Wales figures, as manslaughter cases were excluded. However, successful suicides only were included; had unsuccessful suicides been recorded, the proportion of murder-suicides would have been even higher.

A quick perusal of the figures for more recent years (1970-1975) confirms that West's conclusions are still valid, and that no consistent trends can be observed.

Finally, but most importantly, West drew attention to the difficulties and problems in making simplistic comparisons between different cultures. While the *proportion* of homicides that are suicidal varies remarkably from country to country, it is wrong to assume that a high proportion is indicative of a high *incidence* of murder-suicide. West calculated the approximate murder/suicide *rate* for four countries and found considerably less variation than when mere percentages or proportions were used. The approximate rate of homicide offenders who killed themselves per 100,000 population was, in 1959-1960, for England and Wales, 0.09; for the U.S.A., 0.18; for Denmark, 0.22; and for Australia, 0.36. By this standard, it was Australia that actually had the greatest incidence of murder-suicide, approximately four times that of England and Wales. As West (1966) remarked, 'as a consequence of the high American murder rate, the lower proportion of 4% of suicidal homicides still represents an incidence of homicide-suicide cases in excess of that in England and Wales.' (p.9)

(b) Sex of offender

A total of 151 suicidal homicide offenders were responsible for the deaths of 188 victims. Three-quarters (111) of these offenders successfully committed suicide, while the remaining quarter (40) made serious attempts on their own lives (Table 12.1). The ratio of male to female suicidal offenders was approximately 5:1, although the ratio was somewhat greater for successful suicides (7:1) than for the attempts (3:1). This ratio is very similar to that found in the total homicide sample, but is somewhat higher than that for all suicides in New South Wales during the same period (approximate ratio 3:1).

Table 12.1. Type of suicide by sex of offender

Type of suicide	Sex of offender					
	Male		Female		Total	
	No.	%	No.	%	No.	%
Successful prior to arrest	84	66.7	11	44.0	95	62.9
Successful after arrest	13	10.3	3	12.0	16	10.6
Total successful	97	77.0	14	56.0	111	73.5
Attempt prior to arrest	25	19.8	8	32.0	33	21.8
Attempt after arrest	4	3.2	3	12.0	7	4.6
Total attempts	29	23.0	11	44.0	40	26.4
Total	126	100.0	25	100.0	151	100.0

Considerable variation exists in the sex distribution of murder-suicide offenders across different cultures. In the United States, the ratio of male to female is particularly high. In Wolfgang's Philadelphia study (1966) the ratio of male to female in successful murder-suicides was 11:1. An even larger ratio of about 16:1 was recorded in North Carolina (Palmer and Humphrey, 1980), while in 1974 and 1975, *all* the murder-suicides in Philadelphia, Baltimore and

Washington were committed by men. Meanwhile, the ratio of male to female suicidal offenders in European countries is considerably lower. The ratio in West's London study (1966) was only 1.5:1, while in Denmark the distribution was even, at approximately 1:1. All the figures quoted above were for completed suicides, so the comparable figure for New South Wales is 7:1. It would seem that the Australian experience is somewhat between that of America and Europe.

In terms of the proportion of male and female homicide offenders who kill themselves, there are also discrepancies. In New South Wales, male and female homicide offenders were equally likely to commit suicide following a murder: 11% of the men and 12% of the women suicided or made serious attempts on their lives. This differs from the situation in the United States, where men are twice as likely as women to commit suicide after offending (Wolfgang, 1966). Meanwhile, in Denmark, the position was reversed: the incidence of suicide amongst female homicide offenders was particularly high (63.9% successful and a further 16.1% unsuccessful—total 70%), and women were twice as likely as men to suicide following a homicide (West, 1966).

It would seem then that variations in the incidence of murder-suicides is also reflected in differences both in the ratio of male to female suicidal offenders, and in the proportion of homicide offenders subsequently taking their own lives. There is little to indicate that there is any consistency in the nature of murder followed by suicide across cultures, certainly as far as the sex of the offender is concerned.

(c) Relationship between victim and offender

Who were the victims of the suicidal murderers? Overwhelmingly, they were intimates of their killers (see Table 12.2): four out of five (78.2%) of the murder-suicides occurred within the family setting. The second most common situation for murder-suicides was in relation to a sexual relationship; approximately one in eight (11.6%) murder-suicide victims were lovers or sexual rivals of the offender. Murder-suicides rarely occurred outside family and sexual relationships. A small percentage (6.4%) involved acquaintances of one kind or another. An even smaller percentage (2.7%) of offenders committed suicide after killing a stranger. (In two cases there was no information available as to the relationship between victim and offender.)

Table 12.2. Relationship between suicidal murderers and their victims, by sex of offender

Relationship of victim to offender	Sex of offender					
	Male		Female		Total	
	No.	%	No.	%	No.	%
Spouse/de facto	81	52.3	6	18.2	87	46.3
Child	24	15.5	23	69.7	47	25.0
Other family	10	6.4	3	9.1	13	6.9
Total family	115	74.2	32	97.0	147	78.2
Lover	11	7.1	0	0.0	11	5.8
Sexual rival	11	7.1	0	0.0	11	5.8
Acquaintance	11	7.1	1	3.0	12	6.4
Stranger	5	3.2	0	0.0	5	2.7
Unknown	2	1.3	0	0.0	2	1.1
TOTAL	155	100.0	33	100.0	188	100.0

Within these categories of relationships, however, there were clear differences in the pattern of victims of male and female offenders. With only one exception, women suicidal offenders killed their own kin, usually their own children. The majority of male suicidal offenders also killed family members, but the composition of these kin differed from the women. Most of the men's family victims were their wives or de factos. Indeed, suicidal men who killed their wives, de factos or lovers accounted for almost half of all the murder-suicides. In contrast, 15% of the suicidal murders by men involved children.

The relationship between suicidal homicide offenders and their victims, broadly accords with that found in overseas studies. Of the suicidal murders in Wolfgang's Philadelphia (1966) study, 69% involved family victims, the rest were 'paramours'. Similarly, in West's (1966) study on murder-suicide, 82% were family members; almost all the others were girlfriends or lovers. However, with regard to the particular family members who were killed, there was some variation from country to country. In the New South Wales murder-suicides, the predominant group of victims were spouses—all but six of whom were victims of male offenders. Murder-suicides involving child homicides accounted for only a quarter of the total. In this respect, it would seem that the Australian experience is more in accord with that in the United States than in England and Wales. Studies completed in the United States throughout the 1960's and 1970's established that the predominant group of family victims were spouses, or more particularly, men who killed their wives (Palmer and Humphrey, 1980; Wolfgang, 1966). Berman concluded, 'the typical American homicide-suicide offender was found to be a male in his mid to late thirties who killed a spouse or lover' (1979, p.17). Two studies completed in England and Wales in the 1960's, however, indicated that the largest group of family murder-suicide victims was that of children killed by their mothers (Gibson and Klein, 1969; West, 1966).

Many of the New South Wales murder-suicides involved multiple victims—as in the case described at the beginning of this chapter. There were twenty-eight incidents in which more than one victim was killed; all in all, a total of 65 victims died in these 28 incidents, and this number might have been higher if other victims, also attacked and injured, had not survived. The most common type of multiple event was the killing of a spouse and children, or a spouse and another person (usually an alleged lover or friend—all of which were committed by men), followed by the killing of child victims only, usually by the mother. Interestingly, when women killed their children, they only ever killed their children before killing themselves. When men killed their children, however, in 60% of cases they also killed their wives.

How can these sex and relationship differences be explained? It is likely that a large part of the variation can be understood by cultural and social factors, particularly those that impinge differently on men and women. These will become more obvious in the analysis of different kinds of murder-suicides later in this chapter.

(d) Characteristics of suicidal compared with non-suicidal offenders

Who were the people in New South Wales who committed suicide following murder? In what ways did they resemble or differ from the non-suicidal murderer? As we have seen, the majority were men, and the male to female ratio was very similar to that found amongst non-suicidal offenders. In other ways, however, those who committed murder-suicide exhibited different traits from their non-suicidal counterparts. Firstly, they were older: at 42, the mean

age of the murder-suicide offender was 12 years higher than that of the non-suicidal murderer (although this difference was due to the male offenders—there was no significant difference in the age of non-suicidal and suicidal female offenders). A difference was also apparent in the socio-economic status of the offender (although there was apparently no difference in the actual employment status between the two groups). Murder-suicide was most prevalent in the higher socio-economic groups: 21% of those offenders of professional and managerial status were suicidal, compared with 12% of skilled and only 6% of unskilled status. Prior mental history was also more common amongst the suicidal offenders (28% of the suicidal and 16% of the non-suicidal), but a prior criminal offending record was considerably lower: suicidal offenders were half as likely as non-suicidal offenders to have a juvenile or adult criminal record, or to have any record of previous violent convictions. Methods employed to kill victims also varied between the two groups; murder-suicide offenders were more than twice as likely than their non-suicidal counterparts to use a gun.

Finally, before leaving comparisons of suicidal and non-suicidal offenders, it is important to note the ethnic origin (i.e., country or birth) of those who committed murder-suicide. Earlier in this report, it was noted that non-Australian born people were slightly over-represented amongst the homicide offenders relative to their numbers in the population. The ethnic origin of the murder-suicide offenders was unfortunately not available in 15% of the cases. However, in those cases where such information was available, it was established that 37% of the murder-suicide offenders were born overseas. Migrant women were particularly heavily over-represented among the suicidal murderers: very nearly half (48%) of those women who committed suicide following murder (usually of their own children) were born overseas. The corresponding figure for males was 30%. Some possible explanations for these figures will be discussed later in this chapter.

In all these respects, these findings are broadly comparable with those found in England and Wales, and the United States. Such findings have led observers to postulate that murder-suicide offenders are more akin to 'normal' suicides than to non-suicidal homicide offenders, as they more closely resemble certain characteristics of suicides. In the absence of a detailed study on New South Wales suicides, it is difficult to make similar comparisons here. Suffice it to say that in some respects murder-suicides in New South Wales quite closely resemble non-suicidal homicides (in terms of sex of offender, relationship of victim to offender), but in other respects (age, prior criminal status) the two groups exhibit clear differences.

Thus, murder-suicide in New South Wales is typically an event that occurs in a domestic (spouses and children) or sexual (lovers and sexual rivals) relationship. The majority of victims (60%) were female, while the majority of offenders (82.5%) were men. Most victims were shot, and in most cases the offender attempted or succeeded in killing him/herself immediately or shortly after the murder, before apprehension by the police. The predominant type of murder-suicide was that committed by men on their wives or lovers. The murder-suicide, by both men and women, of children (almost always the offender's own offspring) was the second largest category. But what were the precipitating factors that led to those events? Were there any discernible patterns in the circumstances leading up to the murder-suicide? If so, to what extent did these patterns resemble suicidal or homicidal incidents? Was the suicide an integral part of the murder, or a separate incident arising out of remorse, or guilt or fear? It is these questions that will now be addressed.

TYPES OF MURDER-SUICIDE

Four main circumstances were identified as leading to a murder-suicide. A note of caution should be sounded, however, before these circumstances are discussed in detail. It should be recalled that the main source of data for these cases was the police homicide files. In those cases in which the offender successfully committed suicide, the police did not always collect information in the detail that would be required for a case which would lead to prosecution, as clearly no further action could be taken on the case. On the other hand, detailed information was always available in cases in which the offender survived the suicide attempt, and while, as in any suicide, the innermost thoughts of the person involved usually remain unknown, there was often strong evidence to suggest the nature of the precipitating circumstances. Suicide notes were left, for example, in which 'reasons' for the killing were stated by the offender. In other cases, the offender had indicated his/her intentions on prior occasions, such was their unhappiness with a particular situation. In the absence of such evidence directly from the offender, information was usually available as to the *circumstances* of the suicidal offender at the time of the homicide. Motivation in such circumstances is usually ascribed by friends, family, police or coronial inquiry, and as such, is limited by the usual constraints of such methods.

(a) *Conflict*

Most commonly, murder-suicide arose out of situations of interpersonal conflict. In the vast majority of cases, this conflict and dispute occurred directly between the victim and the offender, although in a small number of cases, the victims who died were innocent parties to the situation in that they were not directly involved in the dispute. Many of these murder-suicides closely resembled non-suicidal homicides, in that they were primarily hostile and aggressive in motivation and action toward the victim.

(b) *Altruism*

A number of murder-suicides arose out of some kind of altruistic motivation on the part of the suicidal offender. Typically, in these circumstances, there was no conflict between victim and offender and no overtly hostile motivation could be identified. On the contrary, in many of these cases, the offender perceived that the murder was the most merciful action he/she could perform in the circumstances. Regard and concern for the victim was often the principle for action behind these murder-suicides.

(c) *Mental abnormality*

Less frequently, the murder-suicide appeared to be the result of some extreme mental abnormality on the part of the offender. This category does not include people who were merely severely depressed, but only those whose prior behaviour had been strange and erratic, so as to seriously alarm and concern those close to the offender. It also includes those offenders who survived their suicide attempt, to be tried and then acquitted on the grounds of mental illness.

(d) *Miscellaneous*

This fourth and final category contains the residue of 'other' murder-suicides which did not fall into any of three main categories. It includes murder-suicides in which the initial homicidal act appeared to be an 'accident' or where the victim and offender were unknown to one another. Many of the suicides in these incidents occurred some time after the homicides, usually after arrest; resultant

guilt, remorse or fear of punishment appeared to be a significant feature in these cases. The murder and the suicide were usually separate, although of course, related events.

Each of these types of murder-suicide will now be discussed in more detail.

(a) Conflict

Ninety-four people committed murder-suicide following prolonged interpersonal disputes, usually with the victim. These disputes occurred almost exclusively between spouses or lovers and usually resulted in killings by male offenders (87 men and 7 women). Although these murder-suicides involved a mixture of sometimes contradictory emotions in the offender, feelings of hostility, revenge or jealousy were often very much to the forefront. The conflict murder-suicides were of two main types: i) premeditated and ii) spontaneous.

i. Premeditated

The majority (88) had been quite clearly premeditated and planned, as was evidenced by such behaviours as leaving behind suicide notes telling of intentions, of waylaying and killing victims as they left their home or workplace, of breaking into the victim's home at night, or in cases where the victim(s) and offender still lived in the same home, waiting until the victims went to bed, and then killing them (usually by shooting) as they slept. In most cases, the suicide and murder(s) were instantaneous—the suicide followed on almost immediately after the homicide, and was an integral part of that homicide. The intention to kill the victim was quite clear, and hostility towards, and conflict with, the victim were usually the prime motivation.

In more than a quarter of these cases, the offender had physically or verbally abused and threatened to kill the victim on previous occasions. Severe and usually prolonged interpersonal conflict, often combined with serious domestic violence or threats of violence, was common in these cases. Sometimes the suicidal offender threatened to take his own life, or sometimes the life of the other disputant; sometimes threats were made towards others, usually children, who were emotionally close to the person with whom the murder-suicide offender was in conflict. These threats were usually made in an attempt to manipulate the other person into doing what the murder-suicide offender wanted, e.g., to remain in a relationship if plans had been made to leave; to agree to a reconciliation; to terminate a relationship with another person or to come to some agreement over custody matters when children were involved.

In almost every case, it appears that the murder-suicide offenders felt frustrated, spurned and rejected. Their attitudes towards the person who they felt had done them an injustice, were usually highly emotionally charged, and also very ambivalent. These feelings were particularly prevalent amongst males who killed wives and girlfriends. In this respect, these murder-suicides resemble a minority identified in West's London study. He noted:

Overt signs of previous hostility towards their victims, and conscious motivations of jealousy, vindictiveness, and resentment, were frequently displayed by the male offenders, among whom the rejected lovers, jealous husbands and violent-tempered men formed a sizeable group. (1965, p.145)

In the United States, Selkin (1976) also noted that 'frustration of sex-role needs or goals' was a major dynamic element related to the homicide-suicide act. Jealous rage and a desire for retribution were apparent in many cases. As in the present study, Selkin also observed that in many cases the victim had previously been attacked by the perpetrator and had been given warnings. Cavan

(1965) and Wolfgang (1966), similarly noted many cases of the 'If I can't have you, nobody can' idea (which was made quite explicit in a couple of the suicide letters left by New South Wales murder-suicide offenders); they remarked that frustration and rejection were often complicated by an 'injured pride' or 'attacked conception of self' which made the murder-suicide offender feel inferior, a failure.

It is beyond the scope of this study to analyse in detail the complexity of the social and psychological factors at work in these hostile murder-suicides. Nevertheless, a few writers have made suggestions as to why these suicidal offenders behave as they do. Selkin, for example, talks of the offender's perceptions in the following way:

... the victim is seen as punished for her transgressions by an enraged lover who is unable to prevent their pending separation. In fact, the perpetrator is defending himself against the unbearable impotence that he feels in the face of illness or circumstances that he can neither arrest nor reverse. (1976, p.83)

Cavan (1965) argued that frustration, and 'denial of a thing ardently desired' may often lead to suicide alone, but for suicide to be preceded by murder, much more than mere denial would have to be present. For example, the perpetrator is more likely to commit murder-suicide if he

... has been made to feel inferior, undesired, a failure. He has been spurned, told to leave, to find another girl. His conception of himself has been attacked, his pride and self-respect injured. (p.258)

Humiliation and lack of self-esteem are thus important elements in Cavan's analysis. Suicide becomes a solution to the perpetrator's problem, a way to end his dilemma. His happiness has been ruined or prevented by some other person. Before he kills himself, he kills that person in anger or revenge, or from jealousy, in order to prevent the 'cause' of his distress from succeeding where he has failed. There was evidence of such feelings in some of the New South Wales sample. One man, for example, had been involved in protracted conflict with his ex-de facto wife for some time. Both had consulted Chamber Magistrates over property matters and the custody of their young baby. Meanwhile, the woman had formed a relationship with another man. On the day of the murder-suicide the offender watched the movements of his wife and her friend. Approaching them in the street with a gun he shouted at her, 'You thought you were going to get away with it. You are not taking the baby either.' He then shot his wife, and then himself. Usually, the 'source' of the distress is killed. In some cases, however, the suicidal offender deliberately killed another person close to the perceived cause of his pain, for example, a child or lover, or sometimes a parent, in order that the surviving person, the 'cause' of all his suffering, would suffer.

Danto (1980), on the other hand, talks of 'the unconscious effort to deny the reality of death'. He describes the process by which a rejected or spurned husband or lover takes his wife or girlfriend with him into death, in the following way:

It closely resembles the death style of the ancient Egyptian Kings who took their prized possessions, slaves and relatives with them to their pyramid tombs, in the hope of retaining what they held most dear. The suicide-murder may thus be a declaration of possession. (p.141)

This analysis would seem appropriate to a number of cases in the New South Wales sample, as in that young man who strangled his girlfriend, and then attempted to kill himself, leaving a suicide note to the effect that he wanted them to be buried together. In a similar vein, Dorpat (1967) argued that in cases of

separation, or threats of separation, the murder-suicide was 'an acting out of fantasies of reunion'.

However, Danto introduces an important concept into his analysis, and that is 'possession'. All the observers just quoted remarked how the hostile murder-suicide was a predominantly male phenomenon. Yet no one apparently questioned why rejected, spurned, or humiliated women do not usually respond to such a situation in a similar way; i.e., women may undergo similar separation or rejection experiences to men, but typically do not then commit hostile murder-suicides. A possible explanation for this may lie in the differential socialisation experiences of men and women in society. Men's and women's differential socialisation results in their handling frustration and unhappiness in different ways. While some men may find expression of such feelings in an external way, by being outwardly aggressive and violent, such behaviour is deemed inappropriate for women. Depression rather than aggression is the female response to disappointment or loss—the hostility that should or could be directed outward in response to the loss of an ambivalently loved other, or of the 'ideal' self, or 'meaning' in one's life, is instead turned inwards toward the self. Women in such situations may be likely to commit suicide; they are relatively unlikely to commit hostile murder-suicide.

Another consideration has to do with the imbalance of power typical of most intimate male-female relationships, in particular that between husband and wife. The chapter on spouse homicide clearly outlined the explicit and implicit assumptions and expectations regarding appropriate behaviour in a marital relationship. By leaving her husband or lover, or even worse, taking up with another man, a woman is explicitly challenging her husband or lover's authority over her. It was common in these relationships for the man to have attempted to exert some control over his wife on previous occasions by physically abusing her, or threatening her in some other way. Clearly, such methods had failed in those cases where the woman had eventually ended the relationship by leaving. Committing murder-suicide may in some cases be the only way a man perceives he can still 'control' his wife or lover. Danto describes this well:

Killing and then committing suicide appears to provide a means of conquering an otherwise more powerful object, both as a punishment and as a way of proclaiming ultimate power over life for both victim and self. . . . the murderer says: 'I can control your life and mine. I am more powerful than life itself. Since you left me and I killed you, I can even prevent your escape from me. I'll kill myself and come right after you. You weren't powerful enough to escape from me. I will control you even in death.' (1980, p.146)

Thus committing murder-suicide in these circumstances may be a way of dealing with separation anxiety, and perhaps achieving reunion with the victim; or it may be a way of proving power over the victim, even to achieve a sense of absolute power over life and death for both (Danto, 1980).

ii. Spontaneous

In a smaller number of cases (16), although the murder-suicide arose out of a conflict situation, the element of premeditation and planning was apparently missing. Rather, in the course of a heated argument or dispute, violence occurred spontaneously, in the heat of the moment, resulting in the death of the victim. These arguments were often accompanied by alcohol consumption by the offender and also sometimes by the victim, (alcohol consumption was relatively rare in the premeditated murder-suicide). Thus, although the background of these murder-suicides was similar to the planned incidents, i.e.,

prolonged interpersonal conflict, the nature of the murder-suicide incident was somewhat different. The suicide was not always an integral part of the homicide, i.e., it was not a unified act. In these spontaneous incidents, the murder-suicide offenders apparently made somewhat clumsy and panicky attempts on their own lives when the full realisation and horror of what they had done dawned. It seemed that the suicides in these cases were distinct from the actual homicides—they occurred either out of remorse, fear, guilt, an inability to face the inevitable legal process and other consequences of their actions—or a combination of any or all of these considerations. Frequently the suicides occurred after their arrest, whilst the offender awaited trial. Some time had passed between the homicide and suicide—which were related but nevertheless separate events.

(b) Altruism

One in six (25) of the suicidal offenders committed what has been called altruistic murder-suicide. These cases have been labelled 'altruistic', because regard and concern (albeit somewhat misguided) for the wellbeing of the victim was an overwhelming motivating force behind these homicides—conflict with and hostility towards the victim were noticeably absent. Two types of altruistic murder-suicides could be distinguished: i. the extension and ii. the mercy killing. Some overlap occurs between these two types, but there are distinct features which also differentiate them.

i. In the *extension murder-suicide*, i.e. the murder is an extension of a suicide (the most common of the altruistic) the primary feature was overwhelming depression and mental anguish in the offender. For various reasons unrelated to the victims, e.g., financial, health or emotional problems, the deeply depressed offender contemplated suicide. Where that person had a strong feeling for and close identification with others in their family, he/she apparently felt they could not leave the dependants, usually wives and/or children, defenceless and unprotected to face the world alone. Consequently, what might have been merely a suicide, became a suicide associated with murder. As one man who shot his wife¹ and baby son before killing himself wrote in his suicide note, 'I'll have to take them with me. I can't let them suffer.' This man had been deeply worried about his ill health and had financial problems relating to his business. Murder-suicide in these circumstances was very much an extended suicide, rather than a hostile homicide accompanied by self-destruction. The victims died only by reason of their intimate and dependant relationship with the suicidal person. This type of murder-suicide was common amongst women who killed their child or children before killing themselves, and also amongst men, who typically took all their perceived dependants, wives and children, with them into death. In the case of women, however, the present study's findings concurred with that of West (1966): that contrary to the medico-legal tradition, such depressions and behaviours were not especially associated with the period immediately following childbirth, the period when women are supposed to be prone to post-natal depression and infanticide.

In each of these extended suicide cases, the suicidal offender did not apparently regard his/her victim as having a separate personality with an independent right to life; rather, the victim was regarded as being an extension of the offender, sharing their troubles and to be taken on with them into death. Cavan, who found similar cases in her study of murder-suicide, describes how the offender in such circumstances interprets the interests and attitudes of others in terms of his interests.

In cases in which this attitude leads to murder before suicide, the person committing the murder does not regard himself as doing anything criminal or even wrong. He is moved by love, pity, sympathy—he is removing someone from a wicked world before the wickedness has touched him. He is doing a kindness by removing the other from suffering which he has endured and which therefore the other also endures, or will in time encounter. (1965, p.257)

West (1966) in England, and Iga and Tatai (1975) in Japan, found these types of murder-suicides usually involved women and their children (although we found that men and women in fairly equal numbers were responsible for these types of incidents). In fact, the Japanese have a special term for this kind of murder-suicide—it is *oyaka shinju*. Such homicides are particularly prevalent in Japanese society, and it has been hypothesised that its great frequency can be linked to socio-cultural factors such as the Japanese view of the world as fleeting, and the emphasis on the view of death as salvation. Other important factors are the emphasis on the group and on the sacrifice of the individual, extremely intense emotional attachments between parent (particularly mother) and child, and the tendency to regard children as parental possessions (Iga and Tatai, 1975).

ii. In the *mercy murder-suicides*, there was a subtle difference from the extended suicide incidents. In these cases, a distinct element of euthanasia was present. It should be noted that the definition of 'euthanasia' employed here is quite broad; it includes circumstances in which a conscious decision was apparently made to put an end to the life of a dear one for humanitarian reasons, as well as the more desperate action of a relative who was no longer able to cope with caring for an elderly or sick relation. In each case, the victim had suffered physical or psychological pain, sometimes both, e.g., in one case the victim was a sick and elderly relative; in another case, the victim was a handicapped child. The offender was usually the caretaker, and frequently had sole responsibility for the victim's wellbeing. Eventually, a stage was reached where the caretaker felt he/she could no longer cope and that the victim's suffering had gone on for too long. Rather than let them continue to suffer, the caretaker made a decision to put them out of their misery, and then kill himself. In those cases, then, it was the real and obvious suffering of a loved one, and all the problems involved in the care of that person, which was the main precipitating cause of the murder-suicide. In a couple of cases, there was evidence to indicate that the murder-suicide may have been planned in collusion with the victim.

son to end her life.

One case concerned a forty-five year old woman who killed her seventy year old mother. She lived alone with her mother and had been caring for her through ill health. Eventually, she reached a stage when she said she could no longer cope with the situation, but felt that she could not place her mother in a home; in fact she said that she had promised her mother that she would never do this. She gave her mother an overdose of Valium and then suffocated her with a pillow. This woman later attempted to kill herself while on remand for murder. A second case involved a forty year old man who killed his sixty-four year old mother and then shot himself. The two had been very close, particularly so following the deaths of two other family members (the brother and father of the suicidal offender) in the previous year. The son was left alone to care and provide for his sick mother who was bedridden. Meanwhile his own health began to deteriorate and he suffered from severe headaches. Shortly before he was due to go into hospital for treatment he purchased a rifle and carried out a suicide pact with his mother, who left a note saying that she had begged her son to end her life.

(c) Mental abnormality

Only a minority (13) of cases involved seriously mentally disturbed offenders. Although there was sometimes no clear dividing line between those who were suffering from long term severe psychological disorders, and those who were temporarily depressed due to difficult and unhappy circumstances, in these 13 cases there was evidence that the offender's mental state was bordering on insanity. Indeed this category includes offenders who survived their suicide attempts and stood trial to be subsequently acquitted on the grounds of mental illness.

Typically, people who committed these murder-suicides had been suffering from some kind of mental illness over a prolonged period, sometimes for years. Many had received psychiatric treatment both as in-patients and out-patients. In a few cases, the offender's behaviour had been of extreme concern to close friends and relatives but they had been unable to persuade the offender to seek medical help. Although the exact medical details were unavailable in most cases, it was clear that at least some of these people had suffered many mental breakdowns over the years or had been diagnosed as paranoid schizophrenics. One man had been suffering from a serious mental illness due to shrinkage of brain matter. Delusions of various kinds were not uncommon. One man, for example, believed that he was being persecuted by his neighbours who, he thought, were in the habit of speaking loudly about him all the time. One day, screaming and shouting, he threw a homemade petrol bomb through his neighbour's window and then shot through their door, killing a woman, before going into his garage and electrocuting himself. In another case, a woman became obsessed about her own and her children's physical wellbeing. She cut her six year old son's throat and then gave her daughter (who survived) twenty-five sleeping tablets before taking an overdose and attempting to gas herself. She left an incoherent note to the effect that she was worried about the three of them being incurably ill. In a third case, a sixty-seven year old pensioner killed his wife of thirty years, after accusing her for years of trying to poison him.

While most of these attacks were on relatives of the suicidal offender, in some cases the attack occurred suddenly and unexpectedly on people outside of the family. In two cases, the apparently unprovoked attack occurred in the workplace. One man axed his employer, a farmer, to death before hanging himself. In another case, a forty-three year old man attacked a fellow seaman as he slept, stabbing him many times, before jumping overboard to be drowned. These examples illustrate that these homicidal attacks by mentally unstable people were often very violent.

Unfortunately, because details of the background and precise medical information about the mental state of these suicidal offenders were not available, there are limitations as to what can be said about these cases. However, it should be emphasised that there is no support for the generalisation that all murder-suicide offenders are 'mad'. Only a minority of the suicidal offenders in the New South Wales sample could have been said to have been bordering on insanity. By a similar token, it should be emphasised that there is little evidence to support the notion that mentally ill people are more likely than anyone else to commit murder-suicide.

(d) Miscellaneous

A further 9 incidents fell into a miscellaneous category. Pre-existing conflict between offender and victim was absent in these cases, as was any altruistic motivation or severe mental disturbance on the part of the offender. Rather, the

murder and the suicide were usually separate events, both in terms of time and motivation, i.e., the murder and the suicide were not one act; they occurred at different periods of time and a 'secondary motivation' intervened between the murder and the suicide. Included in this category were cases in which the death of the homicide victim was largely accidental or an unforeseen consequence of the offender's actions. Faced with the horror of what he had done, with feelings of guilt, remorse or depression, and probably fear and shame of standing trial for murder or manslaughter, the offender attempted to take his own life—usually shortly after arrest. One such case involved an 18 year old man and his de facto wife. They were both drug addicts, and had been injecting methadone during the night and early morning on the day of her death. Her husband gave her a 'fix' but accidentally gave her an overdose, and she subsequently died. He was suicidal after this, and later tried to kill himself in gaol before the trial. (He survived his suicide attempt and was later convicted of manslaughter, but received a bond.) In another case, a twenty-six year old male assaulted and killed a twenty-four year old man in a pub fight. They were both drunk, and an argument developed. They both went outside to settle the matter and the offender struck and kicked the victim, then left him, not realising that the man was badly injured. The man died later, and the offender was charged with his death. While awaiting trial, he tried to commit suicide but survived, to be convicted later of manslaughter. He was also given a bond.

Other cases that fell into this miscellaneous category were those in which the offenders did seem to have made deliberate homicidal attacks on the victim, but were then caught and arrested. Later, in prison, they committed suicide. In each of these cases, there was a strong indication that these offenders would have been found guilty and given fairly long sentences. (In two cases the offenders were convicted of murder and given a life sentence.) One young eighteen year old male, who had spent some time in juvenile institutions, hanged himself in gaol prior to being tried for the exceptionally violent murder of a Sydney taxi-driver. Another man, who had previously spent twenty-one years in gaol for another murder, committed suicide in prison before standing trial for the brutal murder of an acquaintance (for which he always denied responsibility). It would seem that whether guilty or innocent, these people considered it likely that they were going to receive punishment and spend a long time in gaol. Perhaps fearful and unable to face an almost certain bleak future in prison, they took their own lives. It is possible that if some of these people had not been arrested, they would not have committed suicide.

SUMMARY

Murder-suicide in New South Wales is predominately a family affair. The most outstanding incidents are those involving men who kill their wives or lovers, and those in which men or women kill their own children. A dominant motive in the murder-suicides, particularly those committed by men, is hostility, or revenge, or highly ambivalent feelings of love/hate towards the victim. Altruistic motives, in which the offender believes that it is in the victim's best interest that they die, are less common. Thus murder-suicides in which self-destruction is the prime motive are in the relative minority. In this respect, the New South Wales experience broadly accords with that in the United States, but differs from the experience in England and Wales, for example, where murder-suicides are predominantly extended suicides. Murder-suicide is usually a unified act; the homicide and the suicide are usually simultaneous planned acts. Cases in which the offender, on realising what he has done, then commits suicide in remorse or fear, are in the minority.

To return to the original question at the beginning of this chapter—how can one best understand murder-suicide? Is it a homicide, with a suicidal component? Is it merely an extended form of suicide? Or is it a totally unique phenomenon, with a particular set of features and characteristics? In simple terms, the answer seems to be that all three combinations can be identified in the New South Wales sample. Some murder-suicides have precipitating circumstances and motives very similar to homicides without suicide—interpersonal conflict, separations, disputes over children, accusations of infidelity, and previous histories of violence are especially prevalent in murder-suicides involving spouses and lovers. Particularly in cases in which the suicide occurred some time after the killing, and was not an integral part of that killing, the murder-suicide could be seen as being primarily homicidal. In other cases, the suicidal motive was primary. Depression about ill health, finances, unhappy interpersonal relationships (all common feelings amongst ‘normal’ suicides) contribute towards a decision to commit suicide. In those cases where the suicidal person regards his/her intimates as being total dependants, or as extensions of themselves, with no separate independent identity, the homicide is very much secondary to the suicide. These types of incidents were most common in cases in which men killed their families, and women killed their children. In other cases, the distinction or relationship between the murder and the suicide is less clear. Typically, the outwardly aggressive and self-destructive behaviours occur simultaneously—they are an integral part of one another. Such cases are characterised by a combination of intense, often ambivalent, emotions. Feelings of anger, revenge, jealousy combined with feelings of passion figure prominently. Threats towards the victim and threats to commit suicide become intermingled, even interchangeable—the offender sometimes swaying between the one and the other. In the end, a combined murder-suicide is the outcome—typically a planned event. These incidents are perhaps the hardest to explain and the most difficult to understand. Finally, it is clear that in a small number of cases the homicide and the suicide are at least on the surface much more separate events, arising out of quite different circumstances.

CHAPTER 13

Homicide—In Perspective

SUMMARY OF FINDINGS

Murder has been of central concern in most public discussions on crime prevention and the philosophy of punishment. Yet, until comparatively recently, little attempt has been made to study in a detailed way the factual attributes of the crime and the social context in which it is committed. Consequently, in the absence of concrete data, popular stereotypes about murder and the murderer have inevitably affected public debate on matters of crime causation, legislative reform and the treatment of offenders. More informed argument should be grounded on a firm empirical basis.

The aim of this report has been to go some way towards providing that empirical basis. The theme throughout the report has been the social reality of homicide. This social reality has been described in terms of the empirical connection between the participants, their backgrounds and the situations in which their crimes occur. The study has not been concerned with the legal determinants of responsibility—placing emphasis instead on offenders and victims in different social situations. Emerging from this analysis were several important points.

1. *Homicide is a crime that is socially, historically and culturally determined*, rather than the random action of deranged or pathological individuals. Homicide varies both across and within cultures and over time. The incidence of homicide can vary quite dramatically from country to country, even among those of similar social and economic development. Different countries also exhibit distinct patterns of homicide. Felony murders are common in the United States, but are far less common in England or Australia. Murder-suicides form a large percentage of murders committed in England and Wales but only a small proportion of those in neighbouring Scotland. Fraternal homicides arising out of intense fraternal competition for landholdings comprise a larger proportion of homicides in agricultural societies like India than in those of the modern Western industrialised world. Even within a single jurisdiction, changes can occur both in the incidence and types of homicide being committed. While homicide in the United States has more than doubled in recent years, the homicide rate in Australia has remained fairly stable. Again, while homicide in the context of feuds between rival lineages were frequent occurrences in medieval England, one would be hard-pressed to find one such example in modern-day Britain. Though the exact forces at work behind those cultural and historical differences are not always fully understood, the diversity of homicide patterns is apparent.
2. *Homicide comprises a variety of offenders and victims in different social settings*. Homicide is committed by different people under different sets of pressures or circumstances. Differences in the characteristics of particular cases, both in terms of the participants and the precipitating events, leads to the development of a typology of homicide. Qualitatively distinct homicides can be identified according to the relationship between the victim and offender, and the factual circumstances in which the homicides occur. The circumstances in which a teenage boy kills his father, after years of abuse, are very different from those in which one man kills another in the course of a neighbourhood dispute. These again, are very different from

the circumstances in which one man kills another for financial gain. Such variations in homicide are not random: they are largely the product of specific social determinants. Certain social situations and social relationships are involved in homicide more than others.

3. *Homicide in New South Wales is largely interpersonal in nature, rather than instrumental or ideological.* Homicide in New South Wales arises primarily out of interpersonal disputes. Four out of five killings were of this type. Only a minority of homicides could be classed as instrumental, in that they occurred in the course of the commission of another crime. These instrumental killings were most likely to occur in conjunction with a theft, robbery or sexual assault, and the victim and offender were usually unknown to one another. Only two incidents were identified as being political or ideological in motivation. Community fear is located in these latter two types of killings, yet it is to our most intimate relationships that we must look for most homicidal violence.
4. *The majority of interpersonal killings involved inmates.* Murder crosses the most sacred boundaries. Family members, friends and lovers were the primary victims. Many other victims had what could be called a domestic, if not familial, connection with the offender. Living or working in close proximity to the offender led neighbours, flatmates and fellow employees to be at risk in disputes in which homicidal violence was used. Many commentators have suggested that a substantial proportion of such homicidal conflicts are an almost inescapable consequence of their high frequency and intensity of social interactions (Daly, Wilson, and Weghorst, 1982). As intimates are our main source of pleasure they are also equally a main source of frustration and hurt. This is no doubt true, yet some categories of intimates are clearly at higher risk than others. The family was clearly the most common context for violence.

Spouse homicides were particularly prominent: almost one in four homicides occurred within the marital relationship. The direction of this violence was primarily male to female (3:1). It was apparent from closer analysis of other killings, however, that many more homicides arose indirectly out of a situation of marital conflict. Sons, daughters, brothers, parents, friends, lovers and neighbours frequently became involved in a homicide by reason of their relationship to one or other of the marital disputants. Defence of female kin against abusive spouses was one such category of homicide, as in cases in which, for example, a boy killed his father to protect his mother from further violence. Very often, however, one person who fell victim in the dispute was the intervenor in a spousal conflict. In other cases, parents-in-law or children were killed apparently as an act of revenge by an aggrieved husband. Other men fell victim to jealous husbands by reason of an alleged relationship with the offender's wife. While the exact number of killings arising indirectly out of marital conflict cannot be accurately calculated, an approximate estimate would be one hundred. Added to the spouse killings, this indicates that almost one third (31%) of killings in New South Wales occurred as a consequence of marital conflict.

5. *Homicide patterns reflect cultural norms.* One advantage in analysing homicide largely as a feature of certain social relationships and situations is that the focus is removed from examining the individual offender to studying what it is about particular relationships and situations that make them more prone to violence than others. Homicide in a given country is driven by deep social and cultural undercurrents. Unique institutions, roles

and expectations develop over time (concerning, for example, the nature of the relationship between men and women, parents and children, males in a socialising context) become crucial in understanding the interpersonal relationship between homicide offenders and victims in a given country. Cultural guidelines for behaviour help shape the behaviour of persons who employ violent means to achieve some personally defined goal (Lundsgaarde, 1977). In our society, prevailing cultural norms about the use of physical violence on children is inextricably linked to child killings. In a similar way, killings involving adult males in a socialising context cannot be divorced from men's socially and culturally defined roles as aggressor and provider, or their greater frequency of external contacts. Neither can the analysis of adult male offender-female victim homicides be separated from societal norms governing the relationship between men and women. An overwhelming feature of many such killings, particularly those of wives and lovers, was the widespread use of violence by men to control their wives' activities. A whole variety of behaviours ranging from desertion, through to not having a meal prepared in time were apparently viewed by many of these men as a loss of their exclusive rights over their wives, or as a legitimate reason for physical reprisal. While some have argued that such behaviour is a biological manifestation of certain desires (e.g. paternity), there is much evidence to suggest that such male sexual jealousy is largely culturally determined. Society is not consistent in condemning all types of violence: some types of violence are apparently regarded with more tolerance than others, most notably, violence within the family. Certainly, while such attitudes prevail, homicide patterns will inevitably reflect society's ambivalent attitude to certain types of violence.

6. *Homicide is a spontaneous rather than a premeditated crime.* Most homicides spring from spur of the moment attacks, and are not the result of long-term planning. Certainly, some of the homicides in the study were premeditated. Apart from the obvious killings involving criminal associates, a level of premeditation was evident in a number of killings involving spouses and lovers, particularly those in which separation had occurred. Premeditation was also present in a number of murder-suicides. Apart from these killings, however, it was apparent that the majority of homicides involved people responding or reacting to situations in a relatively unpremeditated manner. Sometimes the conflict situation was fuelled by alcohol and exacerbated by the availability of a lethal weapon. Of particular concern was the proportion of homicides involving the use of a firearm. Clearly the more lethal the weapon, the more likely an assault will result in death rather than injury. The New South Wales evidence suggested a strong link between gun ownership and homicide, particularly in relation to killings within the family, and murder-suicide.
7. *Homicide offenders exhibit a wide range of moral culpability.* . Homicide, probably more than any other crime, arises out of a process of interaction between victim and offender. Furthermore, the status of the victim affects our view of the offender. Depending on whether the victim is perceived as 'innocent', as in the case of a child-killing, or to some degree 'culpable'—as in a case involving self-defence—our view of the offender is altered. Whilst the author acknowledges that certain dangerous moral assumptions underlie some strands of victimology, and that the notion of victim precipitation is not a useful tool for analysing certain types of crime (e.g. rape), the concept does have value in relation to understanding some homicides. Persons killing in self-defence, or under extreme provocation,

or after years of mistreatment are some such examples. Theoretical reservations aside, persons accused of homicide exhibit a wide range of moral culpability sometimes depending on the contribution of the victim to the crime. In a more general way, other offenders, by reason of their deprived background, unemployment, alcoholism, poverty, mental stability, together with their lack of violent criminal history could be perceived as being ordinary people in difficult life circumstances. Together these considerations force us to re-examine stereotyped views of 'murderers' in which variations in culpability pass unexamined.

Several implications arise out of the findings of this study. They have to do with

1. the extent to which the law acknowledges and deals with the intricacies of the crime of homicide;
2. the punishment of convicted killers;
3. intervention strategies to prevent homicide.

Each of the above issues requires a level of detailed discussion that is beyond the scope of this report. Nevertheless, it is important at this point to draw attention, however briefly, to the link between these three issues and the social reality of homicide.

1. Homicide and the law

The emphasis in this study has been on offenders and victims in different situations rather than on legal aspects of the crime. Clearly, however, these legal aspects are linked to the nature of the crime. The material in this report attests to the infinite variety of criminality and criminal responsibility attached to the range of circumstances which lead to the killing of one human being by another. Indeed, this has been recognised by a number of prominent legal bodies, both in Australia and overseas. Sir Laurence Street, Chief Justice of New South Wales, has stated:

The degree of criminality of persons guilty of murder ranges widely. (Woods and Andrews, 1981)

In a similar view, the Royal Commission on Capital Punishment in England observed:

There is no single class of offence varying so widely both in character and in culpability as murder. (1983, para.21-22)

The views of the New South Wales Task Force on Domestic Violence (1981) concurred with the above:

... the category of murder includes cases ranging from matters of the gravest culpability without any mitigating features, to those where although the technical elements of murder are made out, there are features in the antecedents of the accused, or in the circumstances as a whole, which diminish moral responsibility.

Few offences in the criminal calendar have been thought to stand so greatly in need of reform as homicide, and manslaughter in particular. The main grounds of objection have been the grouping together of offences of different degrees of culpability, and an inflexibility in the structure of the offence imposed on the accused. The distinctions of intent, provided for in the law, for example, are fine indeed. In reality, questions of motivation and intent behind an act are complex and often difficult even for the accused to identify, let alone the court

to establish (Bacon and Lansdowne, 1982). Meanwhile, it has been noted that a trend is occurring towards increasing complexity and uncertainty in the defences available on murder charges (Woods and Andrews, 1981).

Much of the dissatisfaction has focused on the often fine distinction between murder and manslaughter (the elements of which have been described earlier in Chapter 3), and as a result, there have been calls to abandon this distinction.

Lord Kilbrandon, in the mid seventies, argued that the distinction be abolished:

There does not appear to be any good reason why the crimes of murder and manslaughter should not both be abolished and the single crime of unlawful homicide substituted.

(Hyam V. D.P.P., 1975)

Variations in gravity could be reflected in sentencing practices from life imprisonment downwards. The New Zealand Criminal Law Reform Committee in 1976 also recommended that a single offence of 'unlawful killing' be introduced. The New South Wales Criminal Law Review Division also considered this proposal, but interestingly, arrived at the conclusion that it be rejected, not for any technical or ideological reason but 'probable public unacceptability', and the importance to the community of retaining the term 'murder'. Weisbrot makes the point that it is questionable whether labelling is sufficiently important to warrant the cost of full judicial proceedings, involving complicated defences in order to determine whether a particular offender be considered a 'murderer' or 'manslaughterer'. As he remarks:

It is unlikely that the distinction is widely understood or appreciated by the public at large, particularly since past reports generally refer to the 'convicted killer' in any event. (1982 p.266)

While the technical arguments for and against the retention of the fine distinction between murder and manslaughter cannot be entered into here, the question is raised as to whether or not the law is practical or justifiable in view of the infinite variety of circumstances in which people commit unlawful homicide.

2. Punishment of offenders

The issue of the punishment of homicide offenders must be addressed, however briefly, in any concluding discussion on homicide.

The label 'murderer' is one of the most powerful that can be applied to any human being. As a New South Wales Attorney General (Frank Walker) stated recently in Parliament:

In our culture, to describe someone as a murderer is to employ the most bitterly and effectively stigmatising epithet available in our language.

(New South Wales Parliamentary Debates, 1982)

The material in this book forces us to reappraise our existing assumptions about homicide being the product of hardened criminals, psychopaths or social misfits. Analysis of characteristics of both the offender and the situation in which he/she falls reveal that the social reality of homicide is far removed from popular stereotypes. The majority of homicide offenders have no prior violent records, no psychiatric history or mental disorder. Only a tiny minority are found to be insane.

Although murder carries the highest penalty, convicted killers are not generally viewed by prison officers or authorities as being as dangerous as, for example, some armed robbers or people with a history of violent convictions.

Indeed, it is worth quoting the observations of the authors of a recent report on the management of life sentence prisoners (the majority of whom have been convicted of murder) in New South Wales gaols.

It is agreed that, in general, lifers are quite different from other long-term prisoners who tend to come from criminal backgrounds. Most lifers feel this distinction and do not want to be thought of as criminals. Given that approximately 40% of them are first offenders, the majority are younger than 25 at the time of the offence, and that almost three-quarters of their offences developed out of relationship problems, their feeling of separateness from those with a criminal background is understandable.

(Aitken and Gartrell, 1985, p.134)

Feeling different from other inmates extends to the post gaol experience as most do not want to associate with people after release whom they have had to live with in gaol (Aitken and Gartrell, 1985). Research also indicates that the vast majority of homicide offenders do not constitute a subsequent threat to society (Burgoyne, 1979; Read et al., 1976).

The desirability of long, or indeterminate sentences becomes debatable in view of the above facts and in relation to the previously discussed fine distinction between murder and manslaughter. The arguments in favour of the deterrent aspects of such penalties are particularly debatable. The material presented in this report and research conducted elsewhere, suggests that the deterrent aspect of punishment would be likely to have little impact. The spontaneity and lack of premeditation of the majority of homicidal assaults would suggest that when emotions are high, any deterrent effect based upon the likely consequences of such actions are likely to be negligible. Punishment would have little net effect on the majority of homicides because they tend to occur under circumstances in which a consideration of laws and sentencing practices would have little impact. In addition, as Potas (1984) has observed, in cases where the murderer subsequently takes his/her own life, the irrelevance of e.g. a mandatory penalty of life, or indeed any other penalty as a deterrent, is amply demonstrated. As Potas also remarks, criminal punishment is on the whole reactive rather than proactive, and as such, is an admission of failure. If society wants less crime, its preventive strategies must be found in the community rather than in the penal system. Prevention is always better than cure. The question to be asked is whether homicide is amenable to any prevention strategies.

3. Intervention

The material presented in this book strongly suggests that not all homicides are inevitable. Clearly, criminal homicide is always going to occur, and one cannot envisage a society free from such violence. This does not imply, however, that some homicidal situations are not amenable to various intervention strategies. There were strong indications that had prior intervention occurred in some homicidal situations, a violent death may have been avoided. Indeed, currently in the United States, homicide is increasingly being seen as a public health problem based on the belief that some homicides are preventable and that we should be doing more.

The notion of the 'homicidal process' may be of value in this discussion. The notion of 'process' implies that homicide is often the end result of a period of conflict, stress or unhappiness, but is not necessarily the inevitable consequence of such experiences. Totman elaborates on the idea of homicidal process in her study on women homicide offenders most of whom killed husbands or children:

There are important times in the homicidal process when alternative behaviours, discarded as not viable, could, with outside help, be actively and more realistically considered. (1978, p.98)

She noted, for example, that all the female offenders in her study stated that they had felt the need to communicate their distress and fear to others who might understand and sympathise, but that this was not perceived as being available to them. It is reasonable to surmise and indeed the evidence of this study suggests that a large number of people who subsequently become the *victims* of homicide feel a similar need to communicate their fear and need for help. Clearly, those situations with the most potential for intervention are those in which conflict and tension have been apparent and have escalated over time, and where advance signs or warnings have been given that someone was about to become physically harmed. Those signs and warnings may take the form of verbal threats to harm, or actual physical assaults. They may also take the form of fears expressed by the potential offender that they might physically harm another. Not uncommonly, these warning signs cross the private to the public domain when health, welfare or law enforcement agencies become involved, or alerted to a potentially serious situation. The homicides that most clearly exhibited such prior signs involved spouses (either directly or indirectly), parents and children, and neighbours involved in serious neighbourhood disputes.

Those killings with the least potential for prevention strategies would be those in which no history of conflict was apparent, where the homicide resulted from a spur of the moment or unexpected attack, as in fights between friends, acquaintances or strangers during a social occasion, or sexual assaults on young children and women. In such situations, indications of potential violence were less apparent, although clearly more research is needed to illuminate the factors behind these killings.

Clearly many homicides arise out of conflict in social situations. Single, practical solutions are unlikely to be found for complex social and cultural problems. Nevertheless, for too long society has remained complacent or tolerant of these problems, in particular, the problem of violence in a domestic setting. The human consequences in terms of loss of life from such tolerance is now apparent. The family situation holds the greatest potential for homicidal violence, and, I would contend, the greatest potential for prevention strategies.

Domestic violence should be treated as seriously, if not more seriously, than violence in any other setting, in that it has the highest potential for lethal violence. Law enforcement agencies, the judicial system, social welfare, health and education services should mobilise resources and increase their efficiency in relation to the problem of domestic violence. Victims of domestic violence, be they wives, children or parents, should be given full and adequate protection and practical assistance to resolve their plight.

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5. Comparison of Crime Rates
6. Elderly Crime
7. Trends in Violent Crime in N.S.W. 1978
8. Public Drunkenness Offenders in Country Areas of N.S.W.
9. Environmental Offences in N.S.W. 1978
10. Motor Vehicle Theft in N.S.W.
11. Sydney Coroner's Courts Statistics 1974
12. Sydney Coroner's Courts Statistics 1975
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14. Sydney Coroner's Courts Statistics 1977
15. Sydney Coroner's Courts Statistics 1978
16. Sydney Coroner's Courts Statistics 1980
17. Crime in the Western Suburbs
18. Sydney Coroner's Courts Statistics 1981
19. Shoplifting Offences 1975-1981

Conference papers

1. The Work of the Bureau of Crime Statistics and Research
2. Family violence and the Royal Commission on Human Relationships
3. Proposals on Reform Relating to Legal Remedies for Domestic Violence
4. Women, Drugs, Alcohol and Crime
5. The Role of Police and Prison Officers and Educational Programmes
6. Methodology for Police Analysis and Research
7. Statistical Information for Politicians and the Public
8. The Determination of Bail
9. Domestic Violence: Some Factors preventing Women Leaving Violent Relationships
10. Aboriginal Drunkenness and Discrimination

Research Reports

1. Bail

2. Armed Robbery
3. Homosexual Offences
4. Company Investigation 1975-1977
5. A Study of Complaints Against Lawyers
6. Two Studies of Recidivism
7. Penalties and the Drink Driver
8. Day-in-Gaol Programme
9. A study of Evidence presented to the District Court in N.S.W.
10. The Sydney Drink/Drive Rehabilitation Programme
11. The Sydney Drug Diversion Programme
12. Vandalism and Theft—a problem for schools

The following publications have been produced in the revised format.

Court Statistics

- Court Statistics 1983 (1985)
- Court Statistics 1982 (1984)
- Court Statistics 1984 (Preliminary)

Research Studies

1. Bail Reform in N.S.W. (J. Stubbs) (1984)
2. Drugs and Crime (I. Dobinson, P. Ward) (1985)
3. Fine Default (J. Houghton) (1985)
4. The Impact of Random Breath Testing in N.S.W. (J. Cashmore) (1985)
5. Homicide: The Social Reality (A. Wallace) (1986)

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1. Intoxicated Persons 1981 (1984)

Other Reports

Crimes (Sexual Assault) Amendment Act 1981: Monitoring and Evaluation

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