

'Shattered Dreams: Marital Violence Against Overseas-born Women in Australia'

by Patricia Easteal; AGPS 1996; 201 pp; \$25.95 softcover.

This book examines violence in the homes of overseas-born women in Australia. The author lists two principal objectives: to promote general understanding about violence in the home, and to highlight the experiences of family violence by overseas-born women in Australia.

Data was collected through surveys, and particular issues relating to violence in migrant families were examined. The book contains an excellent summary of the data collection and findings in the introductory section entitled 'About the Book'. Another winning feature is the inclusion of summaries at the end of each chapter.

Of concern, was the possibility of negative stereotyping about the prevalence of family violence in ethnic groups. Whilst Easteal acknowledges this possibility and cautions against it, no adequate answer to this criticism is provided. The book does subject some racial groups to negative stereotypes. For example it is suggested that particular ethnic groups condone family violence as part of their cultural mores. It is unstated that indeed Australian culture condones family violence by the wall of silence surrounding it and police failure to arrest and prosecute perpetrators. The problems of social isolation, jealousy, control, dominance and total erosion of self-esteem are common to violent intimate relationships regardless of ethnicity. It is possible, however, that some issues, such as social isolation, may be exacerbated by language and cultural barriers.

The data was collected in several ways.

- In September 1993, legal aid workers completed 472 surveys about individual clients whose cases entailed issues of family violence. Such data can only record the worker's *subjective impressions* of the client's experiences, values and opinions.
- In September 1993, legal aid practitioners who dealt with domestic violence cases were asked to complete a survey about their work. A total of 69 surveys were analysed. The number of survey responses from individual States and Territories was low. Only two surveys were received from Victoria and five from Tasmania. Queensland had the highest response rate of 16 surveys. A larger survey sample is desirable to ac-

curately analyse the views of legal aid workers.

- In October 1993, 100 ethnic welfare agency staff completed a survey detailing their opinions about the experiences and special needs of their clients.
- During November 1993, police in all States and Territories except the Northern Territory and Victoria were asked to complete a short survey when they received a domestic violence call for assistance. A total of 3061 forms were analysed. Northern Territory and Victorian police provided material from their own data collection about family violence. Of all the police data, only that of the Northern Territory collected details as to *who* called the police. Was it the victim? A neighbour? A refuge worker? In terms of gathering information about the ability of overseas-born women to know of and utilise police services, this is pertinent.
- Between December 1993 and February 1994, 332 refuge residents completed surveys.
- The completed surveys of 214 refuge workers were analysed.
- The stories of 21 survivors of violent relationships were gathered by in-depth interview.

Given that data was collected in seven different modes, one would expect the analysis, charts and statistics to be extensive and enlightening. I did not find this to be the case. In some instances, only selective statistics are provided when a more detailed chart or graph was called for. For example, in the data where service providers list the difficulties an overseas-born woman may encounter in leaving a violent home, various factors are listed without any statistical breakdown. In other instances, one's ability to understand and interpret the data is hampered by the need to cross-reference to ascertain the proportion of the sample that responded in the affirmative. For example, Easteal states (p.86) that 35 women believed their migration experience had contributed to the violence. Unstated is what proportion of the sample these women represent.

Comprehension of the material is also hampered by the placing of the endnotes near the end of the book, just before the bibliography. Where there are only 65 endnotes they should ideally appear at the

foot of the relevant page. The bibliography is not extensive.

Works highly relevant to the prevalence of marital violence, such as Polk's *When Men Kill: Scenarios of Masculine Violence* and the *Homicide Prosecutions Study* undertaken by the Victorian Law Reform Commission in 1991 are not cited. Instead, there is a tendency to refer to the author's own previous work at the expense of other relevant writings.

Several of the chapters present the stories of the 21 survivors of violent relationships who were interviewed. Chapter Two provides the stories of four women, three of whom migrated as small children and one who was born here, but identified as a member of a particular ethnic group. In Chapter Four, six women recount their experiences as a member of a married couple who migrated to Australia. Chapter Six contains the stories of six women who migrated as adults to Australia where they married a man from their country of origin. Chapter Eight tells of four Asian women who came to Australia having married an Australian. Their problems of cultural isolation, lack of kin and friends from their country of origin and the web of misinformation and threats used by their Australian husbands as a control mechanism are well illustrated. Some of these accounts are unbearably poignant. For example, there is Rosa's story of migrating with her Australian husband who broke their infant's wrist by squeezing it when she wouldn't stop crying. When the hospital and Children's Services became involved, Rosa lost the care of her daughter as she didn't know what 'foster mother' and 'safe house' meant.

Chapter Three examines the data collected from the calls to police about incidents of domestic violence. The level of analysis of the type of police action taken is disappointing. This is particularly relevant given that other chapters reveal a reluctance on the part of migrant women to seek police assistance and a dissatisfaction with the police assistance proffered when help is sought. Unproblematised is the fact that a call to police only resulted in arrest in one-fifth of cases and that no action was taken in one-quarter of cases. It is noted that the less 'domestic' the violence, the more likely that police intervention will result in arrest. The inadequacy of police action is not addressed either in the data analysis or in the recommendations for improvement of service delivery.

Chapter Five presents the data about those survivors who seek help. More than 67% of victims and 68% of perpetrators who sought assistance from legal aid agencies were Australian-born. Unstated

is the indication that these figures, combined with the likelihood that recent migrants are clustered in low income groups, show that migrants are not over-represented in the people seeking help from legal aid. However, overseas-born migrants represented over half of the refugee residents surveyed. This may only indicate that locally born survivors may have access to family or friends when they leave a violent home. This chapter also contains an inadequate analysis of police responses. It merely examines perceptions as to whether the police were *prepared to act* without any breakdown as to the *type of action* taken. Many overseas-born refugee residents reported difficulties with their refugee accommodation such as a failure to provide culturally appropriate services. However, most refugee residents believed the services available for survivors in Australia were better than those in their country of origin.

Chapter Seven examines the perceptions of service providers in legal aid, refugees and ethnic welfare agencies. Nearly 90% of refugee workers indicated that their clients had particular difficulties in reporting family violence to police. Service providers found communication difficulties and language barriers, together with a lack of knowledge as to local rights

and services to be major factors limiting the provision of effective service delivery. While a table (p.36) indicates that service providers felt they had a major role to play in reducing violence and improving services, there is no analysis of *how* they thought their services could be improved.

Chapter Nine proposes solutions to the particular problems encountered by overseas-born women in violent relationships. While some proposals are general motherhood statements, such as the need to re-examine prescribed masculine and feminine gender roles and challenge the beliefs that underlie male violence, there are some useful practical suggestions. For example, further screening of men who sponsor brides to Australia is recommended, along with the provision of verbal information about domestic violence law and services in Australia before and after arrival in Australia.

Overall, the book is a good collation of data on the important issue of family violence in migrant families. Further research and government funding for services is obviously necessary. The book makes a valuable contribution to the growing literature on violence in the home.

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Interpreting Constitutions Theories, Principles and Institutions

edited by Charles Samford and Kim Preston; The Federation Press, 1996; 274 pp; \$72.50 hardback.

Interpreting Constitutions responds to the need for sound, educative and informative material about constitutions and constitutional processes, perfect for that idealised and possibly mythical creature an 'informed member of the general public'. Debate about constitutional issues not only has a high public exposure currently in Australia, it is a discourse with immediacy in many countries.

Overseas the last few years have seen an astonishing number of new constitutions or constitutionally significant measures being adopted in diverse circumstances. The Canadian Charter, the new South African Constitution, the passage of the Basic Law for Hong Kong and the return of Chinese sovereignty, new constitutional structures and/or constitutions for Germany, Poland, Fiji and the various states of former Yugoslavia etc. These experiences are important ones for Australians to monitor in order to discern what lessons may guide us in our quest for an appropriate constitutional structure for the 21st century. (Without

drifting into millenarian determinism the item is certainly on the national agenda.)

In Australia, putting the republican issue momentarily to one side, matters of public concern such as the 'proper' or constitutional role of the High Court have been vigorously debated in the post *Mabo* and post *Wik* public forum with much of the commentary given greatest media exposure being ill-informed, misleading and politically parochial. Other major list items for many years have been:

- whether or how to get a Bill of Rights (especially in and since the Murphy era);
- implied constitutional rights (another interesting item to analyse in light of the rapidly changing composition of the High Court);
- the domestic impact of international standards, especially in light of Australia's commitments to international treaties and declarations;
- constitutional recognition of the prior presence of Indigenous people; and

- the weight to be given to fundamental pieces of legislation such as the *Racial Discrimination Act 1975* (Cth) which could easily be disregarded or over-ruled by subsequent federal legislation.

There are many other constitutional issues which get exposure in the media from time to time, but the major constitutional item on the national agenda (although the weight to be given to its priority may depend on one's politics) is an Australian republic. For a long time this issue has been dominated by two opposed positions — the Australian Republican Movement in the green and gold shorts and Australians for a Constitutional Monarchy in the red, white and blue. Dialogue in the past has mainly been of the 'we want it, no we don't' type notably lacking in-depth analysis of many of the issues which must be considered if we wish to have an Australian head of state as successor to Elizabeth II.

As the centenary of our Constitution draws near many more spokespeople have begun to put forward their views with more considered and constructive contributions to the debate than either of the above opponents has yet generated. Many of those thoughtful contributors are among the authors collected in this book which is a timely, broad ranging, reflective offering. It has a *fin de siècle* aspect arising from a research grant on 'Constitutional Theory and Practice for Australia's Second Century' by the Australian Research Council.

The book is kicked off by a fabulous contribution from the five eighth for the implied rights team (and Chair of the Advisory Board of the National Institute of Law, Ethics and Public Affairs which sponsors the series of which this book is a part), Sir Anthony Mason. The essay 'The Interpretation of a Constitution in a Modern Liberal Democracy' poses a thoughtful question for any person thinking their way towards constitutional change: 'how do we see the constitution and the purposes which it is intended to serve?' Sir Anthony faces directly the proposition that constitutional interpretation cannot be limited to a strict text-based reading, the latter doctrine of which he calls nonsense (in terms which are more polite or, rather, judicious). He proceeds to analyse the different methodologies for working with a constitution leading to evaluation of the major constitutional theorists. Whilst the essay may not be relaxing bed-time reading it provides a major short cut to how to think about a constitution and its on-going relationship to the organs of democratic government which do rely upon a sound, fairly unbreakable constitutional skeleton.

Interpreting Constitutions is divided into three parts: Theoretical Approaches