INTRODUCTION

1. In February 1994, Robert McEwan was arrested in Perth, Western Australia, and charged with the wilful murder of his same-sex partner of fourteen years. McEwan’s partner died from multiple stab wounds. McEwan pleaded not guilty, basing his defence on the “battered wife syndrome” and provocation.

2. McEwan claimed that he had been “dominated and abused physically, sexually, and emotionally” by his partner for several years. The jury was unable to reach a verdict and the matter was referred back to the Director of Public Prosecutions (DPP) who, in February 1996, decided not to proceed with the wilful murder charge. The DPP accepted the defences as pleaded and a plea of guilty to the lesser charge of manslaughter was recorded. The case is believed to be the first in Australia to successfully rely on the “battered wife (spouse) syndrome” in a same sex relationship. Whilst media attention on the case has focussed exclusively on the use of the “battered wife syndrome”, and has produced titillating mainstream media headlines like “Gay Killer was Battered Wife”, the case importantly draws attention to the little discussed problem of domestic or intimate violence in same sex relationships.

3. Although there has been an increased focus in recent years on domestic violence, such efforts have been predominantly directed to heterosexual relationships, specifically to the needs of women escaping violent male partners. While it is acknowledged that women in heterosexual relationships comprise by far the majority of victims of domestic violence, the discourse on domestic violence in Australia seem to assume that domestic violence is a phenomenon peculiar to the heterosexual community. The absence of any reference to same sex domestic violence is evident, for example, in the recent publication of the Crime Research Centre of WA, “Measuring the Extent of Domestic Violence”.

4. Interestingly, despite the comprehensive coverage in the mainstream and local lesbian and gay print media of the McEwan case, there have been no subsequent articles focussing on the issue of domestic violence in same sex relationships. Arguably, this would have been an ideal opportunity to draw attention to the issue but unfortunately the opportunity has passed and the silence surrounding the issue of same sex domestic violence remains.

5. The silence that encapsulates same sex domestic violence is a central theme of this paper.

6. It is not my intention to examine theories of causation, rather, the focus is on the issues relevant to acknowledging and addressing the problem of same sex domestic violence, both generally and within the context of the Perth community.

7. In Part I of the paper, Recognition of Same Sex Domestic Violence, I define the problem of same sex domestic violence and briefly examine the manifestations, myths and stereotypes, and prevalence, of domestic violence within the context of same sex relationships.

8. Part II, Issues in Responding to Same Sex Domestic Violence, canvasses the major issues which need to be addressed when considering how to appropriately respond to same sex domestic violence. This part includes a discussion of the reluctance of the lesbian and gay community to acknowledge the problem and the role of heterosexism and homophobia in maintaining their silence, the role and attitudes of the police and courts, and the availability, suitability and accessibility of support services for lesbian and gay victims of domestic violence.

9. In Part III, Responses to Same Sex Domestic Violence in Perth, I provide an overview of the extent to which the issue of same sex domestic violence has been acknowledged and addressed both within and outside the lesbian and gay community and explore the resources available to assist battered lesbians and gay men in Perth. Attention is paid to the appropriateness of existing support services, both legal (eg police and the courts) and non legal (eg shelters and counselling), and the efforts made to accommodate the needs of battered lesbians and gay men.

I. RECOGNITION OF SAME SEX DOMESTIC VIOLENCE
A. What is Same Sex Domestic Violence?

Domestic violence in all intimate relationships is essentially about power and control, irrespective of the label attached to describe the relationship. Lundy[10] provides a generic definition of domestic violence, describing it in the following way: Domestic violence, whether heterosexual or homosexual, is nothing less than the systematic exercise of illegitimate power and coercive control by one partner over another. The ingredients of Lundy’s definition are also evident in definitions of lesbian and gay domestic violence. Hart[11] defines lesbian battering as: That pattern of violent and coercive behaviours whereby a lesbian seeks to control the thoughts, beliefs, or conduct of her intimate partner or to punish the intimate for resisting the perpetrator’s control over her.

10. Within the context of gay male domestic violence, Island & Letellier[12] define gay male domestic violence as: Any unwanted physical force, psychological abuse, material or property damage inflicted by one man on another. The forms that domestic violence may take in all intimate relationships include physical abuse, isolation, psychological and emotional abuse, threats and intimidation, sexual abuse, economic abuse, and property destruction. There are additionally forms of abuse which are unique to lesbian and gay relationships - abuses which arise as a direct result of the heterosexist and homophobic nature of society. Partners who abuse often use homophobia and heterosexism as a weapon of control over their partner in a variety of ways:[14]

- By ‘outing’ or threatening to out, their partner, to friends, family, employer, police, church or others in the wider community.
- By telling a partner that no-one will help him or her because the police and the justice system are homophobic.
- By telling a partner that s/he will not be believed because homosexuals do not rape or abuse their lovers.
- By telling a partner that s/he deserves it because s/he is homosexual. This type of abuse is indicative of internalised homophobia or self hatred by an abuser.
- By telling a partner that s/he is not a ‘real’ homosexual because s/he used to relate to men or women, has male/female friends, is a ‘breeder’, or prefers certain sexual practices or behaviours etc.
- Because of the pervasiveness of heterosexism, an abuser may attempt to convince a partner that the abusive behaviour is normal and that the abused party does not understand gay or lesbian relationships.
- Abusers can also rely on heterosexist and sexist stereotypes to hide abuse and increase power and control over their partner by portraying the violence as mutual or consensual combat.
- By telling a male partner that the behaviour is not domestic violence but an expression of ‘masculinity’.

B. Myths and Stereotypes

11. As a heterosexual feminist with an interest in the operation and effects of patriarchy, violence against women by their male partners has been and remains a central concern to me. Lesbian and gay domestic violence has not been an issue which I have considered previously in any depth and it is generally the case that same sex domestic violence is not a subject often discussed in feminist domestic violence discourse.

12. My initial response prior to researching the literature on same sex domestic violence demonstrates some of the preconceived myths which surround the issue. In relation to gay male domestic violence my view was that it would not be surprising to find a significant incidence of domestic violence - after all, men are encouraged to conform to the heterosexual, stereotypical definition of masculinity which venerates aggression and dominance as desirable ‘male’ characteristics. That men are violent and controlling in relation to their male partners is understandable given internalised norms of ‘appropriate’ male behaviour. Internalised homophobia can also result in these norms being further amplified in gay male relationships in an attempt to be accepted as more ‘male’.[15]

13. But what about violence in lesbian relationships? The incidence I thought would be substantially less, absent the patriarchal male-female gender dynamic and its accompanying power differential. Furthermore, ‘female’ as socially constructed emphasis is caring, mutuality, passivity and non aggression, and thus intimate relationships between women are more likely to be ‘equal’ and ‘non violent’.

14. The above view, which I think is certainly not atypical, is clearly refuted by the literature.

15. There are indeed many widely held myths which serve to keep the problem of same sex domestic violence closeted. In summary, the more enduring myths which need to be dispelled are as follows:[16]

- Domestic violence primarily occurs among gay men and lesbians who hang out at bars, are poor or are people of colour[17]
- Lesbians do not engage in violent abuse against their partners because women are not violent.
- A batterer[18] must be physically bigger than the party abused.
- Women in relationships together have equal power.
- Lesbian battering only occurs in S/M or butch/femme relationships.
- Lesbian and gay domestic violence is about ‘mutual combat’, not power and control by one partner over the other. The violence is an ‘equal fight’.
- Violence is a normal part of how some same sex relationships work.
- Men are never victims of domestic violence. It isn’t violence when gay men fight, rather a case of ‘boys being boys’.
- Lesbian and gay domestic violence is ‘sexual behaviour’, a form of S/M which both parties enjoy.
- Domestic violence victims deserve what they get because they provoke the violence.

16. These myths must be exposed and challenged in order to acknowledge and begin to address the problem of same sex domestic violence.

C. Prevalence
There has been considerable research into the incidence of domestic violence in heterosexual relationships. Estimates vary depending on definitional and methodological factors, however, most estimates tend to fall within a range of 20-35%.[19]

While research exploring the incidence of same sex domestic violence is more limited, researchers and workers in the lesbian and gay community generally agree that the incidence of domestic violence in same sex relationships is comparable to that in heterosexual relationships.[20]

Island & Letellier estimate that between 15-20% of gay and lesbian couples are affected by domestic violence[21] and describe gay male domestic violence as "the third most severe health problem facing gay men today", trailing behind only AIDS and substance abuse.[22] They estimate that approximately 500,000 gay men per year are battered by a violent partner.[23]

Some studies also suggest that the rate of violence is higher in same sex relationships. A 1985 study of 1109 lesbians by Gwat-Yong Lie and Sabrina Gentewarrier reported that slightly more than half of the respondents indicated that they had been abused by a female partner.[24] Coleman, in a 1990 study of 90 lesbians reported that 46.6% had experienced repeated acts of violence. Finally, Ristock's study of 113 lesbians reported that 41% said they had been abused in one or more relationships.[25]

Arguably, these estimates substantially under represent the extent of the problem, due to the general reluctance to report or discuss incidents considered to be a 'private' matter between partners, and also because of the impact of a heterosexist and homophobic society which effectively maintains the silence of same sex domestic violence survivors. There exist barriers both within the lesbian and gay community and the wider community to disclosing same sex domestic violence, and both are inextricably linked to heterosexism and homophobia.[26]

Despite the absence of reliable statistics on the prevalence of same sex domestic violence, there is no doubt that the problem is extensive. If we are committed to non violent relationships generally, then the problem of same sex domestic violence must be acknowledged and addressed by both the lesbian and gay community and the wider community.

II. ISSUES IN RESPONDING TO SAME SEX DOMESTIC VIOLENCE

A. The Wall of Silence

The silence surrounding the issue of same sex domestic violence is pervasive. The subject remains largely a taboo subject within lesbian and gay communities. Denial of the problem maintains the silence of victims and effectively condones the violence by allowing it to continue.

Two of the more important factors which account for this silence are:[27] The 'Private' Realm of Intimate Relationships Into Which No One or Thing Should Intrude. Intimate personal relationships have long been regarded as maintaining a special 'private' status, out of reach of state regulation. 'What adults do in the privacy of their own home is their own business and no-one else's', is a principle held in high esteem in our society, at least in relation to heterosexual couples.

Indeed the 'privacy' principle has been a major obstacle in effectively addressing heterosexual domestic violence in terms of disclosure and official responses. The police, for example, have historically shown a great reluctance to interfere in the sacred patriarchal domain of personal (heterosexual) relationships.

Interestingly, 'privacy' arguments have frequently been relied on in efforts seeking to advance the rights of lesbians and gay men, by claiming that sexuality is a personal, private issue which the state has no business regulating.[28] Arguably, such an approach leaves untouched institutionalised homophobia and heterosexism and may serve to inhibit open discussion of same sex abuse.[29] There is a very real danger that adherence to the 'privacy' principle might insulate same sex abuse from community scrutiny. It is not uncommon, for example, to hear the view expressed from within the lesbian and gay community that domestic violence between lesbian and gay couples is a 'private' matter.[30] Reliance on 'privacy' arguments can therefore be seen to have an unintended negative outcome in terms of reinforcing the silence surrounding same sex domestic violence.

The Silencing Effects of a Heterosexist and Homophobic Society

The role of homophobia and heterosexism in maintaining the silence is profound, both on individual survivors and the level of community acknowledgment.[31]

(a) Acknowledgment by the Lesbian and Gay Community

It is unlikely that the heterosexual community will support efforts to address same sex domestic violence unless the lesbian and gay community acknowledges its existence and organises to address the problem. Regrettably, the reluctance of the lesbian and gay community to discuss and address same sex domestic violence is widely reported in the literature.[32]

Much of this reluctance can be attributed to, directly or indirectly, heterosexism and homophobia.

Benowitz persuasively argues that lesbians, in response to homophobic oppression, have placed great importance on building an identity characterised by egalitarian relationships.[33] In essence, the power inequality typical of heterosexual relationships is replaced by 'lesbian utopia'.[34] Benowitz points out that this response to homophobia leads to a perception that domestic violence in lesbian relationships is minimal or non existent.[35]

Many lesbians are reluctant to concede that lesbian relationships are not always equal, that lesbians can be, and sometimes are,
violent towards their partner - just like men. To do so is tantamount to adding to the already substantial arsenal of weapons employed by homophobes to oppress lesbians and gay men.[36]

32. It is apparent that denial of the issue of same sex domestic violence is greater in the gay male community than in the lesbian community.[37] Lundy argues that:

In the gay male community, unlike in the lesbian community, there is little controversy about the issue of domestic violence because there is almost no discussion of it.[38]

33. This is supported by the preponderance of literature covering lesbian domestic violence compared with gay male domestic violence. It is also evident in an Australian context that efforts made to raise awareness of the problem have been at the instigation of lesbian feminists working in the domestic violence movement.[39] It is interesting to note that the first conference on 'Violence in Gay and Lesbian Relationships' in Sydney in 1994 attracted 120, 'primarily lesbian' participants.[40]

34. The role of homophobia and heterosexism is also evident in relation to gay men. Gay men may similarly rely on the view that they are 'more evolved' than their heterosexual counterparts to deny the existence of intimate violence.[41]

35. Alternatively, gay men may have internalised the heterosexist ideal of masculinity which normalises aggression and which views men as initiators of aggression, but never victims.[42] The lives of many women however, as a result of patriarchy and its attendant sexism, have been marred by the violence of male partners, and lesbians have been involved in the domestic violence movement since its inception. Because there is no history of gay male involvement in domestic violence issues, articulation of the problem of domestic violence is more difficult.[43]

(b) Silencing of Victims

Homophobia and heterosexism also prevents individual survivors from disclosing the violence or seeking help. This manifests in a number of ways, which apply both to lesbians and gay men. However, most of the literature focuses on lesbian domestic violence, which is consistent with my comments above on the greater silence displayed by gay men.

36. A party who is abused may:

- fear 'coming out' which may occur if s/he approaches family, the courts, or the police[44]
- feel that s/he is betraying the lesbian or gay community, which is already under attack, by 'accusing' a partner of violence.[45]
- feel that s/he is exposing his/her violent partner to a homophobic criminal justice system if s/he pursues legal solutions. This is a valid concern which needs to be discussed by the lesbian and gay community in terms of what responses to domestic violence should be supported and developed.[46]
- feel that s/he has nowhere to turn for help and fears hostile responses from the police, courts, shelters, and therapists, because of homophobia.[47]

37. Unless the silence created by heterosexism, homophobia and notions of privacy, is confronted, the problem of domestic violence in lesbian and gay relationships will remain closeted. Continued silence poses serious ramifications for lesbians and gay men caught in abusive relationships.

B. The Criminal Justice System

38. The criminal justice system has offered little assistance to lesbian and gay victims of domestic violence.[48]

39. The police and the courts are heterosexist institutions in which homophobia flourishes. It is therefore not surprising that lesbian and gay victims of domestic violence are reluctant to seek legal solutions to 'stop the violence'.[49]

Police Attitudes

The reluctance of the police to intervene in 'private domestics' has been well documented by the women's domestic violence movement. Add homosexuality, heterosexism, and homophobia to the equation and police reluctance to intervene escalates.

40. In some respects this is not surprising when it is considered that in some jurisdictions laws outlawing sodomy are still on the statute books and the police are obliged to enforce the law. Thus, the problem of police attitudes extends much further than individual police. At the heart of the problem is institutionalised homophobia and heterosexism.

41. Gay and lesbian victims of domestic violence cite a range of reasons why they are reluctant to enlist police support:

- The police say that they can't tell who the abuser is, despite often clear physical evidence of injury.[50]
- Police take the attitude that two men 'duking it out' is not domestic violence, just two men fighting.[51]
- The police do not treat the matter seriously because the relationship is homosexual and try to minimise the violence.[52] In the words of one gay male victim:

"My opinion of the police is the same as most other gay men. I'd never have gone to them in a million years. They treat gay violence as a huge joke."[53]

- They will be ridiculed or harassed by police because of their homosexuality.[54]
A general reluctance to report domestic violence because of the history of conflict between the police and the lesbian and gay community including a history of unprovoked violence by the police against lesbians and gay men. Police disbelief that a woman can batter another woman. The police treat gay and lesbian domestic violence as 'mutual fighting' and try to calm the parties rather than ensure the safety of the abused party by pursuing a pro arrest policy. Involving the police risks being 'outed'. The issue of risking alienation from the gay and lesbian community, particularly given the denial surrounding same sex domestic violence and prevailing attitudes towards the police.

The women's domestic violence movement has been active in advocating for a more interventionist and educated police approach to domestic violence. The police have been encouraged to treat domestic violence as a crime rather than a 'relationship issue'. Police Domestic Violence Units have emerged largely as a result of the efforts of the women's domestic violence movement. However, there appears to be little evidence that the education of police has extended to education about homophobia or the issue of lesbian and gay domestic violence.

The Courts

Homophobia and heterosexism also prevents many lesbian and gay victims of domestic violence from seeking and/or obtaining assistance from the courts.

Courts are problematic at the outset for lesbians or gay men who do not wish to expose their sexual orientation. Perhaps more gay men and lesbians would utilise the court system if domestic violence remained a private matter to be dealt with by the Family Court, rather than by an open court. There are of course counter arguments which view as problematic an approach which emphasises the idea that domestic violence is a 'private' matter between the parties. Indeed the thrust of the domestic violence movement has been to move the issue from a private relationship context to one in which domestic violence is recognised by the legal system as a criminal assault.

There are many who consider that it is dangerous and inappropriate for gay and lesbian victims of domestic to engage the assistance of a heterosexist and homophobic institution like the courts. Others argue that the courts are an option on which lesbians and gay men have a right to rely and they should be able to do so free from homophobic attitudes and heterosexist assumptions about the nature of gay and lesbian relationships, and domestic violence.

It is widely reported that gay men and lesbians are often subject to outrageous treatment by many levels of the court system. A major obstacle for lesbian and gay victims of domestic violence in obtaining restraining orders or 'injunctions' against a violent partner is the frequently encountered attitude that same sex domestic violence is "mutual" violence. This often results in the ordering of "mutual" restraining orders, in the absence of any reasonable inquiry into the facts surrounding the application. Heterosexist assumptions about the nature of domestic violence are clearly evident.

Mutual restraining orders are problematic in that they give an abuser another means of control and minimise the harm suffered by the abused person. Furthermore, it is likely that in future instances of violence, it will be assumed that 'mutual' violence has occurred.

Homophobic remarks and a general unhelpful response by court personnel, including Judges, are also major problems for same sex domestic violence victims who approach the court system.

Another issue is that, in order to rely on the legal system, the position of lesbians and gays must be 'heterosexualised'. This can be seen in relation to the battered spouse (wife) syndrome.

In relation to both the police and the courts, there is little reason for lesbian and gay victims of domestic violence to place their faith in either institution. However, lesbians and gay men have the right to protection by the law free from discriminatory treatment. To this end, further education of legal institutions about homophobia and the heterosexist assumptions made in relation to domestic violence, needs to occur. Some progress has been made in police-lesbian/gay community relations in the area of domestic violence, but much more is required.

C. Support Services

Support services or programs specifically addressing same sex domestic violence are limited. Only a handful of cities in the U.S., for example, house such programs or services. Denial by lesbian and gay communities and a lack of political muscle and resources, particularly in centres housing relatively small gay and lesbian populations, contribute to the sparsity of supportive programs. Lesbian survivors of domestic violence may be able to seek the assistance and support of general domestic violence programs, however, these services can be unwelcoming of lesbians, homophobic, or insensitive to the needs of lesbians.

This problem is particularly acute in relation to the accessibility to lesbians of women's domestic violence shelters or refuges. While some shelters are responsive and sensitive to the needs of lesbians, there are also many that are not. Problems have been reported in relation to both admission and treatment while at a shelter.

Shelter workers can be homophobic and/or heterosexist in their attitudes and approach to domestic violence. If workers are responsive to the needs of lesbians, heterosexual residents may be unaccepting and/or openly homophobic. It may also arise that
'straight' shelters blame shelters with openly lesbian workers for damaging their reputation and jeopardising their funding.

The result is that lesbians either do not use 'straight' domestic violence shelters or, if they do, they do not risk divulging their sexual orientation.

It is imperative that shelters examine their accessibility to all women, including lesbians, and work towards the following goals:

- Eliminating homophobia and heterosexism in the shelter with respect to staff, residents, and policy.
- Examination of the myths and stereotypes surrounding domestic violence, and dispelling the myth that it is a male-female problem only.
- An appreciation that while heterosexual victims experience violence within a misogynist world, lesbian victims face a homophobic world as well.
- Reviewing safety screening strategies, recognising that a lesbian abuser may have access to the shelter.
- Ensuring that lesbian survivors are made to feel welcome and their specific needs recognised.
- Educating workers about the issues facing same sex victims, such as coming out to family and friends within the context of an abusive relationship and homophobia within the legal system.

There are indications throughout the world that women's shelters are beginning to address lesbian domestic violence but as is the case with the legal system, more work remains to be done.

Despite the shortcomings of existing shelters, they are still a resource which gay male victims of domestic violence do not have access to. The options available to gay male victims are grossly inadequate. Shelters for gay men have been slow to emerge and reliance on male crisis accommodation raises issues of safety as well as suitability to deal with gay domestic violence.

III. RESPONSES TO SAME SEX DOMESTIC VIOLENCE IN PERTH

The following exploration of the responses to same sex domestic violence in Perth proceeds on the basis that its prevalence is equivalent to that in the heterosexual population.

A. Community Awareness

It is evident that the recognition and acknowledgment of the issue is extremely limited, both within and outside the gay and lesbian community.

1. The Lesbian and Gay Community

The relatively small lesbian and gay population in Perth is a factor which contributes to the lack of acknowledgment of domestic violence. Population size impacts on the level of available resources, political organisation and power, and service provision, all of which are important elements in recognising, acknowledging, and addressing a vast range of issues facing the lesbian and gay community, including domestic violence.

However, putting the issue of population and resource implications to one side, an important question is to what extent the lesbian and gay community in Perth is willing to accept that domestic violence is an issue that needs to be addressed?

There has, to my knowledge, been only one 'organised' attempt to engage the lesbian and gay community in Perth specifically on the issue of domestic violence.

A small group of lesbian and gay workers already working in areas relating to domestic violence and sexual assault formed the 'Outing Sexual Assault and Domestic Violence' (OSADV) group in 1994. The group's aim was to work towards the reduction of all forms of violence in the lesbian and gay communities. Part of their campaign was to raise awareness of sexual assault and domestic violence within the lesbian and gay communities and to encourage those affected by domestic violence and sexual assault to seek assistance. There had been a concern at that time regarding the low proportion of lesbians and gay men who utilised the counselling services provided by the 'Sexual Assault Referral Centre' (SARC).

The OSADV group's activities included the production of stickers, training of counsellors from the 'Gay and Lesbian Counselling Service' (GLCS) on same sex domestic violence and sexual assault, a fund raiser dance and a public meeting to discuss the problem. Gay and lesbian media (West Side Observer, Hot Gossip, Grapevine) also ran articles produced as part of OSADV's campaign.

Response to the campaign was minimal. A member of the group expressed the view that the disinterest shown by the lesbian and gay community reflected an underlying reluctance to discuss and acknowledge such a confronting issue.

OSADV is no longer operational, primarily due to the lack of support and interest from the gay and lesbian communities. Those involved, who were already employed in other capacities, could not sustain their level of involvement in the absence of grassroots support. It is of note, however, that an attempt to reactivate the group is planned to coincide with a domestic violence conference to be held in Perth in August of this year. The Conference program includes a workshop on same sex domestic violence.

Apart from OSADV, the issue of domestic violence has not been addressed specifically by any gay or lesbian group or organisation. The Gay and Lesbian Counselling Service do provide support and referral in relation to domestic violence but this is
It is interesting to note that an examination of gay and lesbian media publications reveals an absence of coverage of domestic violence, other than the articles generated by OSADV during their short campaign and the recent coverage of the battered spouse syndrome in the McEwan case.

It would appear therefore, that most in the lesbian and gay community in Perth 'don't want to know' about domestic violence within their relationships.

Further, it is arguable that the gay male community in Perth 'don't want to know' even more than the lesbian community. There are several lesbians who are active in the domestic violence movement in Perth who were instrumental in the OSADV group and who maintain a commitment to lesbian victims of domestic violence. However, there is not an equivalent interest in gay male domestic violence.

Discussions held with members of OSADV and GLCS revealed the following reasons to explain the reluctance of the lesbian and gay community in Perth to acknowledge domestic violence:

- The issue is too confronting - there is a reluctance to admit to such a problem when lesbians and gay men are endeavouring to forge a positive identity.
- The small community raises issues of anonymity which deters people from coming forward on the issue, especially victims or abusers.
- A reluctance to 'air our dirty linen in public'.
- The myths that women aren't controlling or manipulative and that domestic violence is a 'heterosexual only' problem.
- Violence is a normal part of lesbian and gay relationships.
- Many do not want to disturb the belief in 'lesbian and gay utopia'.
- Violence in relationships is a private issue.

2. The Wider Community

Discussions held with organisations maintaining an involvement in domestic violence issues indicated a general acknowledgment that domestic violence in lesbian and gay relationships occurs, but no particular focus was placed on, or resources directed to, domestic violence in that context.

It is unlikely that domestic violence services will become more accommodating of the needs of victims of same sex domestic violence in the absence of an organised lesbian/gay lobby group backed by a lesbian and gay community committed to addressing the problem.

B. Avenues of Assistance

1. The Legal Position

Western Australia does not have specific protective domestic violence legislation. Person who are assaulted or harassed by their partner must rely on existing general provisions under the Criminal Code(WA), the Family Law Act(Cth), and the Justices Act (WA).

Of the available provisions, restraining orders and arrest for assault and/or stalking are not limited on the basis of sexual orientation and so technically, these remedies are available to homosexuals as well as heterosexuals. However, non molestation provisions under the Family Law Act appear not to be available to lesbians and gay men because such orders relate only to 'legal' marriage.

2. The Police

There is a minimal focus by the police in WA on domestic violence within a lesbian and gay context.

The WA Police Force funds a Domestic Violence Unit with three officers. One of the functions of the Unit is to arrange and conduct training for officers on domestic violence. There is no particular focus on gay and lesbian relationships other than a cursory reference to the fact that domestic violence occurs irrespective of race, class or sexuality. The training is not extensive - new recruits receive about one hour training on domestic violence and current officers receive anywhere between two hours to a day. Furthermore, domestic violence training is not compulsory and is dependent on the priorities and approach taken by the Regional Training Officer for each district who is responsible for the training needs of their district.

Police Officers are required to complete a 'family incident report' in domestic violence situations, and this form has included for the past 12 months, a category indicating whether the relationship is gay or lesbian. However, as yet, police data services have not collated and produced any print out on the incidence of lesbian or gay domestic violence. In any event, incidence statistics will under represent the true extent of the problem due firstly to the reluctance of lesbians and gays to report to the police, secondly the failure of officers to complete the incident forms, and thirdly because of a failure by police to recognise and identify the situation as one of domestic violence.

The WA Police Force has no official gay/lesbian liaison officers, unlike their Sydney counterparts. Such a role has unofficially been attached to the position of Superintendent in Charge of the Community Services Command in Cannington. His role has been n
3. The Courts

80. It is intended that two ‘official’ gay/lesbian liaison officers will be appointed during 1996. The role of these officers in relation to domestic violence is at this stage unknown but they will provide an avenue through which gay and lesbian domestic violence concerns can be channelled and hopefully addressed. The extent to which this is achieved, of course, will depend on the effectiveness of lesbian and gay lobby groups in ensuring that domestic violence is a police liaison priority.

81. There has been no research done in WA detailing the attitudes and practices of the police toward lesbians and gay men. However, my discussions with GLCS and a perusal of the West Side Observer indicates that lesbians and gay men are reluctant to seek the assistance of the police generally because of widespread homophobia in the Force.

4. Support Services

(a) Shelters

86. There are no shelters in Perth specifically for lesbians or gay men escaping domestic violence.

87. Lesbians may utilise refuges available generally for women seeking safety from a violent partner. There are fourteen women’s refuges in Perth, ten of which service women with children, and four which cater for women without children. There are also thirteen refuges servicing country regions.

88. The majority of refuges do not make any special provisions for lesbians and generally locate domestic violence within a heterosexual context. There is also some evidence within the women’s refuge movement of a move away from a broader, feminist perspective to a more narrow, service delivery approach, which focuses on the day to day problems of running a refuge. Such a trend is unlikely to be conducive to the consideration of lesbian domestic violence issues.

89. There is little doubt that those refuges with lesbian workers provide a service which appears more responsive to the needs of lesbians. Approximately three years ago, a survey of women’s refuges was conducted to ascertain how comfortable they were about taking lesbian residents. Only three out of the twelve surveyed indicated that they felt comfortable about accepting lesbians into the refuge.

90. There still exists, however, a core group of refuges in Perth which do take a broader feminist perspective. Two of this core group report that they frequently have lesbian residents. The presence of openly lesbian workers at these refuges is an important reason why lesbians seek their assistance and feel comfortable about disclosing their sexual orientation. Moreover, these refuges display a commitment to providing a service which is non discriminatory. The need to eliminate racism and homophobia is emphasised and educative work is conducted as required with workers and residents to ensure a non discriminatory service.

91. For gay men, there are several crisis accommodation services but none of these focus on domestic violence issues.

92. A.C.R.A.H. is one which reports that gay men escaping domestic violence have used the service. The Co-ordinator indicated that gay men are sometimes referred to the agency probably because A.C.R.A.H. was “more open and non judgmental”, which translates to less homophobic. The presence of gay male workers adds further to the accessibility of the service to gay men.

(b) Counselling and Support Services
There exist in Perth some generic counselling services which provide domestic violence counselling to victims and/or abusers, for example Women's Health Care House, Relationships Australia and SARC.

These services indicated that lesbians and gay men infrequently sought their assistance in relation to domestic violence. Indeed, the small numbers of lesbians and gay men seeking counselling at SARC prompted the formation of the OSADV group discussed above. It is also of note that SARC is the only general service which refers in its educational literature to the fact that assault occurs in same sex relationships as well as heterosexual relationships. The other general counselling services do not preclude lesbians and gay men but they do not make any direct efforts to include them.

With respect to private counsellors, there are two which advertise in the Perth Lesbian and Gay Business Directory, Q pages, as well as in local gay and lesbian papers. Both advised me that they 'very occasionally' counselled lesbians or gay men involved in abusive relationships.

The Gay and Lesbian Counselling Service (GLCS) is the only gay/lesbian service which provides counselling and support in relation to same sex domestic violence. GLCS relies on volunteer counsellors who provide a phone counselling, information and referral service for lesbians and gay men on a range of issues, including domestic violence. Counsellors receive training in a variety of areas, including domestic violence.

Statistics kept on the nature of calls reveals a fairly small number identified as 'sexual assault/abuse/domestic violence' (Eleven calls for the period January-March 1996). However, the figures are misleading and do not take account of callers who identify their problem as 'relationship difficulties' or 'alcohol/drug related' rather than one of abuse or assault. This is not surprising given the denial in the lesbian and gay communities that domestic violence is a problem.

A counsellor I spoke with who had worked for several years with GLCS supported this view:

In the seven years that I have been with GLCS, domestic or intimate violence hasn't come up very often. There is a reluctance to discuss the issue and a general lack of reporting, even to GLCS.

He suggested further that gay men in Perth were less prepared than lesbians to acknowledge that domestic violence occurred in their relationships. Further, reporting to the police is minimal due to the fear of discriminatory treatment at the hands of the police.

The WA AIDS Council and Men's Health Centre do not focus on domestic violence issues.

CONCLUSION

In order to effectively address the issue of same sex domestic violence, the silence surrounding this issue must be confronted. Denial within the lesbian and gay community must be overcome. Further, homophobia and heterosexism must be challenged at all levels of response. As Bricker explains:

There is virtually no area, from victim emergency services to police and judicial responses to the batterer, where homophobic attitudes do not colour the way same sex intimate violence is treated.

To break the silence, strong grassroots initiatives aimed at raising awareness and promoting discussion and acknowledgment of the problem within the lesbian and gay community, is crucial.

In terms of the provision of support services, the collective efforts of both the lesbian and gay community, and the heterosexual community, is vital. It is important, given scarce resources, that responses be developed both from within the lesbian and gay community and by utilising existing 'heterosexual' domestic violence services. Whilst lesbian and gay specific domestic violence support programs have begun to emerge in some of the larger U.S. cities, it is questionable whether such services are viable in a small city like Perth.

Pressure must be placed on legal and non legal organisations dealing with domestic violence to eliminate homophobic attitudes and heterosexist assumptions, thereby providing services responsive to the needs of lesbians and gay victims of domestic violence.

The bottom line, however, is that until and unless the lesbian and gay community acknowledges the existence of domestic violence in same sex relationships, and indicates a commitment to ensuring victims are adequately supported, progress is unlikely. In Perth, to date, that acknowledgment and commitment has been inadequately demonstrated.

NOTES


Whilst I use the term ‘victim’ throughout this paper it is not intended to convey or reinforce the view that persons who are on the receiving end of violence by a partner are relegated to the general status of ‘victim’ and thus disempowered.

The term 'battered' features prominently in the U.S. literature. I will use the term interchangeably with: ‘survivors’, ‘abused person’, and ‘victim’. Similarly, ‘batterer’ is used interchangeably with ‘abuser’.
This issue will be discussed further in Part II.

These two factors are of course in addition to the more general reasons why victims of domestic violence, irrespective of sexual orientation, do not disclose the violence or seek assistance, for example low self esteem, fear of reprisals, economic dependency, feeling responsible for the violence and so on. See generally Island & Letellier, n 12, supra, at 93-98.

For example, the 'privacy' argument was relied on in challenging the Georgia statute criminalizing sodomy, in Bowers v Hardwick 478 U.S. 186 (1986)

See for example 'Hitting Close to Home', n 13, supra, at 6.


See n 13, at 6; Benowitz, ibid, at 199.

See n 13, at 6; Benowitz, ibid, at 199. The AIDS virus is also an example where negative publicity has been used as a weapon against homosexuals, see Szymanski, n 20, supra, at 19.

Lundy, n 10, supra, at 282.

For example the Melbourne Lesbian Violence Action Group and the Hobart Coalition Against Sexual Assault and Domestic Violence.


See Lundy, above n 10, supra, at 282.

id.

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id.

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See Lundy, above n 10, supra, at 282.

id.

'Battered Lovers - The Hidden Problem of Gay Domestic Violence', The Advocate(LA), March 4, 1986, at 43. It would seem that gay men, in dealing with domestic violence, would benefit considerably from an injection of feminism.

Benowitz, n 32, supra, at 200.

Taylor & Chandler, n 32, supra, at 54.

On the issue of whether solutions to same sex domestic violence should be sought outside or within the lesbian/gay community, see Robson, n 32, supra.

Benowitz, n 32, supra, at 200; and Cook, n 13, supra, at 7.

Snow, n 34, supra, at 62.

Ristock, n 25, supra, at 422, reports that 82% of lesbians surveyed did not contact the police. See also Nealson, P. 'Gays, Lesbians Also Feel Domestic Violence', The Boston Globe, June 1, 1992, at 15.

Snow, n 34, supra, at 62.

Lundy, n 10, supra, at 273.

Bricker, D. 'Fatal Defense: An Analysis of Battered Woman's Syndrome Expert Testimony For Gay Men and Lesbians Who Kill

[53] Kirby & Kemp, ibid, at 6.

[54] id.


[56] Kingston, n 52, supra.

[57] Bricker, n 52, supra, at 19.


[59] Bricker, n 52, supra, at 21.

[60] Ristock, n 25, supra, at 423.

[61] For example, in the Los Angeles Police Academy, recruits receive 8 hours training on domestic violence but there is no focus on same sex battering: Garcia, J. 'The Cost of Escaping Domestic Violence', Los Angeles Times, May 6, 1991, at 32.

[62] Lundy, n 10, supra, at 291

[63] Bricker, n 52, supra, at 1426; Robson, R. 'The Violence Among Us', Lesbian Outlaw, Firebrand Books, New York, 1992, at 161. The issue of whether a restraining order or injunction is an effective means of protection, however, is an important question which must also be borne in mind when considering whether to seek such a remedy.

[64] Lundy, n 10, supra, at 291

[65] Robson, n 63, supra, at 161

[66] id.

[67] A detailed analysis of this issue is, however, beyond the scope of this paper. For a comprehensive discussion of this issue see Bricker; n 52, supra, and Robson, n 63, supra.


[69] Ristock, n 25, supra, at 418; Bricker; n 52, supra, at 1395; Lundy, n 10, supra, at 287-88.

[70] Bricker, id; Renzetti, n 20, supra, at 160-161.

[71] Morrow & Hawkhurst, n 32, supra, at 58; Lundy, n 10, supra, at 288; Taylor & Chandler, n 32, supra, at 56.


[73] For a general discussion of these issues see Geraci, L 'Making Shelters Safe For Lesbians', in Naming the Violence, n 6, supra, at 77-79.

[74] Pharr, S. in Naming the Violence, n 6, supra, at 204.

[75] Lundy, n 10, supra, at 273.


[78] Snow, n 34, supra, at 62.


Discussions were held with The Legal Aid Domestic Violence Unit, Police Domestic Violence Unit, Relationships Australia, Women's Health Care House, and the Women's Refuge Group. It should be noted that whilst the Women's Refuge Group does not focus directly on lesbian domestic violence, particular refuges are more active in ensuring their service is sensitive to the needs of lesbians.

S 172 of the Justices Act (WA) 1902.

Criminal Code (WA), S 564 on powers of arrest, S 338D of the Criminal law Amendment Act 1994 on Unlawful Stalking.


The main issues raised being gay beats and street violence.

See Part II for a discussion of the reasons why the assistance of the courts is not sought.

As reported by the Legal Aid Domestic Violence Unit.

This survey was conducted by one of the refuge workers.

Bricker, n 52, supra, at 1386.

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Snow, K. 'The Violence at Home', The Advocate (L.A.), June 4, 1992, at 60.


ORGANISATIONS CONTACTED

- A.C.R.A.H. INC
- Domestic Violence Action Group WA
- Dr. Vivienne Cass: Clinical Psychologist and Psychotherapist
- Kathy Day: Registered Psychologist
- Legal Aid Commission: Domestic Violence Unit
- Men's Health Centre/AIDS Council
- Nardine Women's Refuge
- Pat Giles Women's Refuge
- Perth Inner City Youth Service
- Relationships Australia
- Sexual Assault Referral Centre
- The Gay and Lesbian Counselling Service
- WA Police: Community Services Command and Domestic Violence Unit
- West Side Observer
- Women's Health Care House
- Women's Refuge Group WA

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