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# VICTORIAN INSTITUTE OF FORENSIC PATHOLOGY



DEPARTMENT OF FORENSIC MEDICINE  
MONASH UNIVERSITY

57-83 Kavanagh Street, South Melbourne  
Victoria, Australia 3205  
Telephone, National (03) 648 4444, International +613 648 4444  
Fax, International +613 629 7353

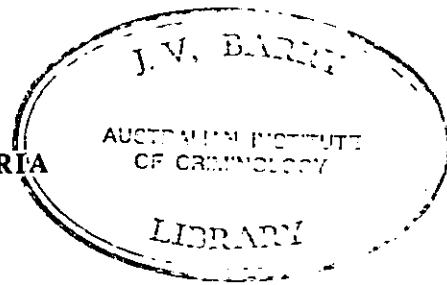
## HOMICIDE IN VICTORIA

**K. POLK & D. L. RANSON**

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## HOMICIDE IN VICTORIA



### A. INTRODUCTION

Homicide must occupy a central position in any serious inquiry in the question of violence in contemporary Australia. Movies, television, newspapers, even detective novels, give murder a prominence among lay audiences which cannot be ignored (although, as we shall see, the image of murder that is conveyed is often inconsistent with the facts of homicide). For the professional, the seriousness of homicide assures that it receives due regard, while its relative rarity poses significant problems for systematic analysis.

Fortunately, we have reached a point where a large body of knowledge is being compiled about the nature of homicide in Australia. In recent years there have been major studies of murder conducted, such as the work of Grabosky and others in South Australia (1981), the two analyses of homicide in New South Wales conducted under the auspices of that state's Bureau of Crime Statistics and Research (Wallace, 1986; Bonney, 1987), and the more recent work of Kapardis in Victoria (eg, his recent study of mass murder, Kapardis, 1989).

From these, we can begin to draw out some of the basic facts about homicide. These tell us, for example, that over recent years the homicide rate in Australia, despite the message that might come through the media, has been relatively stable, and is, in fact, probably quite a bit lower than in such earlier years as the 1900 to 1910 period. There was probably more, not less, murder on a rate per person basis in the "good old days" (see Wallace, 1986:24-25).

We know, as well, that the homicide rate for Australia is much lower than in some other countries such as Guatemala, El Salvador, Colombia, Mexico, or the United States in the Americas. At the same time, it is considerably higher than in such Western European countries as Belgium, The Netherlands, England, or Ireland (among others) (Wallace, 1986:22; Grabosky, et al., 1981:17).

Regarding those who commit this offence, research indicates that homicide offenders in Australia are predominantly male (in the range of 80-85%), are mostly over the age of 25 (in the range of 66%), and that slightly more than half (55%) have had a prior adult criminal record (Wallace, 1986; Grabosky, et al., 1981). Relatively few of the offenders come from middle to upper class occupational backgrounds (less than five percent), with roughly one-third being unemployed (Wallace, 1986:47).

Data from New South Wales about the nature of the offence itself indicate that homicide occurs about half the time in a home (of either the victim or the offender), that it is slightly more likely to take place on Saturday in contrast to other days of the week, and that the great majority of homicides take place between 3 pm and 3 am. Guns are, slightly, the most frequent weapon (used in roughly one-third of the cases), followed by knives or "manual means," and with less frequency by an axe, hammer or other heavy object (Wallace, 1986:65-77).

## The Victim Offender Relationship

A major focal point of research into homicide has been the nature of the relationship between victim and offender. It was Wolfgang's (1958) early investigation in the United States which has played a major role in directing attention of research on homicide to the nature of this relationship. Wolfgang acknowledged his debt to the even earlier work of von Hentig (1979) who referred to what he termed the "duet frame of crime."

Drawing upon von Hentig's observation that the victim often "shapes and moulds" the criminal, Wolfgang (1958) argued for the importance of focusing on the nature of the interaction between victim and offender, pointing out that a weakness of much criminological work is that it analyzes either victims or offenders separately, rather than as interdependent participants in an inherently social event. The notion of the importance of analysis of the social event represented by homicide has been echoed in the more recent work of Silverman and Mukherjee (1987) who see such events as involving at least two actors in a "...social relationship that plays a dynamic role in the way that the homicide unfolds." (Silverman and Mukherjee, 1987: 37) These writers then go on to argue that the social relationship between offender and victim should be a central feature in the sociological analysis of homicide.

The early ideas of Wolfgang can be seen as influencing a considerable volume of recent work which focuses on one or another aspect of the relationship between victim and offender. A common form of that analysis, especially in the U.S., is to distinguish three broad categories of possible relationships between offenders and their victims: family, friends/acquaintances, and strangers. Writers such as Hewitt (1988) or Reidel and Zahn (1985), for example, report that "stranger" homicide is relatively rare in comparison to other forms of homicide, or put another way, by and large the person who has been killed is likely to have known the person who has done the killing. Some have focused on particular types of victim offender relationships in homicide, such as the work on "stranger" homicide of Langevin and Handy (1987), or the analyses of homicide and intimacy done by Zimring, Mukherjee and Van Winkle (1983) or Silverman and Mukherjee (1987).

As is true in overseas research, Australian studies have found that homicide is rarely the work of strangers, this being true in just under twenty per cent of the homicides in New South Wales (Wallace, 1986:83), and an even smaller proportion, ten percent, in South Australia (Grabosky, et al., 1981:41). To put the matter properly, homicide is most likely to involve some form of close relationship. Wallace observes:

Homicide in New South Wales is a crime which typically occurs between intimates; four out of five victims knew their attacker, and in a majority of cases, their relationship was a close one. The family was the most common venue for these homicides (Wallace, 1986:93).

As these studies have begun to build a relatively large body of knowledge about the nature of the relationships that exist between homicide offenders and victims, a need is emerging for better ways of classifying the possible relationships between victim and offender. Some writers have attempted to manipulate the existing categories in an effort to make them more informative, as in the distinction made by Zahn and Sagi (1987) between "stranger" homicides where a felony was involved, vs. those where no felony took place, or the research of Zimring, Mukherjee and Van Winkle (1983) which specified "spouse and romantic involvement" homicides from wider categories such as "family" or "friends."

The reasons for seeking alternative categories, we would argue, are found in the fact that while the simplified scheme of "family" vs. "friends" vs. "strangers" was useful in its initial formulation, these ultimately are not satisfactory for expressing the nature of the interaction between the actors involved in a homicide. Indeed the previous simplified classification by amalgamating cases into a smaller set of groups eliminates the possibility of exploring the wide range of social relationships that are associated with different types of homicide. Wallace reported that early in the development of what became a "typology" of homicide, it was necessary to differentiate analysis by gender, because, for examples, women were most likely to be victims of a homicide within the family, while men were most likely to be victimized outside of the family (Wallace, 1986:93)

The purpose of the present study is to draw upon files of unusual depth to determine the extent to which a more detailed and careful analysis of the relationship between victim and offender and the nature and circumstances of the act of killing will reveal patterns that extend our understanding of the nature of homicide. It will be assumed that homicide is a social event which is to be understood by examining closely the specific nature of the dyadic relationship between victim and offender that occurs in the course of events which lead to a homicide. The purpose will be to assess if a different and more detailed approach to classifying the relationship between homicide victims and offenders might produce greater insights into the nature of homicide that the existing schemes which basically differentiate relationships involving "family," "friends or acquaintances," or "strangers."

## **B. Methodology**

The methodology to be employed will consist of a content analysis of extensive case histories of homicides which have been prepared from the 1985 and 1986 homicide files of the Office of the Coroner of the State of Victoria. The research is essentially qualitative in nature, and aims to draw from these files the various distinct scenarios and features that describe the relationship between the homicide victim and offender.

Developing an understanding of the nature of homicide in Victoria requires an analysis of the criminal laws relating to homicide, the nature of the investigative process employed in cases of suspected homicide involving both police and coroner, and then the specific files created for the present investigation.

### **1. The Law of Homicide in Victoria**

At a simplistic level the definition of homicide is easy. It has been phrased in a variety of ways but in essence it amounts to "the killing by whatever means of one human being by another." It is at this point that the problems really start.

The first problem to be dealt with is that of legality or illegality in such killing. Society has always recognized lawful homicide. In days gone by the classification of a man as an "outlaw" rendered him beyond the law's interest and protection and any person killing him was immune from prosecution. Today society recognises lawful homicide in a variety of ways including acts of war and judicial execution and although capital punishment is not the normal practice in some countries in the world it is usually to be found as a potential punishment somewhere in that country's legislation. (for example, in the United Kingdom

although capital punishment for murder has been abolished, capital punishment remains a valid form of punishment for certain offences such as treason.)

The next level at which a society recognizes acceptable homicide within its community is that of unlawful but excusable homicide. This can take a variety of forms, however, it is most easily understood in the areas of reasonable self-defence. It is also seen by the way in which society came to terms with the introduction of the motor car. In the early days the car was looked on with a mixture of fear and loathing by many and manslaughter was the usual charge leveled at drivers causing death on the road. Later with the integration of the motor car into society the refusal of juries to convict drivers of such an offence forced legislators to formulate a distinctly separate offence to deal with these cases (Culpable driving, Causing death by dangerous driving.). At the other end of the spectrum we might refer to situations in which the offender was in such a mental state for society to excuse their personal liability for what would otherwise be an unlawful homicide.

Turning to the major issues that arise in unacceptable unlawful homicide we come first to the crime of murder. It is remarkable that the statement of Sir Edward Coke, (*The Third Institute*, published 1642-44) is still the basis for the definition of murder today:

"Murder is the unlawful killing of any reasonable creature in being and under the Queens Peace, with malice aforethought either expressed or implied, the death following within a year and a day."

Many of the terms used by Coke in his definition have been subject to much interpretation and refinement by subsequent judicial systems, however they still retain much of their original meaning at least to the lawyer if not to the lay person. Within Australia, however, the Common Law offence has been codified in many States to a level at which *many if not all of the terms of art as stated in the definition of murder by Coke are to be found to form the basis of the offence in the criminal code.* In order to examine the law of homicide in Victoria we must consider both the external elements of the offence of murder and the relevant internal or mental elements.

Clearly, the death must occur within the jurisdiction of the relevant State in which the defendant is to be tried so that the Court has jurisdiction to hear the matter. In *Ward v R* the issue arose as to whether or not the deceased person was in the State of Victoria when he was struck by the fatal shot and the question arose as to the precise location of the border between New South Wales and Victoria. It was conceded by the Crown in that case that the location for the issue of jurisdiction was determined by the place where the killer's act took effect on the victim.

The question of the liability of the defendant is relevant with regard to age with Section 335 of the Crimes Act of Victoria setting down the age limit of 8 years. Although we will be coming to the issue of mental state it is clearly appropriate for a conviction of murder for it to be shown or assumed that the defendant was sane. Similarly it must clearly be shown that the killing was indeed unlawful and not part of a judicial execution and not self defence. It is clear from Coke's definition of murder that the individual killed must be "any reasonable creature in being" and in particular the case of *R v Hutty* [1953] V.L.R. 338, the Common Law principle applicable in Victoria, was stated in relation to a legal person capable of being murdered. In this case, the issue was stated in relation to a baby, as not being legally a person until the child is fully born in a living state. This was further defined as being fully and completely born when it is completely delivered from the body of its mother and has a separate and independent existence. The definition goes on and states that the child should have been fully extruded from the mother and be

living by virtue of the functioning of its own organs although the umbilical cord may still remain attached.

Clearly it must be shown that the defendant's act caused the victim's death and the general principle that the defendant must take the victim as he finds him applies in that a pre-existing weakness on the part of the victim contributing to the death at that time is irrelevant as a defence to a charge of murder. In general terms, a factual link must be shown between the defendant's act and the victim's death but this link need not be necessarily direct. The fundamental provision in relation to intervening acts is stated in relation to the general rule that the injury must form a substantial and operating cause of the victim's death to make the defendant liable and the phrase that is commonly used is that death must flow from the wound. Clearly if medical treatment is not available to the victim or if in certain cases such treatment was negligent it would not necessarily break such a chain of causation as in essence the death still flows from the original wound despite the poor quality of the management of that wound. The Human Tissue Act has now resolved the issue regarding the discontinuation of ventilatory support in the brain dead and this scenario does not break the chain of causation.

It is a general principle within the offence of murder that a person intends the natural consequences of their acts, however, the issues of automatism and other forms of involuntary conduct are usually considered as matters for defences to a charge of murder rather than as a specific element of the offence itself. Within Victoria the mental element must be proved by the prosecution and it must be shown that the defendant acted with an intention to kill or to inflict grievous bodily harm or in the knowledge or belief that death or grievous bodily harm will probably result from the act. The English courts in the past have suffered great difficulty with the issues of subjective and objective assessment of reckless behaviour in relation to the knowledge or belief that death or grievous bodily harm would result. However, in Victoria such knowledge or belief is decided by the jury on a subjective standard.

There are a series of circumstances where despite the lack of an intent to kill, a murder conviction may stand. This occurs where a defendant kills in the process of escaping from lawful custody or while resisting a lawful arrest. However, it must be shown that there is, in these circumstances, an intention to use force and knowledge on the part of the defendant that they were in fact preventing their own lawful arrest. Section 3 of the Crimes Act deals with the legal issue of constructive malice and is a specific statutory provision where a person may be found guilty of murder in circumstances where death is clearly unintentional. In this circumstance, the death must occur as a result of an unlawful killing by a violent act of the accused person. The act must also be a conscious and deliberate act which was done in the furtherance of a crime, the necessary elements of which include violence. It is relevant that the crime in which this act is done in furtherance of should be a crime which has as a legal element the concept of violence, such as robbery. Prosecution under Section 3A is not applicable if the death occurs in the furtherance of a crime which does not have violence as its element even though the killing was done in a violent manner.

## Manslaughter

Manslaughter could be defined as murder without malice or forethought, however, this is a gross over simplification. In general terms, manslaughter is divided into two forms; voluntary and involuntary. Voluntary manslaughter occurs where the defendant intends the victim to die or intends grievous bodily harm but due to some lowering of the liability in relation to the particular circumstances of the case such as provocation or excessive force in self defence, the crime is lowered from one of murder to manslaughter. Involuntary manslaughter occurs in situations where the prosecution does not contend there was an intent to kill or do grievous bodily harm. It occurs in several sets of circumstances and these are basically those of criminal negligence, a battery causing death and the results of an unlawful dangerous act. These categories differ from each other with regard to the nature of the test used to assess the danger of the act that was apparent in the mind of the person inflicting the injury. In the cases of manslaughter by criminal negligence and manslaughter by unlawful dangerous acts, the test the jury applies is an objective test i.e. what the jury thinks of the act, whereas in the case of manslaughter by battery, the test is a subjective one i.e. what the defendant actually believed.

## Child Destruction and Infanticide

These special offences have an interesting history but their presence in the body of Anglo-Australian law is a reminder of society's values when it comes to the killing of young children. The offence of child destruction deals specifically with infants who have not yet been fully expelled from the mother and are therefore either in utero or in the process of being born. Such children escape the compass of the definition of murder which, as mentioned above, requires that the child be fully expelled from the mother and have an independent existence before being killed. The essence of this offence lies in the fact that the unborn child is a child capable of being born alive at the time of the killing. Clearly this offence overlaps greatly with the issues surrounding abortion which, in countries where this medical procedure is permitted, the enabling legislation merely renders the practitioner immune from liability for child destruction provided certain medical and social requirements are met.

Infanticide, on the other hand, is more closely allied to the offences of murder and manslaughter in that it involves the killing of a separate individual in circumstances which, were it not for the specific offence of infanticide, would amount to the offence of murder. It involves the killing of an infant in the first year of life by the wilful act of the mother who, at the time of the killing, was affected by the consequences of giving birth or of lactation. Such medically archaic terminology translated into modern terms invariably refers to the situation where the mother is affected by a severe form of post-natal depression. The law therefore seeks to in some way mitigate what would otherwise be an offence of murder while the mother is in such a debilitated state. This intention would appear on the face of it to be logical and humane, however this offence is not applicable to the mother who, while suffering from post-natal depression shortly after the birth of her second child, kills her first child who is older than one year. For the pathologist in practical terms the possibility of the offence arises where a child is born in the absence of medical support to a young girl who has received no form of ante-natal care and whose pregnancy may not have been noticed by her friends, acquaintances or parents. In such a case the child is often found dead in circumstances where there is concern as to whether the child was stillborn or was killed following delivery. As a

matter of practicality it is often extremely difficult for the pathologist to determine with legal certainty that the child was indeed born alive. In absence of such proof pathologists usually err on the side of caution usually resulting at most in the mother being liable of the offence of concealment of birth.

In general terms the offence of infanticide reduces a potential murder charge to one of manslaughter reflecting the social view that the mother in these circumstances is less responsible for her actions at this vulnerable time.

## **2. The Homicide Investigation**

The rationale for deriving the basic data for the present research relies to a great extent on the progressive nature of the Victorian Coroners Act of 1985. The construction and framing of this legislation has had a major impact on coronial services in the State of Victoria and has transformed the coronial system in that state to a high level investigative agency which exercises its powers with regard to analysis of reportable deaths in very considerable depth. The Coroner's Office is supported in this by the very wide powers of investigation discovery that have been given to it by virtue of the Coroners Act 1985. This modern approach to the Jurisdiction of the Coroner is a remarkable advance within the Victorian legal system and has moved the States Coronial service to the foreground in the eyes of the public, the media and the legal and medical professions. Today it almost certainly represents the most advanced Coronial system in Australia and its operation has recently been commented on favorably in the interim report of the Royal Commission into Aboriginal Deaths in Custody. Whilst the roots of its jurisdiction are still based firmly in its English historical origins its centralisation of responsibility and breadth of enquiry with regard to deaths in the community is unusual in comparison to the more limited traditional Coronial jurisdictions found elsewhere in the world.

In Victoria a death is reportable to the coroner if it is one where the body is in Victoria or where the death occurred in Victoria or the cause of which occurred in Victoria or the death of a person who ordinarily resided in Victoria at the time of death. The deaths in question are those that appear to have been unexpected, unnatural or violent or to have resulted directly or indirectly from accident or injury. Those deaths that occur during an anaesthetic or occur as a result of an anaesthetic and is not due to natural causes. The death of a person who immediately before death was a person held in care. The death of a person whose identity is unknown. A death where a death certificate has not been signed by a legally qualified medical practitioner.

These principal deaths coming before the investigative process of the Victorian State Coroner's Office are defined by Section 3 of the Coroners Act 1985 which also states in Section 13 (1) and (2) that every reportable death which occurs anywhere in Victoria should now be reported centrally to the State Coroner's Office in Melbourne. This ensures a central uniformity of records both with regard to their content and their location and provides a major research facility in relation to deaths and a major repository of data for research into violent deaths.

Section 17 (1) of the Coroners Act 1985 makes an inquest mandatory in cases of suspected homicide. The formulation of the inquest brief before a Coroner in such a case includes statements of relevant witnesses, police reports, specialists' reports by experts in the fields of medicine including psychiatry and where appropriate other specialist opinion evidence that has a bearing on death such as engineering reports, sociology reports etc. In addition



to the brief of evidence, a complete transcript of inquest proceedings is usually available and the brief and transcript are public documents available to researchers.

In addition to the files prepared by virtue of the judicial processes of the Coroner's Office, the Victorian Police Department maintains records at the Homicide Squad Offices of cases investigated by the Homicide Unit. Whilst there is much similarity in the nature of the information in the Coroner's records and the Police records, the Police records in addition show the reaction of the investigating officers to different types of death in relation to their categorisation from the criminal aspects of the investigation of the deaths.

Whilst it is impossible to cover all the eventualities of a potential suspected homicide investigation, it might be appropriate to consider now the general structure of the investigative process that has resulted in the collection of this material.

Although a dead body maybe found in a variety of ways, the reporting of the suspicious circumstances of the death is usually made directly to the police either to a Police Station or to the Central Police Control Room. In either event it is the Central Police Communications Room that takes the initial steps initiating the investigative process. While some discretion is left to the senior officer controlling the Operations Communications Room, the usual scenario would be for the Senior Communications Officer to instruct a local uniformed Police Unit to attend at the scene and to report their findings. This would usually result in the Coroner being informed of the death and in due course in the attendance shortly after by an investigation crew from the local Criminal Investigation Branch. If the case appeared suspicious, the detectives would make arrangements for the Homicide Squad to be contacted and to take over the investigation.

The Homicide Squad officers are divided into a series of crews comprising approximately half a dozen police officers who work an on-call rota system. They would attend the scene and be briefed by both the uniformed officers and the local Criminal Investigation Branch officers and make arrangements with the local Police for preservation of the scene and control of access to the scene. At the same time, the various Specialist Investigatory teams will be contacted and will arrive at the scene to be briefed by the Homicide Squad officers. Such Specialist Investigatory teams include the Scene Photographers, the Crime Scene Examiners, the Specialist Scientific Staff of the State Forensic Science Laboratory in the appropriate area (Ballistics etc) and at the same time the Coroner's Office would make arrangements for a Pathologist from the Victorian Institute of Forensic pathology to attend at the scene and to assist in the investigation of the death.

Whilst the role of the police in this investigation is to investigate the death in relation to any criminal activity that may have taken place, the Coroners duty is to investigate all aspects of the death-explicitly excluding issues of direct criminal liability. As part of the Coroner's investigation it would be normal practice for the Coroner to attend at the scene of death personally accompanied by a pathologist from the Victorian Institute of Forensic Pathology and perhaps other members of staff from the Coroner's Office. The role of the pathologist at the scene is to gain first hand knowledge of the circumstances surrounding the death and the environment in which the body was found. The Pathologist also assists in the general process of investigation by providing medical expertize regarding the issues of mode and time of death to the Coroner and the investigating police officers. The remainder of the specialist work at the scene includes the analysis and examination of the body in situ together with its environment with a report being compiled by the Crime Scene officer regarding the body at the place of death.

When all evidence has been examined at the scene, the body is removed to the mortuary at the Coronial Services Centre in Melbourne and a full autopsy performed with photographic evidence of all injuries regardless of their immediate relevance to the death. The autopsy examination will include all portions of the body and will normally involve x-ray examination of the body as well as detailed section of not only internal organs but the skin and subcutaneous tissue. During this process, officers from the Homicide Squad will attend the autopsy to obtain information regarding the circumstances and cause of death from the pathologist in order to assist them in the investigation of the death in the field.

The subsequent investigation comprising numerous witness statements and usually statements from forensic scientists and crime scene examiners regarding specialist investigation of evidential items removed from the scene and at the time of autopsy. These statements are collated together with the statements from any suspect or individual subsequently charged with a criminal offence in relation to the death. The completed brief of evidence is then summarised by one of the investigating officers from the Homicide Squad and the total brief of evidence is then placed into the judicial process of prosecution and following this process, before the Coroner's Court for a coronial finding.

Whilst this procedure would occur in the majority of cases there are a variety of departures from the routine which have some relevance in relation to the types of death that have occurred. In many cases where the offender is immediately apparent and the case falls into the well circumscribed family or domestic model that has been discussed above, it is not uncommon for the Homicide Squad to transfer the investigation over to the original Criminal Investigation Branch officers who were involved in the initial attendance at the scene. This allows the Homicide Squad to concentrate on cases which, from the investigation squads point of view, are more complex and require a more sustained investigatory effort in specialised areas.

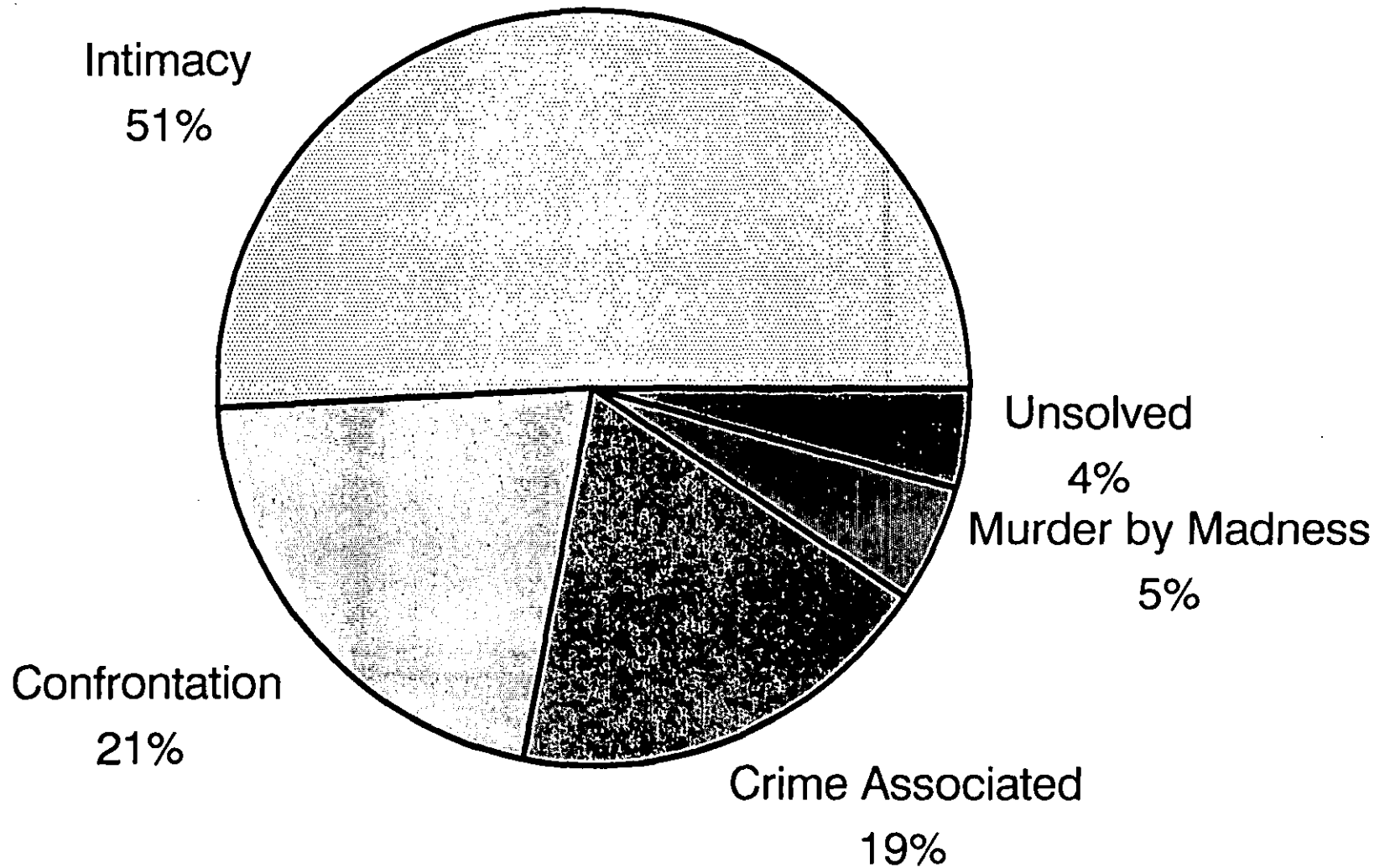
On the completion of the judicial processes in both the Criminal Courts and the Coroner's Court, records become available in relation to the findings both at a criminal level and at a coronial level and these findings are incorporated into the eventual documentation retained either at the Registrar General's Office in Victoria or in the Coroner's Court Records' Office. And they comprise the basic homicide files which are available for scrutiny.

### 3. The Autopsy

The work of Forensic Pathologists is poorly understood even by their medical colleagues. To the public they appear either as strange scientists who work in the morgue or as some all powerful investigator in the mould of the television character "Quincy". To the Police they are often simply seen as the Doctors who tell them the cause of death. The reality of course lies somewhere inbetween and the blame for many of the mistaken beliefs regarding their role falls squarely in the lap of the pathologists for both failing to explain what they have to offer the investigators and failing to develop a separate professional identity recognisable by their colleagues in clinical pathology and colleagues in clinical medicine. In contrast it is interesting that the one group who have a clear and generally accurate view of the scope of the work of the Forensic Pathologist is the legal profession the members of which regularly call on Forensic pathologists to assist them in areas of expertise which the remainder of the medical profession are unaware of.

# HOMICIDE IN VICTORIA

( 1985 - 1986 )



The work of the Pathologist at the scene has been dealt with above however the significance of the information arising out of the autopsy is often not fully appreciated. The identification of the cause of death is the one area of expertise that is generally recognised and yet it usually represent perhaps the simplest of tasks for the pathologist. It requires but little skill to recognise that a man with his head disrupted by a shotgun wound has a fatal wound and will have usually died following a "Gunshot wound to the head" but if the Forensic Pathologist is to assist in the investigation and subsequent prosecution of the offence it is at this point that the real detail of the work begins.

It has been long recognised by Forensic pathologists that wound patterns are not random but that both the type and site of wounds play an important part in reconstructing the events surrounding the killing. In this way a body of expertise has developed that has been accepted and applied by the courts who often have little else but such medical evidence to use in order to arrive at a conclusion regarding the scenario surrounding the killing. In the past such medical opinion has gone towards elucidating individual elements of the physical interaction surrounding a killing that has resulted in macroscopic or microscopic injury. At a general level pathologists have observed that different patterns of injury are not only associated with different specific physical interactions but also with the type of social relationship or interaction between the parties to the killing. Little qualitative or quantitative research has been carried out in this area and this study with its unique source of data provides an opportunity to compare injury patterns with the social interaction patterns surrounding a homicide.

#### 4. The Data

The homicide files which make up the data for the present investigation are all cases of homicide reported to the Office of the Coroner of Victoria for the years 1985 and 1986. These files consist typically of the following materials: (1) a form prepared by the Police which reports the event, the Police being required to complete this form for all reportable deaths, this document providing a source of information about selected social characteristics of the victim, general demographic details as well as a brief initial statement of the circumstances surrounding the killing; (2) a report of the autopsy performed by the forensic pathologists, this document providing a detailed description of the physical state of the deceased, including for present purposes a medical assessment of the cause of death and other injuries present on the body; (3) a Police Prosecutor's Brief, which is an extensive document containing transcripts of interviews conducted with various witnesses relevant to the event, including in some cases transcripts of interviews with the offender; (4) the report of the Coroner's Inquest, which provides a summary finding from the Coroner regarding the cause of death and who contributed to the death; and (5) reports of toxicological analysis of blood and body tissues and other relevant tests conducted upon the victim.

All homicide files for the years 1985 and 1986 were reviewed in order to prepare for each a case study that would consist in most instances of roughly one typewritten page of material, sometimes more, sometimes less, depending upon the data available from the file. Each case study was then subjected to a content analysis to identify the major theme, and minor variations that ran through the case. The result is an analysis that is aimed at identifying the qualities of interaction that describe the relationship between victims and offenders. The intent is to establish the characteristics which define these, and as such will proceed rather differently than, say, a statistical study which attempts to summarize characteristics of either offenders or victims treated separately. In addition The patterns

of injuries were also examined in the light of the nature of the social interactions the study revealed. There were three major themes within which virtually all of these homicides could be classified: (1) killings where there was some link of intimacy which connected the victim and the offender; (2) killings which resulted from a confrontation which developed between two or more males; and (3) killings which occurred during the commission of another crime. There were as well, (4) a few "special cases" which are reviewed separately, since there are distinctive characteristics of these which are not revealed through analysis of the victim/offender relationship. Included in the present report in addition are (5) cases of violent death where the deaths occur in the work place.

The first step of the research consisted, then, of the preparation of case histories for each of the homicides reported for the years 1985 and 1986. In these years, 124 such cases were reported as homicides the Office of the Coroner. It is to be expected, however, that some of these were instances of sudden death where there were suspicious circumstances at the time of the reporting of the death, where investigation revealed that the death ought not be treated as homicide. The next step, then, consisted of identifying these non-homicide files and deleting them from the analysis.

##### 5. The Removal of Non-Homicides and Unsolved Cases

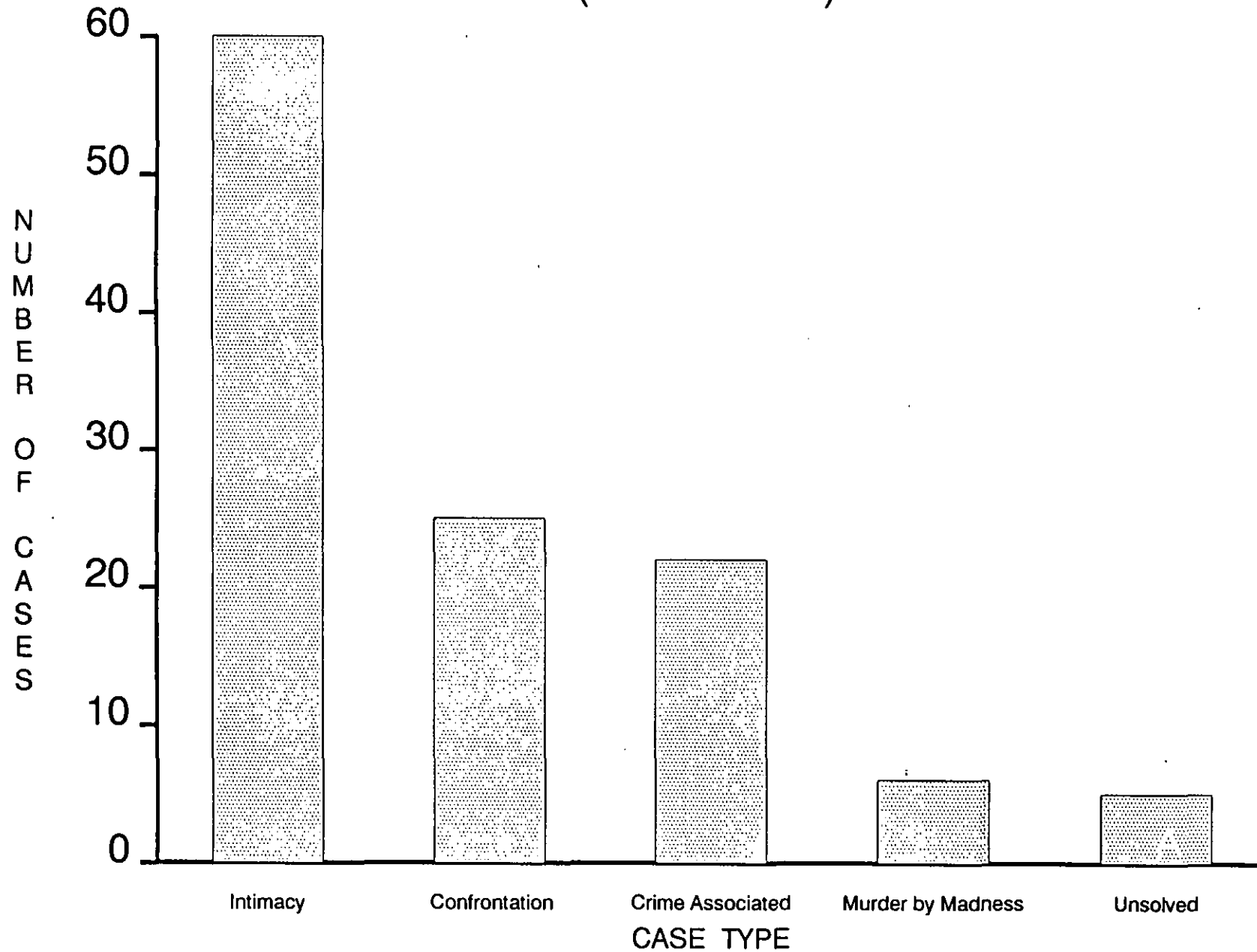
There were two classes of homicide victim files that are not included within the present investigation. First, there were several cases initially classified as homicides at the intake phase of data collection by the Coroner's office which were ultimately determined by the Coroner as to constitute something other than homicide. Some cases initially came to the Coroner's attention as potential homicides, but were ultimately classified as suicide. There were three such cases.

A second reason for excluding some cases is that the Coroner determined that the case consisted of accidental death rather than homicide. Some of these cases involved at a minimum what might be called very suspicious circumstances (for example, one case which closely resembles in clinical and social details other cases of "battered children," or another where a wife is killed by the shot gun of her husband), but it is presumed that the Coroner and the police were in a good position to make the determination that such event were something other than homicide. It must be remembered however that the police and the Coroner must come to their conclusions on the basis of legal burdens of proof and while the coroner is not required to apply the very strict burden of proof required by the criminal law it is entirely possible that some of these cases in fact represent homicides that the judicial system with its inherent bias based on legal proof cannot identify. There were seven such cases, so that in all, the file of homicides for Victoria in 1985 and 1986 is reduced to 117.

There are a further five cases which were unsolved, and which we such that it was impossible to establish the dynamics of the relationship between the offender and the victim. In some cases, despite the fact that the offender has not been identified, it is reasonably clear that the victim was killed in the course of armed robbery or burglary. We can classify these, therefore, as being "homicides in the course of another crime" (see below). In these five cases the facts are definitive regarding the case constituting a homicide, but since nothing is known about either the offender or the circumstances leading up to the lethal violence, these five cases will not be considered in the examination of the relationship between victim and offender.

# HOMICIDE IN VICTORIA

( 1985 - 1986 )



Despite the fact that these unsolved cases have not been analysed in the same detail they are still confirmed homicide cases so we have retained them amongst the total number of homicide cases. Allowing for this the total number of homicides for the 1985-1986 period remains at 117. Subtracting these 5 cases, the 112 remaining were subjected to a social and pathological content analysis to identify the major and minor themes which could be employed to describe the nature of the relationship which existed between the victim and the offender.

### C. THE INTIMACY THEME

A major theme that runs through these cases is intimacy. In Victoria, as Wallace (1986) reports for New South Wales, homicide is an event involving a victim and offender who are intimates. Intimacy here carries the meaning that one might find in a dictionary, namely, a relationship characterized by pronounced closeness. Slightly over half of these homicides (60 of the 117 cases, or 51%) occur where the victim and the offender are bound together in one form or another of a close personal relationship.

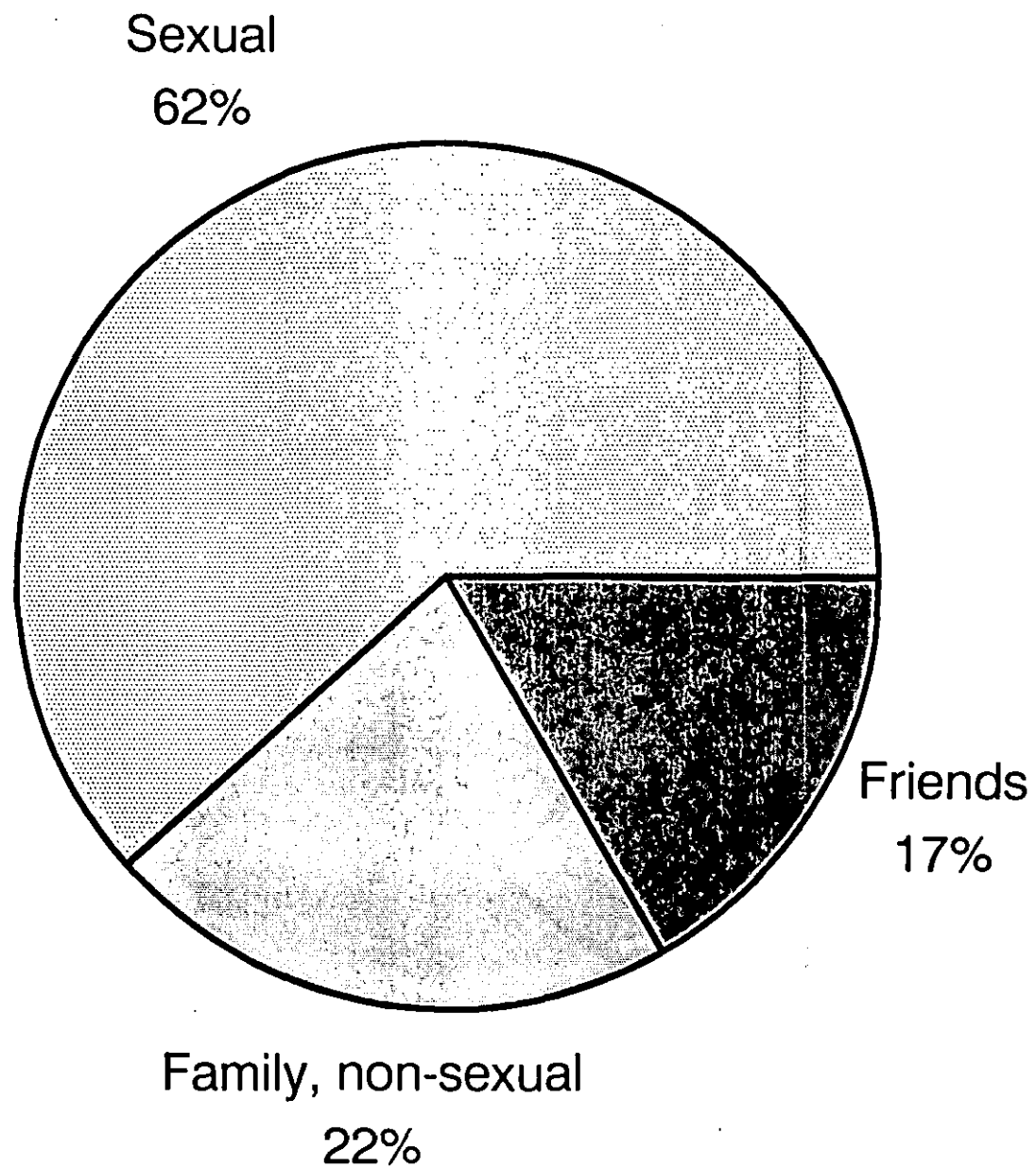
There is a growing body of research which refers specifically to the issue of intimacy in homicide. Zimring, Mukherjee and Van Winkle (1983) in their analysis of "intimate" violence in Chicago examined murders which took place between the sexes, looking specifically at homicides in such intimate relationships as legal marriages, common law marriages and what they termed "romantic involvements" in contrast to those that occur in other victim/offender relationships. Using a similar strategy of examining homicides that occur between the sexes in a Canadian sample, Silverman and Mukherjee (1987) were able to add in information as to whether or not the marriages were "stable" or "unstable" (i.e., characterized by separation or divorce).

The present study will take a somewhat broader view of intimacy, and define three major variations on the theme of intimacy. The largest group were those for whom the homicide originated in an intimate relationship which was sexual in nature (37 of the 60), with "sexual" in this context meaning those relationships clearly based on a sexual or romantic bond, including legal marriages, de facto marriages, and those who are lovers. A second variation (accounting for 13 of the 60 cases of intimate homicide) were those who were linked together by family ties (most of these being children where parents or step-parents were responsible for the death). A third variation consists of persons who had been at some earlier point bound together by friendship (this group making up 10 of the 60 cases of intimate homicide). In terms of their proportion of all homicides, cases involving sexual intimacy constitute 32%, family intimacy 11%, and intimacy derived from friendship 9%. It is perhaps closer to Lundsgaarde's (1977) focus on persons who "interact" with each other on a "regular face to face basis," except that here the term is broadened to include friendship as well as what he terms "familistic" relationships.

From this, it will be seen that we will diverge somewhat from the path taken by either Zimring, et al. (1983) or by Silverman and Mukherjee (1987) in their analysis of intimate homicide. Both of these studies focused exclusively on intersexual homicides in defining intimacy. Lundsgaarde (1977) cast a slightly wider net when he referred to "intimates" in his study of homicide as persons who "...interact with each other socially and economically on a regular face-to-face basis and who usually are status reciprocals in a familistic relationship" (Lundsgaarde, 1977:45).

# HOMICIDES INVOLVING INTIMACY

(60 cases)





Historically theories of intimacy in criminal analysis have been present, albeit in a different form. In the "System Der Kriminalistik" of Dr. Hans Gross such concepts are portrayed in a wider setting of crime than homicide in an analysis of the role of women in the instigation or as an influencing factor in most criminal behaviour. Such a sexist concept would find little acceptance in this form today but it must be remembered that his work was aimed at being a practical text book on criminal investigation for magistrates, police officers and lawyers. It would not alter the practical implication of his exposition of the old adage "Cherchez la femme" to advise the investigator in modern terms to look for the impact of the factor of intimacy in understanding the circumstances surrounding and influencing criminal activity.

It is our belief that the present strategy, which widens the boundaries of the term "intimacy," is appropriate since there are many instances where there are clear bonds of intimacy operating in the dynamic relationship between victim and offender, yet the two are of the same sex. In the case of sexual intimacy, while it is numerically rare, men in sexual relationships with men, and women in sexual relationships with women, also kill their partners. In the family variation of the intimacy theme, fathers (or more likely, step-fathers) might kill their sons, mothers their daughters, brothers their brother, and so on. Finally, once friendship is brought within the boundaries of intimacy, then virtually all of the homicides will involve persons of the same sex (there is only one exception in our files).

### 1. The Sexual Variation of the Intimacy Theme

The first, and major, group of homicides are where some dynamic of intimacy links the victim and the offender or where a marital, sexual or romantic relationship of some sort is found between them. In sharp contrast to other forms of homicide in Victoria, where sexual intimacy is a feature of the intimate bond the great majority of the victims are women. Of the 37 cases which are defined as intimate, 29 (or 78%) were women.

#### a. Sexually Intimate Homicide: Women Victims-Male Offenders

A reading of these files shows that there were clear minor variations which run through these accounts of homicide with women victims. A first involves those cases where women are victims of masculine violence. There appear to be four sub-types of homicides where women are victims and men are offenders.

##### 1) Women Victims in Their "Middle Years"

One, for women in their "middle years" (roughly around 20 up to the middle 40s), which accounts 15 of the 27 cases where women are victimized by men, there was often observed an extreme sense of sexual jealousy, often tied with exceptional premeditation in bringing about the death, combined with a history of violence prior to the homicide, as illustrated in this shortened case history:

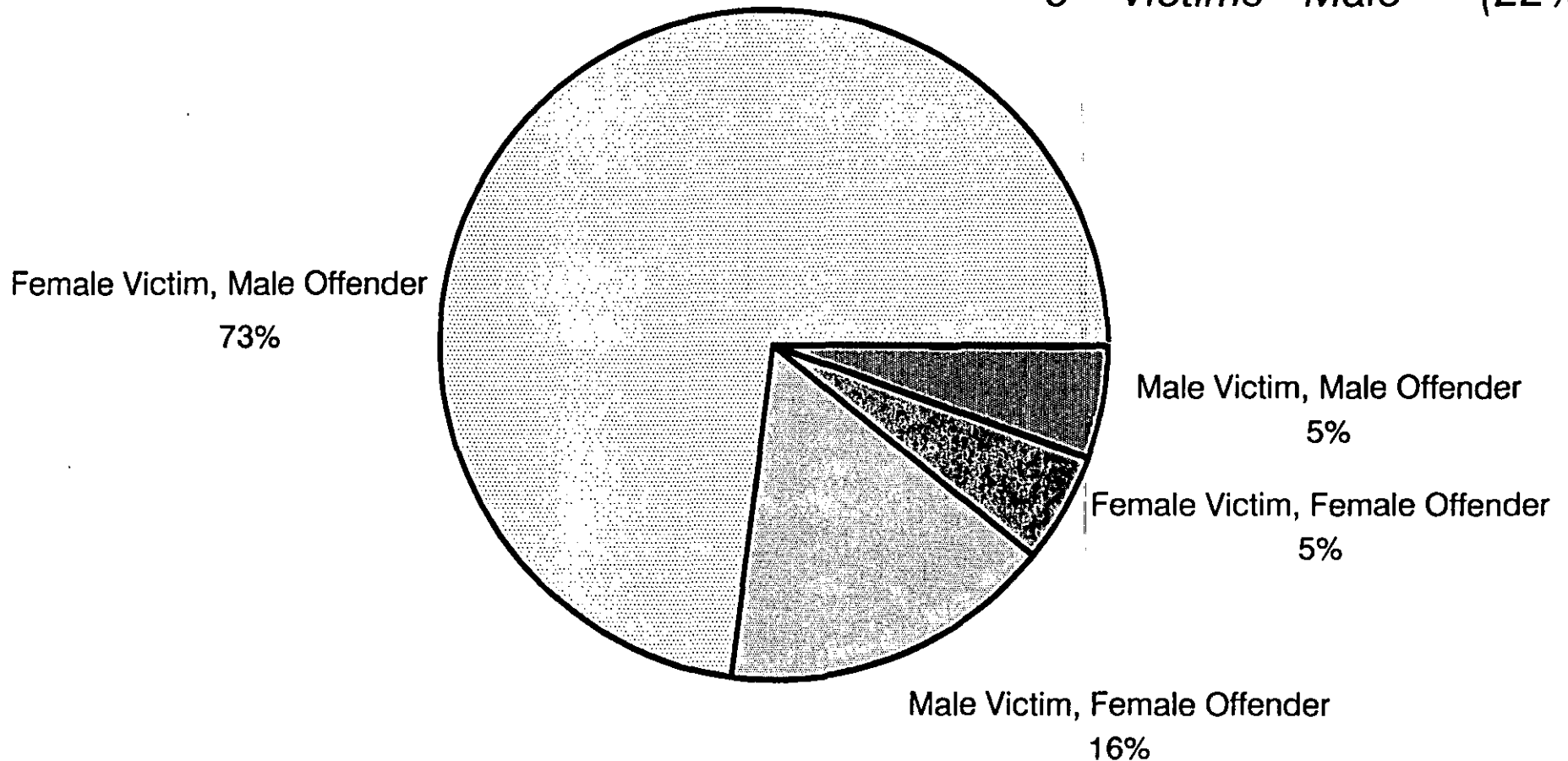
Rachel B. (age 29, home duties) had become involved with Gregor K. in 1979, subsequently forming a de factor relationship with him. In their last year together, Gregor became increasingly violent. Rachel's son later testified that he had seen Gregor "physically strike" his mother, and he had even heard him "threaten to kill" Rachel. At one point, when he

# HOMICIDES WITH SEXUAL INTIMACY

(37 cases)

29 Victims - Female (78%)

8 Victims - Male (22%)



found out that Rachel has seen another man, he came around with a knife, saying: "If I can't have you, no one will have you."

Rachel was terrified. She moved out, using the services of a removalist to relocate in a new flat in Coburg. Rachel pleaded with the removalist not to reveal the new address, saying that if Gregor found out where she was, "he will kill me." The removalist suggested that she go to the police, but Rachel said that she was "too scared." Sure enough, Gregor did approach the removalist, who refused to divulge the address.

Gregor then hired a private inquiry agent, who was successful in locating Rachel's new address. Rachel received a telephone call early one evening from Gregor, who said he was coming around to kill her. Rachel called her mother, who said to call the police. Rachel called the police at 8.26 pm, but before the police could arrive, shots were heard inside Rachel's flat. When the police arrived, they found Rachel, dead, in the hallway of her home. Gregor left the country shortly afterwards, and has not been brought to justice for the crime. (Case No. 1731-85)

Detailed examination of the autopsy findings reveals some of the circumstances of the actual shooting that otherwise went unwitnessed. The autopsy report identified the following injuries:

A bullet entrance wound was present on the left side of the face 4 ft 7 in above the heel, 1.5 cm above the inferior margin of the mandible and 6 cm from the midline of the chin. This wound measured 0.5 cm in diameter and carbon pigmentation was noted for a distance of up to 5 cm around the wound together with powder tattooing. The bullet track passed inwards upwards and backwards across the posterior pharynx entering the cranial cavity in the right middle cranial fossa. This exited through the right temporal region of the skull in association with a V shaped laceration 3 cm in length in the right temporal skin through which brain oozed. The track extended upwards at approximately an angle of 45 degrees. A separate bullet entrance wound was present on the right side of the forehead 6 cm above the lateral orbital margin and 5 ft 1 in from the heel. This measured 0.7 cm in diameter and had a blackish rim with 3 linear splits extending from this wound in the surrounding skin. The track extended horizontally and slightly backwards through the right and left sides of the head to exit in the left temporal region. A linear abrasion 10 x 1 cm was present on the right side of the neck anteriorly.

These injuries are particularly revealing in that they show a near contact gunshot wound to the left side of the head with an injury to the neck on the other side that might have resulted from the deceased being held around the neck. The gunshot wound to the right side of the forehead is entirely different. The splitting of the skin around this wound and the absence of powder tattooing indicate that this was a tight contact wound. Both these wounds would have been almost immediately fatal and therefore as both were fired from very close range one at least represents an insurance type shot that was in fact not required to ensure that she was killed.

A few of these cases show these themes of careful premeditation, such as the offender who went through the complicated procedure of obtaining a cap and ball revolver (a 19th century weapon) to use in the homicide. In some, there is no remorse shown after the event. One offender said, when being interviewed: "She has been sticking it to me for many years," or another, when initially apprehended said simply: "She's me ex-wife..she deserved it" (this man had convinced himself, without medical foundation, that his wife and her new lover had set him up to have sex with a prostitute who had AIDS, so that he would die from AIDS, in his delusion, and she would inherit his property).

The theme of possessiveness is found in the utterances of the man who when asked how the death had come about replied by saying:

I grabbed her and told her that I will not let her leave...She begged me not to kill her, because she said she still loved me, but I said it was a lie. She did not love me any more...I only wanted to destroy her..I wanted to get rid of her then I can go to the jail and stay in peace. (Case No. 3028-86)

The pathology in this case revealed that the wife had been cut and stabbed repeatedly and her throat being deeply cut across the front of the neck. Another feature of this killing was the presence of knife injuries to the victims hands, a feature recognised by pathologists as being typically present where a victim has tried to fight off a knife attack. Therefore the victim in this case was fully aware of her predicament but was unable to prevent her death by either physically defending herself or as the offender admitted by pleading for her life.

In 13 of the 15 cases of homicide where there was an intimate sexual relationship between the male offender and his female victim in her "middle years," there was a previous history of violence, that violence frequently being a major factor in leading the woman to attempt a separation from the male. There were two instances, however, where the immediate violence was spontaneous, with no prior hint of violence. While the lethal violence can be linked to possessiveness, since in both cases the male thought that he might be losing the woman, jealousy was not a factor in the death, as illustrated in the following case:

Lynne M (age 20, receptionist) and Eddy M. (age 24) had been married just over a year, but that brief period had not been especially happy. Lynne had told friends that one big problem for them was Eddy's "possessiveness and jealousy." Lynne had separated briefly on two previous occasions, when she made what she hoped was going to be the final break, moving back in with her parents. Two days later, Eddy called and told his wife that he had suffered a minor injury, and asked her to accompany him to the hospital, which she did, with her parents. Upon release from the hospital, Lynne decided to stay the night with Eddy in case he might need further care.

From Eddy's account, the early part of the evening went well enough, with the two of them sharing a meal of take away food in their flat. Later, as they were in bed watching TV, Lynne announced that she definitely wanted a break of "...a couple of months without seeing each other." They started to argue. He said at one point: "I'd rather die than be without you," to which she replied "Just don't keep at me." The argument quickly escalated in intensity. There was a knife at hand, and

Eddy "...grabbed it, I lost control, I stabbed her in the neck...I just kept stabbing her."

After killing Lynne, Eddy went to his car and attempted to commit suicide, unsuccessfully. Afterwards he said: "...there wasn't anybody else, I can tell you that...she was faithful." (Case No. 2077-85)

This case demonstrates one of the particular pathological features of cases where there has been a sudden unusual outburst of violence. In these instances there is usually a persistent repetitive infliction of one type of injury, in this case stabbing. The autopsy report revealed:

There were 7 stab wounds to the neck, 12 to the front of the chest and 2 to the upper right abdomen. In addition there was an incised wound to the right shoulder, 3 incised wounds to the right forearm with small cuts to the knuckles of the right hand (defence wounds). There was an incised wound of the right thigh. The major stab wounds had caused the following: damage to the left jugular vein and carotid artery. Three stab wounds to the right ventricle of the heart, three stab wounds to the lungs, two stab wounds to the liver.

Such attacks are often frenzied in nature and are commonly associated with a partial amnesia on the part of the offender as to the number of injuries actually inflicted.

In all of these cases of homicide of women in their middle years, there is present the sub-theme of possessiveness. The male was provoked by the thought that the woman was somehow escaping from their relationship and then his control. In most cases, this was aggravated by the violence that the male employed as a device, unsuccessfully, to impose his control. It is in these cases that we hear the frequently echoed theme: "If I can't have you, no one will."

## 2) A Further Variation: Women Victims in their "Older Years"

In cases where the woman victim of male violence was older (involving a victim in her 40s or older, there were 7 such cases), somewhat different themes are found. In four of the seven of these, the male partner, also older, had been experiencing extreme depression, leading him to decide to take his own life. In this case, the wife was viewed as a possession to be taken as a partner in death:

Fred H. (age 68, retired) had been married to Hattie H. (age 67) for 40 years, when he retired. The months after retirement had not been easy, with both being treated for medical and psychiatric symptoms. Fred, in particular, began to suffer from progressively more serious depression, on many days spending virtually the whole day in bed.

It was Hattie's custom to telephone her son two or three times a day. Shortly after she had rung off one day after calling in the early afternoon, the son received a call from his wife, saying that his father had called and was acted strangely. The son called his parents number, and his father answered. Despite Fred's attempt to assure his son that: "Mum's all right, everything's all right," the son was convinced that something was wrong. His mother had mentioned to him that on at least

two previous occasion Fred had tried to strangle her, saying that he "...did not want to live, and he wished that they could both go together."

Fearing the worst, the son rushed to his parent's house. His found his mother, dead, on the couch where she had been strangled. Hearing the sound of water running in the bathroom, he went in and found his father dead from a self-inflicted stab wound. (Case No. 859-85)

The pathological examination in this case revealed:

Petechial haemorrhages were present over the face and conjunctivae. There was a 4 mm wide ligature mark horizontally around the neck above the larynx with a crossover mark below the right ear.

It is of note that no other signs of violence were present and no defence type injuries the killing being a relatively non violent event apart from the strangulation.

In each of these cases, the wife had mentioned her fears to others of what the husband might do. In another one of these cases, there is a record of a conversation with the ambulance service which the husband summoned before he took his own life in which he stated that the two had "...reached the end of the road," referring to the wife's homicide and his suicide as "double euthanasia."

The remaining three of the cases involving older women who were victims of men with whom they had a sexual relationship are a mixed group, one of the offenders showing all the possessive, jealous rage of a younger man (he had convinced himself, erroneously, that his 56 year old wife was having an affair with a man in his 20's). In another case, the couple had been together for over 20 years, and both were alcoholics who spent much of their time in a drunken fog. The husband had a history of violence when they were both drunk, this violence one day elevating to the point of lethal violence. The final case is that of a recently retired bank manager who strangled his also recently retired school teacher wife in the course of an argument in their car late one afternoon as they were driving from the city to their suburban home. In this case, there is no indication that the husband had committed any act of violence whatsoever in their nearly 40 years of marriage (Case No. 3999-86).

The autopsy however in this case revealed that the injuries although typical of manual strangulation were such as to indicate a greater use of overall force than in the previous of strangulation using a ligature. As the autopsy showed:

The conjunctivae were suffused and there were multiple petechial haemorrhages over the eyelids and conjunctivae. Blood stained mucoid material was present in the nose and mouth. The upper neck beneath the chin was oedematous with bluish purple bruising of the skin below the jaw on the right side 5 cm in diameter and on the left side 4 cm in diameter. Bruising was also noted over the back of the left hand 6 cm in diameter. Six abrasions were present over the right mastoid region and two oblique abrasions over the left side of the neck. Split type abrasions were apparent over the right upper and lower lips. Bruising was noted in the right parotid and left sternomastoid muscle. A bruise 3 cm in diameter was present on the left occipital region.

Some of these injuries may be related to the environment of the killings (a motor vehicle) but they still imply a relatively greater use of personal inflicted violence than the case involving the ligature.

### 3) The Variation Involving Younger Female Victims of Male Violence

Some of female victims of male offenders with whom there is a sexual or romantic attachment are young, being 18 or younger (there were 4 such cases in these files). Two of these involve situations where the young male partner, confronted with the break-up of the relationship, strikes out in rage and takes the life of his girl friend. In these two cases, there exists what might be viewed as a juvenile form of the jealousy/possessiveness found in somewhat older males.

Another of these cases involves an 18 year old student who was a part-time employee at a supermarket. She was killed by a young male who was also employed at the supermarket, apparently in a confrontation when she refused his advances and attempted to fight him off. This was the only cases we encountered where at issue was the attempt to possess (Case No. 1041-86).

The autopsy in this case was rendered more difficult by the fact that there had been an attempt to dispose of the body in a car fire a well recognised method that is widely described in both fictional material and in actual accounts of crime:

Extensive skin loss was through burning was present over the entire body apart from the back of the trunk thighs and shoulders. Brown heat altered blood was present over the internal aspect of the sternum and blood was present in the pericardial sac and left pleural cavity. Four stab wounds were noted in the lower larynx and upper third of the trachea on the left side anteriorly. Three stab wounds were present in the anterior wall of the inferior third of the pericardial sac. An oblique stab wound was noted in the anterior wall of the middle third of the right ventricle adjacent to the interventricular septum. Two similar stab wounds were apparent on the anterior wall of the middle third of the left ventricle. The trachea and bronchi were free from soot indicating death had occurred prior to the fire.

This case again reveals a multiplicity of injuries that indicate a frenzied type attack which has been a feature of killings by younger offenders.

In the final case a very young girl (age 12) was killed by a middle aged male who had been a close friend of the household. The older male, who had an extensive criminal record, including imprisonment, became fearful that the girl was going to reveal that the two had been engaged for some time in a sexual relationship (discovered when the girl suffered a miscarriage) (Case No. 1199-86).

In two of these cases, then, there is the theme of possessiveness that is found in the cases where the female victims are in their middle years (although the relationship itself was not as mature). Another case might be viewed as an attempt to exert the power of possession, with the killing coming when there was resistance to that possession. The last case is somewhat difficult to classify. The relationship between victim and offender was clearly intimate in the sexual sense. The homicide, however, was an attempt to cover-up that intimacy since had it been revealed, the older man was vulnerable to extended

imprisonment (given his prior record), and also liable to rough justice exacted by the victim's family prior to it coming to the attention of the police.

#### 4) The "Discarding" of the Woman

The legal history of many societies contains the legal presumption of women as chattels to be dealt with as one would other material possessions. The very early English law relating to marriage and divorce supports this view and the removal of an unwanted wife was easier than one might imagine. However ecclesiastical law and a greater stabilisation of social structure brought with it a more rigid matrimonial law until divorces were unusual and difficult to obtain. As a consequence of this for some men homicide seemed the only available method to shed themselves of a wife they no longer wanted. While the extensive changes in views of divorce, and the family court laws, have made divorce a matter of routine, at least in terms of legal procedure, in Victoria in the group of homicides is at least one woman who was the victim of her husband's desire to shed her to take up life with another woman, where homicide rather than divorce was chosen:

The homicide of Rose M. (age 30, home duties) is unusual in many respects. For one, the death was a result of strychnine poisoning, the only poisoning homicide that is found in these files. Rose was found dead at her home, seated in a chair in the kitchen, after a call from her husband, Ken. M. (age 33) had alerted a neighbour that something might be wrong since Rose was not answering her telephone. The attending police noted that there "...were no signs of violence. There are no suspicious circumstances..."

So the matter stood for 3 months, until the toxicology report revealed that the cause of death was strychnine poisoning. The obvious suspect, Ken, denied any responsibility for the death. There are several signs that point to his being responsible. For one, he had in recent weeks established a close relationship with another woman which had been observed by many witnesses (and the woman in fact moved in with him after the death of the wife). Rose had complained to her friends that her husband had been noticeably cool toward her, and had cut off all sexual relations with her. Witnesses also established that Ken had said that he would not pursue another divorce (Rose was his second wife), since his first divorce "...had cost him \$94,000."

There were, as well, several suspicious inconsistencies in his statements to the police. Finding no other person with motive or opportunity, and rejecting the notion of suicide, the police eventually charged the husband with the homicide of his wife. (Case No. 21-86)

What this case establishes, obviously, is that there are multiple pathways that lead males to the point where they take up lethal violence against their women partners. While most men who murder women by using the violence as an expression of possessiveness, it must be kept in mind that at least a few may have quite different reasons for resorting to the extreme of homicide.



## 2. A Rare Twist to the Sexual Intimacy Theme: Women as Victims of Women

While in an overwhelming proportion of cases of homicide arising out of sexually intimate relationships, the victim is a female of the violence of her male partner, there are at least two ways found by which sexual intimacy can lead to a female being victimized by another female. There is one case in these files, for example, where a jealous wife resorts to lethal violence to deal with the lover of her husband:

Elsa B. (age 23, farm hand) was found dead from stab wounds at 9.15 am on 23 September. A large letter "A" had been carved into her chest. The presumption is that the homicide was committed by Vicky C.

Elsa had worked as a hand on the farm of Vicky and her husband Fred C. for some months. The close working relationship between Elsa and Fred became over time more intense and finally sexual. The three were in close and constant proximity. As Fred's ardour for his wife started to fade, at the same time the intimacy was accelerating with Elsa, the wife began to suspect that "something was going on."

At first, Vicky attempted to talk matters through with Fred. Fred remained throughout uncommunicative. He stated later that he tried to preserve his marriage, and protect his children, by breaking the relationship off, but that the attraction was too powerful to keep under control. Despite the attempt of the two to be discreet, the inevitable slip-ups led the wife to shift from suspicious doubts to jealous certainty.

One night Fred left his part-time job at 8 pm, lingering for an hour at the house of Elsa before going home. Meantime, Vicky had telephoned his work place, and found out exactly when he had left. Fred arrived home to an outraged wife. The two began to argue. Vicky flew at him, wineglass in her hand, and jabbed the glass into his face. The glass broke, resulting in deep cuts to Fred's face and ear. Fred turned to escape her onslaught, only to be stabbed in the back three or four more times. Bleeding profusely, Fred was finally able to calm Vicky down.

Seeing the injuries she had caused, Vicky insisted that they go to hospital immediately. While she had calmed down reasonably well. Fred recalled that outside of the hospital, Vicky had said that she was "going to get the little bitch." Fred's injuries were treated and stitched up, and Vicky drove him to his sister's house where they agreed that he should spend the night. This was about 2 am.

At 3 am, Vicky called a neighbour and asked her to pick up the kids, saying that she was at the hospital and would not be able to get back to the house that night (she was not at the hospital when this call was made).

That is the last that can be known for certain. Elsa's body was found at 9.15 am. No one has seen Vicky since. Vicky's car was found close to a nearby bridge where it was first observed at about 5.30 am. The presumption is that Vicky first killed Elsa, then took her on life by jumping off the bridge. (Case No. 3534-86)

This is the only case in these files of jealous rage of a woman directed at the rival for her sexual partner's affections. There is, however, one other case where a woman offender kills a woman victim, in this case the jealousy arising out of their terminated sexual relationship contributing to death:

Tanya H. (age 25, unemployed) had been involved for some time in a lesbian relationship with Charlene S., but the two had agreed to terminate their sexual relationship some 9 months before. According to one witness, Tanya had said that a major problem was that Charlene was bisexual, where Tanya was, as another friend recalled, "a definite lesbian."

The two continued to live together, although their flat-mate commented that they would "pick at each other," and that they would "...argue about the smallest of things." One of these things was the fact that although their sexual relationship had broken off, Charlene was still jealous of Tanya's involvement with other women. The flat-mate observed that Charlene: "...couldn't handle Tanya being with other women. Charlene used to give me the third-degree about women being with Tanya."

On the night of 14 December, Charlene spent the evening with a boyfriend she had been seeing on and off for three months. The couple came back to Charlene's flat and retired to bed. Shortly after, a young woman friend showed up at the flat needing a place to spend the night. Given a choice between the couch or Tanya's bed, the young woman opted for Tanya's bed.

Tanya then looked about for extra bedding, realizing then that Charlene had taken the pillow from her bed. Irritated, Tanya barged in on Charlene and her male friend, grabbing the pillow and then walked out. A minute or two later, Charlene, furious, emerged nude from the bedroom, berating Tanya for bursting into the bedroom. As the argument was continuing, Charlene came into Tanya's bedroom for a bathrobe, and spotted the young woman in Tanya's bed. Charlene told the woman to get out: "I think you had better leave if this is the problem that it is going to cause."

The young friend dressed hurriedly. Before she had both shoes on, she saw Charlene come out of the bedroom with a large knife, sheathed. The friend said: "I saw Charlene take the cover off the knife. She glared at me..." and the woman dashed out, still with one shoe off. Charlene went back to Tanya, the argument continued to escalate, and Tanya was stabbed with the knife. Charlene said later: "We argued, she hit me, I stabbed her. Oh no, I hope she'll be right. They're dangerous, those things." Tanya died before medical help could arrive. (Case No. 4791-86)

### 3. A Major Variation on the Theme of Sexual Intimacy: Males as Victims of Female Violence

While much less frequent, there are a few cases (6 in all) in these files where males are the victims of a homicide where the relationship involves some situation of sexual intimacy which links a female offender with the male victim. Most of these (4 of the 6) involve women who are defending themselves against male violence, i.e., the male can be seen to have "precipitated" his own death. Typical was the following case:

Arthur P. (age 43) and his de facto wife Betty O. (age 29) were prone to excess in both drink and argument. Commonly their arguments were over previous sexual involvements. Often Arthur would strike Betty as these conflicts peaked. When asked later why he struck her, Betty replied that Arthur "...was jealous, I suppose."

On 30 January, the spent much of the late afternoon and early evening at a picnic drinking with friends. When the group returned to the family home, Arthur and Betty retired to bed while the others stayed up and watched videos.

The final argument started over the triviality of Betty refusing to share a cigarette with Arthur. They were both up at this time, and both were drunk. They moved their argument into the kitchen. Once again they started arguing about Betty's previous boyfriends. As he had done many times before, Arthur slapped Betty. Betty said later that at this point she said to cut it out or she would stab him" "He hit me in the mouth, and I stabbed him." Arthur died two weeks later of the complications which developed as a result of the stab wound. (Case No. 870181-85)

In the remaining two cases of sexually intimate homicide where the victim was male and offender female, the circumstances are complicated and unusual. In one case, the wife had taken a new lover, and the two hired a contract killer to murder the husband. In this case, while strictly speaking the relationship between the victim and the offender might be classified as a "professional killing," here it has been classified as a case of a male victim involved in an intimate relationship with a female offender, since it was because of the marriage, and the particular way that the wife elected to terminate that marriage, that the homicide took place.

In the other of these cases involving a male victim and a female offender, the offenders involved were the wife and two sons (Case No. 1633-85). In this case there had been considerable violence on the part of the father toward both wife and sons. While it was one of the sons who actually committed the murder, it was, according to the son's later testimony, fundamentally his anger over the constant beating of the mother that provoked him finally to stop the violence by killing the father. This had included a brutal beating of the mother while she was several months pregnant with her last child. Thus, the key factor in understanding this case was the violent nature of the husband/wife relationship, and we therefore have classified it as arising out of a sexual intimate relationship (rather than a "family" type homicide, involving son and father). Further, in this case the mother was involved directly in the crime itself as well as in the attempt to cover up the crime by hiding the body in bushland, where it was found only after suspicions were aroused, and the participants in the murder confessed to police and revealed the location.

A striking feature of the more straight forward of these killings is the single nature of the fatal wound a feature distinguishing these cases pathologically from the multiple injuries observed in the male offender, female victim killings especially in the younger age groups. Whilst such an injury characteristic may reflect a more limited use of albeit effective violence there is a factor in many of these cases of distinct control of behavior and action on the part of the female offender. To some people such evidence of increased control would imply a greater degree of culpability on the part of the offender. In fact there is evidence from studies in the field of Forensic Psychiatry that such a controlled behaviour pattern may be heightened to the level of a true personality disorder often referred to as the overcontrolled female. Such an individual will remain calm in the face of a wide range of abuse from their partner that may be verbal or physical and yet after perhaps many years react to a very minor irritation with a single act of gross violence (the straw that broke the camel's back). It might be suggested that in addition such an individual by their very passive nature may stimulate the type of aggressive behaviour that their male partner so often shows.

#### 4. Male Victims of Male Offenders

One final form of homicides which originate in sexually intimate relationships consists of those where a male offender vents his jealous anger on the male friend of his female partner, rather than on the woman herself. There are two such in this file of Victorian homicides, the dynamics of which are found in the following example:

The seven year marriage of Dottie and Arnold D. had begun to deteriorate in recent months. They had, in fact, begun to lead separate lives. Dottie finally informed Arnold that she was going to leave him and live with Barry F. (age 39, travel agent). She agreed to wait to move out for a couple of months for the sake of her 12 year old son. Arnold by all accounts was a quiet man with a "...limited social life." He was frustrated and angry when he found himself forced to stay home night after night with the son while his wife was with her lover.

When attempts at reconciliation failed, Arnold decided to take drastic action. He told a friend that he thought that Barry "...was a con man, shifty, and he wouldn't look after [the son] properly, and end up using Dottie and dumping her." Arnold had said to the friend: "This guy will be fixed up."

Arnold obtained a gun, went to Barry's house, and shot him once in the back. He then wrote letters where he confessed to the crime, saying the Barry had ruined all their lives. Arnold's car was found abandoned on the Great Ocean Road. Arnold has not been seen or heard from since. (Case No. 3969-86)

In both cases where the victim was the male rival of the male offender's female partner, the killer suicided afterwards (the same was true in the single case where the victim was the female rival of the female offender's male partner).

## Sexual Intimacy and Homicide: Some Concluding Observations

In looking at these cases of homicide where the relationships between victim and offender evolved out of sexual intimacy, we can agree with Wallace's (1986:123) conclusion with respect to the somewhat narrower category of spousal homicide that these cases must be clearly differentiated by gender. Where women are the victims, and males the offenders, the present study substantiates her conclusion that either separation (including its threat) or jealousy were the major precipitating factors (Wallace, 1986:123), and thus the homicide can be viewed as an expression of the male's attempt to exert "...their power and control over their wives" (Wallace, 1986:123)

With respect to those circumstances where men are the victims of homicide arising out intimate sexual relationships, our findings are somewhat different than other Australian studies, perhaps because the group of cases is so small. Other studies, such as Bacon and Lansdowne (1982) report that their sample of women who were convicted for homicide was made up exclusively of 16 women who had killed their husbands, and that in 14 of the 16 cases, the woman had experienced physical assault prior to the homicide. Wallace asserts that:

Women killed their husbands against a backdrop of violence; they killed in response to and because of violence perpetrated by their husband on them and/or other members of the family (Wallace, 1986:123).

This study of homicide in Victoria supports the general conclusion that women who kill often are responding to the violence of their sexual partners. However, the cautions we would add are that; (1) there are other circumstances where males are victims where their spouse has motivations other than protecting herself from violence (such as where the homicide is resorted to as an extreme method of shedding the male in order to take up a new sexual partner); and that (2) among the group of women offenders that can be traced through these files, a large number did not have as their victim their spouse, or putting the matter somewhat differently, a majority of the women offenders which can be identified in these files were working with a motivation other than that of protecting themselves from the violence of their husband.

The pathological data reveals that analysis of the patterns of injury may also contribute to the understanding of the nature of the killing act and of the behavior of the parties before during and after the act. It is interesting that the levels of personal violence differ in the various age groups we have defined but that even allowing for this the sudden outburst of frenzied violence and the controlled infliction of a single fatal injury can be recognised as discrete groups which bear an important association with the nature of the relationship between the parties to the killing.

Those familiar with homicide data from the U.S. will realize that these there are some important differences in the nature of intimate homicide between these findings and what is often reported in the U.S. Studies in such cities as Houston (Lundsgaarde, 1977) or Chicago (Blok, 1977) find that often the number of women who kill their husbands is equal to, or perhaps even greater than, the number of husbands who kill wives. In sharp contrast, in Victoria men kill their sexual partners over four times more often than do women kill their partners (27 vs. 6 cases).

## D. THE SECOND MAJOR FORM OF INTIMATE HOMICIDE: FAMILY KILLINGS

### 1. Children as Victims of Family Violence

The second major variation on the intimacy theme concerns killings within the family (excluding the husband-wife relationship, obviously). There were 12 such cases reported to the Coroner in Victoria for the years 1985-1986. The great majority of these, 10 of the 12, involved the minor variation consisting of the killing of children.

#### a) The Killing of Children: Child Victims of Non-Accidental Injury

There are, however, quite different dynamics which can lead parents to take the lives of their children. Wallace (1986) identified in her much larger sample most of the types of homicides involving children found in Victoria. As was true in New South Wales, the most frequently appearing type consisted of children who die of "non-accidental" injuries caused by their parents (4 of the 10, on a percentage base as close as could be obtained to the 36.6% reported by Wallace, 1986:137). Three of these cases fit almost classic descriptions of battered children. One, for example, involved a heroin addict who, immediately after shooting up with heroin, brutally beat the 4 year old son of his de facto wife to death (Case No. 3184-86). Another involved a migrant woman who apparently suffered great stress because of the combination of her isolation (she spoke no English) and the heavy home care responsibilities which she had to bear by herself (there were five children). The victim in this case was a 9 month old infant who was "difficult" and because of constant crying kept the mother in a constant state of fatigue (Case No. 2754-86).

The fourth of the cases involving death of a child as a result of non-accidental injury consisted of the 16 year old who physically attacked his mother and prospective step-father when he was told of their plans for marriage. When the teenager refused to quiet down, and continued his attack, the older man (the offender was in his mid-50s) shot the boy as a way of protecting himself. This is another one of the rare instances of homicide involving intimate relationships where the victim is actually the first to employ violence (in other words, "victim precipitation" to use the term employed by Wolfgang, 1958).

As was true in Wallace's (1986) much larger sample, in the case of the younger "battered" children, the autopsies found clear indications that the children had survived beating prior to being killed. This is another area where the autopsy findings play a vital role in the investigation process and in revealing the circumstances surrounding injury patterns on a child. In distinguishing accidental from non-accidental injuries both the type of injury and its temporal characteristics must be considered. The temporal factor is of such importance in identifying non-accidental injury that some authors have proposed changing the term to "repetitive non-accidental injury". The typical features are of abrasions, bruises and other superficial injuries to the skin which are of varying ages and are found not only in those areas of the body commonly injured by children but also in inaccessible sites. Burns and burn scars are also a feature especially the circular forms that are caused by cigarettes. In fatal cases fractures of the long bones of the limbs and the skull may be found again often with radiological evidence of healing fractures of varying ages. Bite marks, injuries from shaking and signs of sexual interference may also be found.

Although the present group is small, it also seems to confirm Wallace's finding that the person responsible for the killing, contrary to what some believe, is not likely to be the mother (Wallace, 1986:139)

b) The Killing of Children: Neonaticides

The next more frequent form of killing of children consists of neonaticide, or the killing of an infant within 24 hours of its birth. This must be distinguished from the legal offence of infanticide, as described above. There were two offenders involved, one where it was discovered that there were two occurrences on her part of neonaticide, one of which she had been able to conceal successfully earlier (i.e., there are 3 victims of neonaticide found in these Victorian files). The themes that run through these accounts are similar to the cases observed by Wallace, as can be found in the following case:

Janice M. (age 29, part-time sales clerk) lived in a small town. One day as she was watching TV in her home after work, she felt pains and went into her bedroom. Janice then went into labour for about 1 1/2 hours. She immediately placed a towel over the baby's nose and mouth, and then afterwards placed the body in a plastic bag in her clothes basket.

Her housemates noticed the smell of the body after five days (Janice had used air-freshener to conceal the odour). When the police came to investigate, and said to her that they had checked the contents of the clothes basket, Janice replied: "Yes, so what's wrong?" She seemed confused and disoriented, and claimed that the incident had occurred "a long time ago." She did not realize that she was pregnant for seven months, and even then she "...just hoped it would go away. She essentially denied the pregnancy, as she said, "...because I didn't want it to happen."

As the questioning proceeded, Janice admitted that she had killed another newborn baby some 5 year previously. In both cases she had little recollection of the event. She could not recall the sex of either child, nor could she say if either had cried or moved after birth. (Case No. AG860668)

In the main some similar themes run through cases as was reported by Wallace (1986). There is here, as Wallace observed, concealment of both pregnancy and birth. These women are likely to have their babies alone, commonly in their bedroom or in the toilet.

Above all else, there is the exceptional self-denial on the part of the women. That is, they not only deny to the rest of the world that the birth is impending, they extend, successfully up to the birth itself, that denial to themselves. From Wallace's accounts and the present cases, it appears that these women are in a situation where they simply cannot deal with the consequences of a birth. As Janice said: "I didn't know what else to do, I suppose. I was worried about what the people in town would have said...I don't know why I did it."

### c) The Killing of Children: Child Murder Before Suicide

There are two cases where children are killed within the dynamics prior to the suicide of their killer, but the two represent quite different circumstances. In one case, the children were killed in the course of the suicide of the mother. The mother had been separated for a short time from her husband. She felt overwhelmed by the break-up of the family. In taking the children with her, she felt, as she expressed it in the letter she left behind that: "I don't feel I am murdering my children, but saving them from sorrow and pain without their father." (Case No. 2886-85)

In the second case involving an 11 year old girl, the child was a victim of a jealous and violent father:

The father was regularly drunk, and had become violent so many times in the past that the mother had taken to hiding all of the knives to keep them away from him in his drunken rages. The major source of his violence was delusional and obsessional jealousy. The husband became more and more reclusive. Finally, on a family "holiday," the husband apparently shot and killed both wife and child, placing their bodies in the family caravan. He then splashed petrol in and around the caravan and lit the petrol, then leaped into the caravan and shot himself in the mouth. (Case No. 861274)

### d) The Killing of Children: Homicide Through Neglect

The final form of killing of children, killing through neglect, occurs in but one case among the Victorian homicides. As Wallace (1986:134) found in New South Wales, this form of killing is rare, and in this instance (as she observed in most of the neglect cases in New South Wales) the death resulted from complications related to malnutrition. In the case in Victoria, the parents were both enthusiastic followers of naturopathy. It was their belief that the proper treatment for diseases such as fever was fasting. Despite being warned of the complications which could result, when their 3 year old daughter came down with a series of colds, they placed her on a fast that last 27 days, and ultimately to her death. Only in the last hours did they break the fast by providing the child with some pear juice. Even confronted with evidence, the parents afterwards were unrepentant. As the father said: "I know it was longer than usual, but the symptoms were still there...she probably only choked on the pear juice...maybe, if we continued she would have been all right." (Case No. 1464-85)

It should be noted that unlike the cases Wallace (1986:135) observed in New South Wales, this child was not physically abused. Nor was the case one of persons ignorant on matters of nutrition (both parent were, in fact, trained nurses). It seems, instead, to be one of those unfortunate instances where an obsessional commitment to alternative medicine had a tragic outcome.



## The Killing of Children: An Overview

All of the cases of child killings in these two years in Victoria occurred within the setting of the family (although we might include here the case of the 12 year old killed by her much older lover, see Case No. 1199-86, described above), confirming Wallace's (1986: 148) prior findings in New South Wales that such killing "almost always" occur within the family. Further, as she reports, there is not a single pattern that can be identified among these homicides. Rather, there are diverse pathways that the offenders have taken which leads to the tragic death of a child.

One of the factors that stands out in homicide's involving children is that the factor of gender plays a much smaller role. For victims, there is here and in Wallace's previous study, no bias in one direction or another. Looking over all offenders, again the factor of gender does not predominate as it does in other forms of homicide. The one exception, of course, are the small number of neonaticides. Otherwise, overall it appears that the strong trend of masculine violence does penetrate into this particular form of homicide.

### 2. Other Forms of Family Homicide

Where the sample of cases of homicide is large enough, and covers enough years, there will be found cases that cover virtually all of the possible dyads within the nuclear family, as can be found in the much larger investigation by Wallace (1986). In the present two year period, however, there were no killings reported between children and their parents where only a child or children were involved (there was one case where 2 sons, and their mother, were involved in the death of the often violent father, see Case No. 1633-85, above). Nor were there any killings where the offender was a sister, killing either her brother or her sister. The two cases found involved brothers who killed their sister. One of these involved a young adolescent:

Jim M. (age 14) was in his second year of secondary school. There was little to set him apart from his fellow students in terms of school performance. He liked sport. On the day in question, Jim's family came to watch him play basketball with a local team, and Jim fouled out of the match.

After the family returned home, the rest of the family, including the parents went of to a local dance, leaving Jim home alone. A bit later, Jim's sister (age 18, nurse's aide) came home from work. The two argued. Jim later said that she had called him "Freckles" (which he despised), said that he was "useless" and that she had "put him down."

The sister then retired to her bedroom. Jim went to his father's room, took down a shot gun, and loaded shells into it. He then walked down the hall, and fired into twice into his sister's bedroom. Jim then realized what he had done, and ran off to summon assistance. His sister had died of her wounds before medical help could reach her. (Case No. X2)

The other case involves a brother and sister who are in their 30s.

Federico P. (age 34) had migrated to Australia from Chile some ten years ago. All went reasonably well for the first five years, but he then contracted cancer. Federico ultimately had to have a leg amputated, and because of that was no longer able to work.

In order to help him keep his house in order (which he found his illness prevented him from doing), Federico arranged to bring his sister Molly (age 33) to Australia, paying for the airfares for the sister and her children.

Things did not go smoothly, however, and Molly soon moved out of the household. This caused bitter feelings on both parts. Federico wanted Molly to pay the money back. Molly was apparently upset by sexual advances which Federico had made.

In any event Molly soon met a male friend, and their mutual attraction blossomed to the point where the two established a de fact relationship. This angered Federico, who stated that his reason was that the relationship "brought shame to the family." He began to threaten both Molly and her friend. At 3 am on morning about two weeks after Christmas, he forced his way into Molly's house. Molly and her friend were successful in locking their bedroom door so that Federico could not enter. The friend then leaped out of the window to seek assistance.

Apparently fearing for her children's safety, Molly unlocked the door and came out. Federico then shot and killed Molly, then turned the weapon on himself, killing himself immediately. (Case No. 54-85)

These two case studies allow us to do little more that echo the observation of Wallace when she says that: "Very little is known about violence between siblings in Australia, or anywhere else for that matter." (Wallace, 1986:154) One thing that is known is that homicide involving siblings is very rare. These account for 1.8% of the roughly 1,400 cases over the 14 year period studied in New South Wales, compared to roughly 3% in American studies (Wallace, 1986:154). This is, of course, comparable to what is reported here (one further case where a brother kills a brother has been classified below as a "special case" since it was not clear how the homicide derived from the fraternal interaction).

#### E. THE THIRD VARIATION ON THE INTIMACY THEME: MURDER AMONG FRIENDS

The present study includes within the framework of intimacy one class of "close, personal" relationships, namely that between friends, that is ordinarily put elsewhere in the study of homicide. Here it is argued that it is appropriate to place this group of homicides within the boundaries of intimacy because in virtually all of these cases, the relationship thread that leads to the homicide must trace its way back to the friendship. The victim and the offender stand in a particular relationship to each other at the time of the homicide which can best be understood, in other words, if the observer goes back to the point of closeness and works forward in time to see how the friendship evolved (most often disintegrated)

over time to produce the homicide. There were 10 such cases in these files, representing 9% of all homicides, and 17% of the intimate homicides.

### 1. Murder Among Friends: An Altruistic Homicide

The first form of this might be termed an "altruistic" homicide:

Carl H. (age 23, invalid) and Wally M. (age 27) had been friends for many years. In their late teenage years, the two often would go hunting and camping together. All this changed when Carl had a motor cycle accident which left him a quadriplegic.

Carl's total helplessness caused him deep depression. He decided to end his life by the only means available to him: he stopped eating. Medical intervention was the result, and he was kept alive through intravenous feeding.

Unable to end his life himself, he reached out to his loyal friend. Wally was distressed at Carl's condition and state, and after initially resisting, finally resolved to come to the aid of his friend. The two arranged for Carl's family to be away one day, and Wally first took a rifle and shot Carl in the head, then fired a .22 pistol into his own head. (Case No. 143-85)

### 2. Murder Among Friends: Slow Disintegration

While in the previous instance the homicide results from the closeness between the friends, in all other cases there is a deterioration that takes place which leads to the homicide. In some cases this breakdown is slow, as in the following case:

K.P. and W.M. were friends who started up a trucking business together. They began to have a falling out as they encountered financial disagreements. By the time they dissolved the partnership, the friendship was long broken. Feeling angry because his former partner (in his view) was taking business away from him, also pressed by the threat of a large law suit, K.P. took up a rifle and shot his former friend one night while he was loading his truck at a truck depot. (Case No. 1314-85)

### 3. Murder Among Friends: "Sudden Flareups"

In other cases the trouble flares spontaneously:

M.G. and E.C. had been friend for 15 years, and in that time had never been known to argue. One day the two attended a large, traditional Turkish circumcision party. E.C. had consumed virtually a whole bottle of Raki by himself by the time M.G. arrived. Then, E.C. and M.G. together drank more of the Raki.

Seeing that his friend was becoming dangerously drunk, M.G. began to keep the alcohol away from his friend. After some time of playing keep away with the alcohol, M.G. finally suggested to E.C. that he had "had enough" and that he should "Have some lemonade, you've had enough to drink." E.C. threatened to hit M.G. with the lemonade bottle, and stormed out of the hall. M.G. followed his friend outside, catching up with him as E.C. reached his car (he had opened the boot).

E.C. suddenly turned on his friend, the two struggled, and E.C. stabbed M.G. with a fishing knife he had taken from the boot of the car. M.G. collapsed and died on the sidewalk before medical help could be summoned. (Case No. 3128-86)

#### **4. Murder Among Friends: Conflict Resolution on the Margins**

Five of these cases where the homicide occurs between a victim and an offender who have been friends involve marginal individuals who are part of a world of criminality, prison, drug use and unemployment. In these, what began as a friendship disintegrates as a result of such issues as a debt between the parties, often about drug deals. What seems to characterize these cases is that their marginality denies them access to the mechanisms which "respectables" might use to resolve such personal disputes. Lacking such processes, the arguments simply continue to escalate up to the point where lethal violence results:

Artie K. (age 33) had served time in prison, was for many years a member of the Hell's Angels, and was unemployed. Some months earlier he had been introduced to Paul R., a friend of his younger brother (they had met in prison). Artie and Paul become close friends. That friendship began to wear thin, however, when Paul was reluctant to pay back money owed to Artie. They began to argue over the issue.

One night, Artie went to Paul's house for what he thought was to be a party. Instead the two began another of their arguments. This time it was more heated than before. Paul became very worked up, and pulled out a hand gun and fired several shots into Artie.

At this point the tale takes a bizarre turn. One of the onlookers called his mother, a nurse, to see if she could give medical assistance to Artie. Artie was, however, dead. Paul and the friend then decided that they had to dispose of the body. Their plan was to place the body in a 44 gallon drum. Since Artie's body was too long to fit, the two used a chain saw to cut off the legs. The body was then placed in the drum, a mixture of cement and lime was added, and the top was sealed. The drum was then dumped in the Yarra River, where it was subsequently found some five months later. (Case No. 615-86)

In the other cases, one involved members of another motor cycle gang, both the offender and the victim having long criminal records, where the initial friendship came apart because of a dispute over a loan of money for a drug deal (Case No. 175-86); another involved two friends who met while under sentence in a community-based institution who had a series of fights and threats before one settled their argument with a .38 pistol (Case No. 291-86); while the fourth involved two who were living together who had been arguing

over a drug debt when a physical confrontation lead to knife threats, which one of the two dealt with by taking a hammer to the head of the former friend while he slept (Case No. X3-86). It is of interest to note that in three of these four killings the weapon employed was a gun (2 hand guns, one cut-down .22 rifle).

#### Murder Among Friends: Eliminating the Evidence

In this final set of circumstances of murder amongst friends, the three cases involve an initial friendship that becomes threatened when one of the two friends becomes concerned that the other has damaging information that may be revealed to the police or courts, and the friend is killed to silence that threat:

Both Perry R. (age 19) and Rickie M. (age 21) were unemployed and had served time in prison. They were good enough friends so that one night when they were out driving and there was an accident, Perry was able to persuade Rickie to claim that he was driving (Perry was both quite drunk and unlicensed at the time). While Rickie was willing to do this at the scene of the accident, he began to waver when it became clear that he was up for a very large civil damages suit, as well as a potential fine and jail sentence for the negligent driving involved.

Fearing that Rickie was weakening under the pressure, Perry decided to take extreme steps to protect himself. He and two of his mates lured Rickie into their car, took him into remote bushland, and stabbed him to death. They had left a rather wide trail behind them. For example, when they had picked Rickie up, he was in a car with two close friends (one of the killers had walked up to them, saying "You haven't seen me here tonight, boys," apparently assuming that the threat was sufficient to warn them off). Also, for some period of time they left the car, with incriminating blood stains covering its insides, at the home of an acquaintance who became very nervous and cooperative when he realized that murder was involved. In short order, Perry and his two friends were arrested and charged with murder. (Case No. 2951-86)

There is in these three cases a sense of unreality generated in the observer, since one can find it hard to actually believe that these individuals will blunder from one botched exercise (the attempt to escape penalty for a relatively minor traffic accident in the present case) to the extreme of an equally botched murder. Yet there are two more cases which match in reasonable detail this previous case. In one of these, a man was released from prison one morning, and by that evening had carried off an equally incompetent murder of a woman friend who was a prostitute and drug user-(they had created an easily penetrated fabrication that they had dropped her off in a secluded place where she was to meet a drug dealer, with this fictional drug dealer then taking the blame for the murder) (Case No. 4740-86).

In another, a teenager was left in an unfortunate position when his older brother and a friend were involved in a car theft. The older brother fled to Queensland, leaving the friend to absorb the potential blame. The friend persuaded the teenager to provide him with an alibi. The young lad began to waver, however, when it became clear that to continue to give the friend an alibi both exposed his brother to blame, and himself to charges of perjury. Despite the fact that this was a first offence, with a likelihood of a light penalty, the teenager was murdered to silence the threat. (Case No. 1606-86)

In all three of these cases, not only was a lighter penalty exchanged for the much larger penalty that attaches to murder, but the offenders told a wide circle of friends what they had done. It seemed as if they felt a compulsion to tell the tale of what had happened, complete with minute details of the gore of the killing. In each, the trail left behind was so broad that not one, but several, witnesses came forward to provide the evidence which lead police to the killers.

#### **The Intimacy Theme: Review and Conclusions**

In these homicides in Victoria, the finding is consistent with other research which suggests that in a large proportion of cases, the victim is, or was in the past, in some form of close, personal relationship with the offender. We find, however, that it is important to specify the particular form of intimacy involved, since the dynamics of homicide vary considerably regarding the circumstances.

This can be seen with respect to the role of gender, an important factor to consider through the cases of intimate homicide. In cases of intimacy involving a sexual relationship, the bulk of the homicides seem to flow out of the attempt of males to maintain possessiveness over their female partners, with the males frequently acting out of jealous rage in taking the life of their female partner. In contrast, there are no cases of women taking the life of their male sexual partner because of possessiveness or jealousy.

The issue of gender is even more predominant in the case of homicides where the personal closeness originates in friendship. In such cases, all of the offenders are male, as is true of all but one of the victims. Reaching out for violence, in this case lethal violence, as a way to solve disputes occurring within the bonds of what had been a friendship is clearly a masculine, not a feminine, solution.

There are circumstances where women do resort to violence. As others have found, a significant proportion of these are cases where the woman is protecting herself against the violence of her male partner. Among these Victorian homicides, there are only two cases where a woman has acted out of jealousy, and in both cases her victim was female. Further, as pointed out earlier, in contrast to U.S. findings, within relationships defined by sexual intimacy, women are much less likely to kill their male partners than is found in the overseas research.

Among the forms of intimate homicide, gender does not serve to differentiate either the victims or the offenders in cases of the killing of children (except in the case of neonaticide). Unlike most other forms of homicide, women are about as likely to take the lives of their children as are men.

## F. THE SECOND MAJOR THEME: CONFRONTATION

In these accounts of homicide in Victoria, the second major theme that can be identified concerns confrontation. In confrontational homicide, as the term is used here, it is conflict itself which defines the relationship which brings victim and offender together. There is in these cases no strong personal relationship which binds, or, at some point in the past, bound, the participants together. There is, further, no other on-going criminal activity (such as an armed robbery) which defines sharply the different roles of victim and offender.

Confrontational homicides are definitively male in character. All 25 of the confrontational homicides (these make up 21% of all homicides) involve males as both victims and offenders. These are events involving a challenge and counter-challenge which leads to physical conflict. There is, in other words, an order to the dynamic linking victims and offenders that approaches ritual.

In its simplest form, the parties come together, a challenge is laid down, and a fight ensues:

J.A. (age 25, forklift driver) and two of his friends had been drinking through much of the night (J.A.'s blood alcohol was established later to be .09) when they decided to finish off in the early morning hours with a drink at Bojangles Disco in St. Kilda. After getting out of their car, they became involved in a fight with three other males outside the disco. The fight was relatively brief. J.A. appeared to be injured, but said nothing about the nature of his wounds. One of the friends took him to his nearby flat. J.A. first complained that he was not feeling well, then he collapsed. He died before medical help could arrive. The autopsy revealed that death was the result of a stab wound to the heart. (Case No. 2431-86)

Another case shows this same dynamic of a rapid flaring of the violence:

At midnight, G.W. (age 32, soldier) after an evening of drinking (his blood alcohol level was found later to be .224) boarded a train at Flinders Street Station. As G.W. moved to sit down in a vacant seat, M.M. (age 19, unemployed) ordered him away in an offensive and provocative manner. G.W. refused and was in the act of taking the seat when M.M. attacked him. The two fought, and after taking some punishment G.W. managed to pin M.M. down, saying "If you don't stop now, I'll break your neck." M.M. relaxed, and G.W. let him up. M.M. pulled out a knife, and stabbed G.W. three times in the chest. G.W. collapsed, and died almost immediately from the wounds which had penetrated his heart. (Case No. 4714-86)

There are other cases where the victim and offender know each other, and the conflict extends over a longer period of time:

At an 18th birthday party, a fight broke out between B.E. (age 17) and D.L. A friend of the host, R.B. (age 23) went to break up the fight, which he did. In the process, he punched B.E. a couple of times.

B.E. was irate at R.B.'s intervention. It transpires that R.B. had broken up a fight previously in which B.E. was involved. When R.B. rejoined the group and re-commenced his drinking (his blood alcohol level was determined at autopsy to be .12), he told the group that B.E. "...reckons he's gonna shoot me. He's gone home to get a gun."

Less than an hour later, B.E. reappeared. He shouted out: "Dinger, where are you?" R.B. walked through the group toward B.E., who first shot B.E. in the head, then turned the gun on himself. (Case No. 4476-86)

A further defining feature of these homicides is that the initial intent of the actors when they took up the conflict was to engage in a physical confrontation. When the initial challenge to conflict is laid down, the parties come together to fight, not to kill. An indication of this can be found in the fact that it is in these cases of confrontational homicide where the victim was the first to employ violence in the confrontation, i.e, what Wolfgang (1958) termed "victim precipitation." In fact, in close to half of the cases (11 of the 25) the first to employ violence in the confrontation became the ultimate victim of the homicide. When these young men set out to fight, they certainly are not likely to be plotting their own deaths.

In one case, for an example:

A drug dealer assaulted one of his customers who was slow in paying a \$90 debt for drugs, first, with an iron bar, then with a knife. His opponent took the iron bar away, then the knife. When the dealer persisted in the fight, he was stabbed with his own knife, and died from the wounds. (Case No. 1900-85)

And interesting feature of the pathology of this case is the presence on the body of not just the fatal stab wound and the general bumps and scrapes that we might expect to find following a fight, but also the presence of a defence type wound. This suggests that the eventual violence was not just a simple single isolated application of violence by the initial victim (customer) but a sustained attack against the originator of the incident.

The body was that of a young male weighing 130 lbs and measuring 5 foot 3 inches in height. The following traumatic wounds were present, on the lateral aspect of the left wrist there was an incised wound measuring 4-cm in length extending down to the underlying fissure the edges of the wound were sharp and outlined. On the lateral aspect of the left elbow there was an abrasion present 1 cm in length. On the medial aspect of the left elbow there was an incised wound 2 cm in length. On the medial aspect of the second metacarpal of the left hand there was an abrasion 1 cm in length. On the right side of the back 6 cm from the midline and 50 cm from the nape of the neck overlying the intercostal space between the 10th and the 11th ribs there was an incised wound 5 cm in length extending down to the intercostal muscles with an opening 2 cm wide and the lateral aspect of the wound leading into the posterior peritoneal cavity. The edges of the wound had sharp margins. Examination of the peritoneal cavity showed blood and blood clot of approximately 2 litres present. On the inferior surface of the liver there was a 1 cm linear wound present adjacent to the gall bladder bed. 4 cm below the liver there was a linear incision 3 cm in the inferior vena cava.



In another case:

As a group of young people were walking from one party to another, one of their number (who was later found to have a blood alcohol level of .10) engaged in an unprovoked attack upon an elderly man they met in the street. The old man staggered, badly beaten, to a nearby friend's house. The friend, R.S., was outraged. He called the police and gave details of the event, telling them that they had better hurry because if they didn't, "...they'd be picking up dead bodies." The friend picked up his rifle, jumped in his car, and went in search of the young people. The young man who had attacked the old man (who had a long police record) observed that R.S. was following them in his car. Not realizing that R.S. was armed, he challenged him, through stones at the car, and even kicked at the driver's side door. R.S. shot him in the head with his rifle. (Case No 1362-85)

There are in many of the other cases what we might term "victim participation." Very few of these confrontational homicides involve a situation where the victim remains passive in the face of the challenge laid down by the offender. There are only four cases of these confrontations where it is either clear that the victim in no way participated in the confrontation, or where the role of the victim is not clear. In one case, for example:

G.F. (age 43, labourer), who was known to have an alcohol problem, (in this case his blood alcohol level was found to be .296) had been drinking to closing time at a pub. He had spent the last three or so hours quietly and amicably chatting with a person he had met at the pub. The two left together, still apparently getting on well. After they had walked about a block or so away from the pub, G.F. was suddenly turned on by his new friend, first beaten to the ground, then kicked viciously about head and body. G.F. was dead when police were called to the scene a few minutes later. The killer when apprehended later was unable to recall what the fight had been about because of his own drunken condition. (Case No. 1121-86)

The actual non-participation of the victim is perhaps clearer in the case of R.J. (Case No. 3155-86) who had lent a friend a TV, only to have I.M. take possession of the set, and sell it. When the friend reported the theft to the police, I.M. came into their house and beat both the friend and R.J. savagely, with R.J. succumbing as a result of his injuries (Case No. 1121-86).

In most cases, however, the victim is an active participant in the confrontation which leads to his death. This is most obvious when the victim is the first to employ violence. Even where the victim is not the precipitator, he often elects a path of action which commits him to violence. In the incident involving the soldier on the train cited above, he is told to "piss off" as he attempts to take a seat, he is confronted with a number of options, including the choice of withdrawing. G.W., perhaps partially influenced by his alcoholic state (remembering that his blood alcohol level was .224), presumably responding to the challenge to his masculine honour, chose not only to stay in the scene, but to return the initial challenge of M.M. by taking the seat. While M.M. then was the first to engage in the violence, G.W. was not an unwilling and passive actor in the unfolding drama.

In some scenes, an outside observer might understand why the victim involved in the rapidly unfolding events may see little option but to be a participant, and perhaps an

unwilling one at that. When P.T. came out of the house of his woman friend, and saw that she was being physically assaulted by her next door neighbour, a male (who had been drinking), it is altogether reasonable that he would come to her aid. The fact that he did so with an axe, however, may have played some role in what followed when the neighbour went into his house, brought back a shot gun, then shot and killed P.T. (Case No. 3459-85).

In the present analysis, then, we would suggest that there be included into the analysis the term "victim participation," by which is meant that confronted with the choice of withdrawing or continuing, the victim elects to remain in the scene and engage in the increasingly violent confrontation. In addition to the 11 cases where the victim precipitated the violence, there are 10 others where the victim made some choice to continue in the confrontation and the escalation of violence. In 21 of the 25 confrontational homicides, in other words, the victim can be viewed as an active participant in the events that produces lethal violence.

### Stages of Confrontation: The Contribution of Luckenbill

Luckenbill (1977) in his analysis of homicide in a U.S. county offers a framework which contributes to the analysis of these confrontational homicides. His focus, like the present one, focuses on the dynamics of the relationship between the offender and the victim. Luckenbill argues, drawing upon the work of Erving Goffman, that homicide can be seen as a "situated transaction," a sequential set of events evolving around a confrontation ("character contest") in which the opponents seek to maintain or establish "face." Luckenbill found that homicide interactions were likely to occur in non-work or leisure situations, these situations providing for "loose," informal interactions with "wide latitude" of interpretation of the rules (in contrast to "tighter" non-work occasions such as weddings or funerals).

As was the case in Luckenbill's (1977) study, in these confrontational homicides we find that all occur in leisure, non-work scenes. For example, many of these confrontations occur in an around pubs. In 19 of the 25 confrontational scenes, alcohol played a significant role. For some, the scene of the pub, combined with the drinking, creates an aggressiveness that is lethal. For example:

M.O.(age 33, maintenance worker) began his evening of drinking on the night of Boxing Day with a family group that included his sister and her children. When the rest of the family went home at midnight, M.O. decided to stay on "for another drink." When he left the disco in Monee Ponds at close to 5 am (his blood alcohol reading being in the .23 range by this time), he chose to challenge a couple of males (who also had just left the pub) who were walking on the other side of Puckle street. Receiving a counter-challenge, M.O. crossed the street and began to fight one of the men. Something triggered in the other man a sudden outburst of savagery. He leaped in, and kicked M.O. to the ground, then kicked him several more times, and finally fatally injured M.O. by dropping a large rock on his head. (Case No. 4995-86)

For the more common confrontation scenes, Luckenbill (1977) suggests that there are six stages that homicide interactions will move through. In the first stage, the "opening move" consists of one of the parties performing some act which the other party might interpret as an affront to "face" or honour. Luckenbill suggests that these opening moves might consist

of: (1) verbal expressions which are potentially offensive, (2) the refusal of one of the parties to comply with a request of the other, or (3) a nonverbal or physical gesture which the other might find offensive.

In the homicides analyzed in this study in Victoria, overwhelmingly the opening move consists of a verbal challenge to the honour of one of the individuals involved. Sometimes this challenge appears to an outside observer to fit what Wolfgang (1958) has called a trivial altercation, since the provoking comment hardly seems to merit lethal violence as the result (as was true in one case where a fight between two groups of young males was triggered in part by the taunt that one of the group "was a bit young" to be drinking, Case No. 3661-85).

Men seem to be easily provoked by opening moves which concern their women:

M.F. (age 36, unemployed) had been drinking with friends "shout for shout" for a couple of hours (his blood alcohol level was established later as .147) at the Victoria Hotel, when J.S. (age 53) approached. Both were "regulars" at the hotel, which was their "local." J.S. berated M.F. for what he perceived to be insulting remarks made to his de facto wife. The argument escalated into a fight, which ended quickly when M.F. felled J.S. with a punch to the jaw. Both beaten and drunk (his blood alcohol level two hours or so later was still .197), J.S. was helped out of the pub by a bystander.

M.F. and his group settled back to their drinking, which was interrupted a few minutes later by J.S.'s de facto wife, who began to abuse M.F. for beating up on her husband. Then, J.S. reappeared, walked up to M.F. and stabbed him once with the knife he had fetched from his home. The knife had penetrated M.F.'s heart, and he died on the scene before medical help could arrive. (Case No. 3778-85)

The opening moves can be complicated and may actually involve a third party (in the previous case, the initial threat to "face" was the insult to the wife). Another illustration of how the opening move can involve a third party is shown in the case of I.G. (Case No. 95-85) who first threatens to beat up "Little Georgie" (a relatively safe opening move, at first glance, since "Little" was appropriately applied), only to have Little Georgie's friend J.D. enter the scene, and defend Little Georgie by giving I.G. a beating which resulted in fatal head injuries.

Sometimes, in fact, confrontation scenes are complex enough so that it is not possible to locate the opening moves from documents such are available to this research. There are two cases in these files of homicides which involve feuds between two groups of neighbourhood males where the dispute extends back in time a considerable distance. In one,

...a group of "Skips" ("Old Australians") and a group of predominantly (but not exclusively) young men of Italian descent had been at each other for some months. The "migrant" group (in the youth vernacular of both groups, they would likely be called "wogs") recounted that months earlier recalled some of the Skips had crashed a party at the Italian Social Club, moving around and insulting the younger patrons until a fight was provoked. One of the young Skips then left town for several weeks. When he returned, he and his Skip friends once again began to provoke

the Migrant group, including one night an exchange where the Migrants were threatened with a gun (reported to the police, but no action was taken).

Feeling they had enough, the following night a large group of Migrants assembled (roughly 20 in all), and decided to seek out the Skips at the local school hall where they were known to gather on that night. Surrounded by the large group, the 6 Skips attempted to barricade themselves in the hall, locking all the doors. One of the migrants sneaked in through an open toilet window, opened the doors, a general melee developed. In the middle of this, one of the Skips leaped into the fray holding a rifle. He sprayed several shots around the room, severely wounding one of the migrants, and fatally injuring G.B. (age 19, bouncer). (Case No. 3641-86)

While the Migrant group claims that in their view the "opening move" involved the crashing of the party at the Italian Social Club, it may be that even prior to that there were a series of unrecorded challenges and counter-challenges between the groups. In another case, all we have is the final stage of the confrontation, with the early stages being out of definitive reach of the transcripts and witness statements:

One evening B.C. (age 27, unemployed) walked up to P.K. while he was drinking at the Junction Hotel, and shot him with a rifle, saying "You fucked me, mate." In this confusing case, B.C. apparently alleged to one witness that P.K. had at some time "set him up" for an arrest on a drug charge. Both were regular patrons of the Junction Hotel (Case No. 3458-85).

In the second and third stages of the interactional dynamic suggested by Luckenbill (1977), the insulted party is first offended by the challenge to his honour, the secondly responds aggressively to that challenge. In the present study, these dynamics are most visible in those confrontational events where there is a rapid escalation of the violence. When the soldier on the train was told to move on, he might have done just that. Instead, he was offended, and responded by the counter-challenge of taking the prohibited seat. Similarly, when the challenge was hurled across Puckle St. by M.O., J.T. and P.B. could have kept walking. Instead, they countered with a challenge to M.O.

This counter challenge sets up the fourth stage of Luckenbill's analysis, which involves the choice of the person making the opening move to continue the flow of the interaction toward violence. In the train incident, M.M. was ready and waiting when the soldier moved to take the seat. M.O. was only too willing to escalate the conflict when I.T. and P.B. countered with their taunts across Puckle Street.

The fifth stage of Luckenbill's analysis involves the two parties being "committed to battle." In the simplest cases, those involving the immediate and rapid flareups, such as the incident with the soldier on the train, or in Puckle St., the insults lead rapidly to blows being struck.

Luckenbill notes, and the present study substantiates, that at this stage one or another of the participants may leave the immediate scene to fetch a weapon. This occurred in 11 of the 25 confrontational homicides found in the Victorian files. Often, the weapon brought back into the scene was a gun, as in the case above where P.T. attempted to defend his woman friend from the physical assault of J.M., who then went into his house to bring

back his shot gun which he used to kill P.T. (Case No. 3459-85), or the case of B.E. who left to bring back a gun to kill R.B. who had struck him while breaking up a fight between B.E. and another males (Case No. 4476-86).

Occasionally the weapon fetched is a knife, as was true when J.S. brought a knife back into the pub and stabbed M.F. who had beaten him after he had protested the insults to his de facto wife (Case No. 3778-85). In one case, the knife was brought back into the scene by the ultimate victim, only to have that knife given up and used against him (Case No. 1900-85).

Luckenbill's (1977) final stage refers to what happens afterwards. He proposes three options, where the offender either: (1) leaves the scene, (2) "voluntarily remains," or (3) is detained by others until the police arrive. In the Victorian cases of confrontational homicides, there are examples of each of these (as well as a fourth possibility, where the offender has died as well, as in one case where the offender killed himself after shooting his victim). Thus, after J.S. defended his honour and that of his wife by stabbing M.F., he was set upon (and beaten) by others in the pub. In another case, R.S. waited at the scene for police after he had killed the teenage youth who had engaged in the unprovoked attack upon his elderly friend.

It is the nature of confrontational homicides, however, that many of the offenders leave the scene after the event. In a few cases they leave and attempt to elude police, as was true in the case of J.T. after he had killed M.O. by dropping a rock on his head after their confrontation in Puckle Street.

In a large proportion of cases involving either fists or knives in the conflict, the offender may leave the scene quite unaware of the seriousness of what he had done. When the police interviewed M.B. after a conflict between him and A.B. (both were 17 and unemployed) which occurred during a BBQ at M.B.'s house, M.B. was outraged that he was being pestered by the police. M.B. told them that they had ignored him on an earlier occasion when he had complained of a stabbing incident, and he said: "The police didn't do anything when I got stabbed. I don't know why you are here now." In the case where J.D. responded to threats against his friend Little Georgie by thrashing the man who made the threats, after the fight he helped the victim to his feet, with the victim saying; "I won't say anything, the fights over." J.D. then left, his victim collapsed and died 3 days later of the head injuries he had sustained. In confrontational homicides, the nature of the events are such that the offender may withdraw thinking that he has done no more than that effectively defended his honour in a successful fight with his victim.

From this review, it is suggested that there is much that the framework suggested by Luckenbill (1977) can add to the analysis of confrontational homicides. Above all else, it makes clear that the events have complexity. It is not simply a one-stage matter of the offender striking out and killing a victim. There are steps, and options available at each step, which lead down the pathway to lethal violence. In these steps, both victim and offender are likely to play active roles in the confrontation.

There are some problems in applying Luckenbill's framework exactly to these present confrontational homicides. Some are minor quibbles, such as the fact that Luckenbill argues that the opening move is made by the victim, whereas our data establish that either the homicide victim or offender may, in fact, take the first step in the confrontation.

More importantly, some of our homicides, especially those that involve complex moves and counter-moves extended through time, are too complicated to analyze in the simple stages that he defines (which seem to fit best the situation of two individuals with a rapid flareup to the lethal violence). Also, despite the fact that these Coroner's files are in general exceptionally thorough, sometimes running to hundreds of pages of material, it is not possible in every case to document the intentions, moves, counter-intentions and counter-moves found in the model. This can never be completely accurate in any case, since the crucial perspective of the victim is available from secondary sources only. As well, the account may be abbreviated considerably if the offender is in the hands of a solicitor who restricts the offender's statements to the investigating police.

Perhaps it is inherent that conceptually precise schemes such as the one suggested by Luckenbill will not fit all empirical events. Consider the following example:

E.C. (age 28, plumber) had too many of his personal alcoholic concoction (vodka, bourbon and tequila), and made abusive approaches to some women, and had been thrown out of the Bayswater Hotel. To get even, he began to drive his van, the top loaded with building materials, rapidly round and round the parking lot of the pub, menacing other patrons as they tried to walk to their cars. B.T. (age 29, builder) came out of the pub and was standing close to the door, when E.C. roared up toward him at high speed, swerving away at the last minute. Some of the materials on the roof of the van flew off, and B.C. was struck and killed by copper tubing that struck him in the chest and neck. The blood alcohol reading of the offender was .245, that of the victim .211. (Case No. 662-85).

This is a case of homicide. There was a definite confrontation, one that occurred when The offender received what he considered to be an insult to his honour from the bouncers in the pub. He then acted out aggressively in response to that insult, and the victim was killed as a result. The victim, however, played no role in the conflict himself, other than to be standing in the wrong place and the wrong time. While this is an example of a homicide resulting from confrontation, an odd one to be sure, it hardly can be fitted into a rigid scheme which implies that the offender and the victim in all cases exclusively will be responding to each other's moves.

There are situational factors of homicide that make it difficult to assemble data for all cases to examine the utility of the framework that is suggested. It must be remembered as well that the homicide scene itself often takes place at awkward times, in scenes that are not necessarily visible, and the minds of the available participants may not accurately capture or retain the events, on the one hand because sometimes they happen so quickly, on the other, because the observer (including the offender) may be befuddled by alcohol. Further, the legal consequences increase the partisanship that may be part of the scene of lethal violence, so that the parties may split into two groups, offering the "victim's" and the "offender's" account, these two differing in significant ways which the research observer may have difficulty resolving. For all these reasons, it cannot be said here that we have verified the applicability of the scheme proposed by Luckenbill.

It should also point out that Luckenbill was describing a framework for all of the homicides he observed, whereas we have applied it only to the confrontational homicides. The nature of the moves and counter-moves he proposes, the persistent problem of "face" or honour which he sees as central to the analysis, seem in the present instance to be quite helpful in understanding male to male confrontations, but not the other forms of homicide found in Victoria.

Nonetheless, in cases of confrontational homicide, we certainly can agree with Luckenbill when he asserts that:

"...homicide does not appear as a one-sided event with an unwitting victim assuming a passive, non-contributory role. Rather, murder is the outcome of a dynamic interchange between an offender, victim, and , in many cases, bystanders. (Luckenbill, 1977:185)

Luckenbill also notes the important role of "...maintaining face and reputation, and demonstrating character" (Luckenbill, 1977:186) which is observed as a central feature of virtually all of these confrontational homicides in Victoria. It is the defence of honour that makes what an outside observer may take as a "trivial" event as grounds for a confrontation which can lead to homicide. Daly and Wilson (1988) argue along similar lines:

A seemingly minor affront is not merely a "stimulus" to action, isolated in time and space. It must be understood within a larger social context of reputations, face relative social status, and enduring relationships. Men are known by their fellows as "the sort who can be pushed around" or "the sort that won't take any shit," as people whose words mean action and people who are full of hot air, as guys whose girlfriends you can't chat up with impunity or guys you don't want to mess with. In most social milieus, a man's reputation depends in part upon the maintenance of a credible threat of violence. (Daly and Wilson, 1988:128)

The concern for masculine honour and face runs through these accounts of confrontational homicide in Victoria. Not only are males exclusively represented among both offenders and victims of confrontational homicide, in virtually all cases there is an audience of predominantly males in which the two play out their violence. Women may be involved in the initial provoking move, and there may be some women among the audience, but the major actors in most scenes, both as principals and as on-lookers, are males.

#### Some Sub-Themes Within Confrontational Homicide

It will be observed that in the case of confrontational homicide, we are not identifying distinctive sub-types that are set off from other sub-types of such confrontations. Rather, there appears to be the major class, "confrontational homicide," with minor themes that weave in and out of the various cases that fit the type. For example, there is the theme of economic marginality that appears to show up in so many of these cases. In a majority of the cases of confrontational homicide, either the victim or the offender (sometimes both) are unemployed. There are no cases where it can be determined that either the victim or the offender are drawn from the upper or upper-middle classes.

The absence of "respectable" males from these files of confrontational homicide suggest a couple of possibilities. One, the life and leisure routines of respectables are such that they are less likely to be caught up in the type of leisure scenes which lead to violence. For example, cautious males can avoid pubs known widely for their reputations as being places where fights are likely to occur, or if they choose to patronize such a pub, they can lessen the risk by patronizing the lounge instead of the public bar.

Two, cautious males can avoid becoming involved when they are in such scenes by either not providing grounds for the initial provocation (in Luckenbill's terms, by not making the opening move), or if they are provoked, adopting a strategy which permits them to withdraw from the scene without participating in actions which escalate toward violence. In most situations, there is ample latitude in the interaction which can deflect the interaction away from a violent confrontation (whether this can be done while preserving "face" is another matter altogether).

Unlike the other forms of homicide, however, in the case of confrontational interactions these sub-themes do not lead to a clear differentiation of distinct sub-types. If the offender is unemployed, he may or may not have consumed alcohol before the lethal event. Cases involving ethnic conflict may or may not involve unemployed persons. There is, instead, the broad category of confrontational homicide, with sub-themes that weave in and out of the various individual accounts.

### **Confrontational Homicide: Summary Observations**

To provide a concluding description, confrontational homicide involves a dynamic interaction between the parties which in the first instance leads to conflict. The confrontation takes place exclusively in non-work, leisure scenes. These scenes in a large proportion of cases involve in one way or another the use of alcohol, and most frequently are acted out in a context of male peers.

The initial interaction, the premeditation at the onset, is the conflict. A defining feature of confrontational homicide is that in no case at the initiation of the steps that lead to violence did the offender have the intention of killing his victim. In fact, in almost half the cases the precipitator of the violence became the victim of the lethal violence.

In most cases, the victim and the offender were both participants in the interaction which leads to the conflict. While all scenes have some amount of complexity, some of the confrontations are brief, escalating quickly to the lethal violence which leaves the victim dead either from a beating or a knife wound. Other scenes show more internal complexity, and extend over a longer period of time, frequently with one of the parties leaving the scene to fetch a weapon to bring back into the confrontation. In fact, all of the deaths by gun shot wounds in confrontational homicides required that the offender leave to collect the weapon (there is probably a much higher level of confrontational homicide in the United States where many more individuals in these scenes are likely to be carrying guns on their person).

Whether brief or extended in time, the confrontations are masculine in character, and seem to evolve persistently around the problem of "face" and honour. The fact that alcohol consumption is observed in a majority of cases on the part of either the victim or the offender is suggestive of the particular kind of leisure scene in which lethal violence among males can emerge.



## G. THE THIRD MAJOR THEME: HOMICIDE RESULTING FROM OTHER CRIME

The third theme which runs through these accounts of homicide in Victoria concerns deaths which are a result of the commission of other crimes. These account for 21 victims, or 18%, of the total homicides observed. As was true in the case of homicides involving intimacy (but not confrontational killings), these break out into distinct types, of which there are four.

### 1. Double Victims: The First Variation

The first variation on this theme consists of those cases where the victim of the initial crime becomes the victim of the homicide as well. There are 11 cases which fit this variation on the wider theme. In three of these events, the case studies are relatively brief, since the crime itself was unobserved, and the offenders never caught. One involved a security guard shot outside of a large discount store where he had apparently come across individuals attempting illegal entry (Case No. 599-85), another was an attendant found dead at the service station where he worked, the murder occurring during the robbery of the station (Case No. 1837-86), and the third of these being the death of a retired migrant where intruders had broken into his home in rural Victoria, and set him and his home alight when they were unable to find money in the house (Case No. 2353-85).

The rest are a mixed group, representing a variety of circumstances where lethal violence is employed in the commission of a crime. Three of these were cases where lethal violence was employed in the commission of robbery (two of these involving robbery from homosexuals), two involved robberies related to drug deals (one of these being a bit complicated, because in that case the drug dealer not only robbed his customer of her money, but also was exacting revenge because just three days before she had set the dealer up to be robbed by her current boy friend), and one occurred as a result of an attempted rape (this being an odd case where a group of people had partied together at the offender's house, he offered to let a young couple stay the night in a spare bedroom, came into the room with the intent to have sex with the female, and shot her male partner when they two resisted, Case No. 4580-86). The final case involves an armed robbery of an elderly owner of a milk bar, where he initially survived the robbery, only to die of heart complications shortly afterwards (the Coroner found the death resulted from the robbery, Case No. 2732-85).

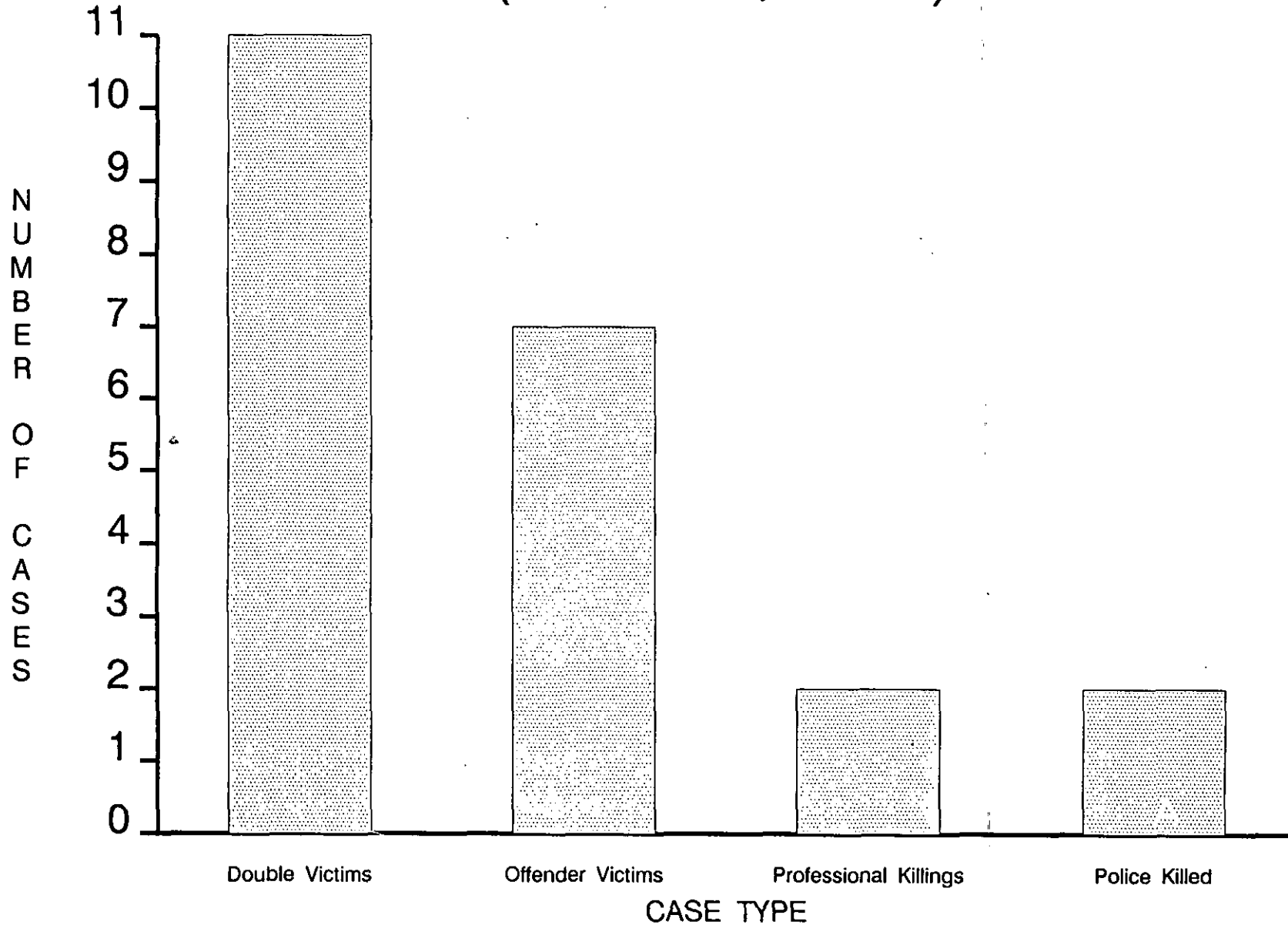
### 2. The Second Variation: Offenders Who Become Victims

In 7 cases among these Victorian homicides, the offenders of initial crimes become the ultimate victims of homicide. One of the distinct minor variation in this group consist of three individuals who were killed by police. One of these was an armed robber whose narrow pattern of robberies allowed police to stake out likely targets (he and his partner robbed only chemist shops which were sub-agencies of the State Bank), with the robber being killed during their departure after successfully robbing the shop. The other two cases involve scenes of forced entry by police in order to make an arrest of a suspect, where the suspect becomes the victim of police shooting in the course of the entry.

The other three offenders became victims of the persons they were attempting to victimize. Two were drug addicts who broke into the house of two brothers, were discovered and

# Homicide Resulting From Other Crime

( 22 cases, 19%.)



stabbed by the brothers before they could make their escape (Case Nos. 2083,4-85). Another case involved an individual who was, first, unsuccessful in stealing a car (its owner caught him in the act), and was then equally unsuccessful in attempting to fight off the owner. The attempted car thief was badly, even brutally, beaten, and had to go to hospital. He died there a few days later as a result of an allergic reaction to a drug administered to him in the course of an operation to treat his severe facial injuries (Case No. 2017-85).

In a final case, a man of 45 who was, according to police reports, of "below average intelligence," had been boarding with a family for 9 years. When the family discovered that he had been sexually interfering with the 7 year old daughter, various member of the family beat the man so brutally that he died from the injuries sustained (Case No. 645-86).

### **3. Professional Killings: The Third Variation**

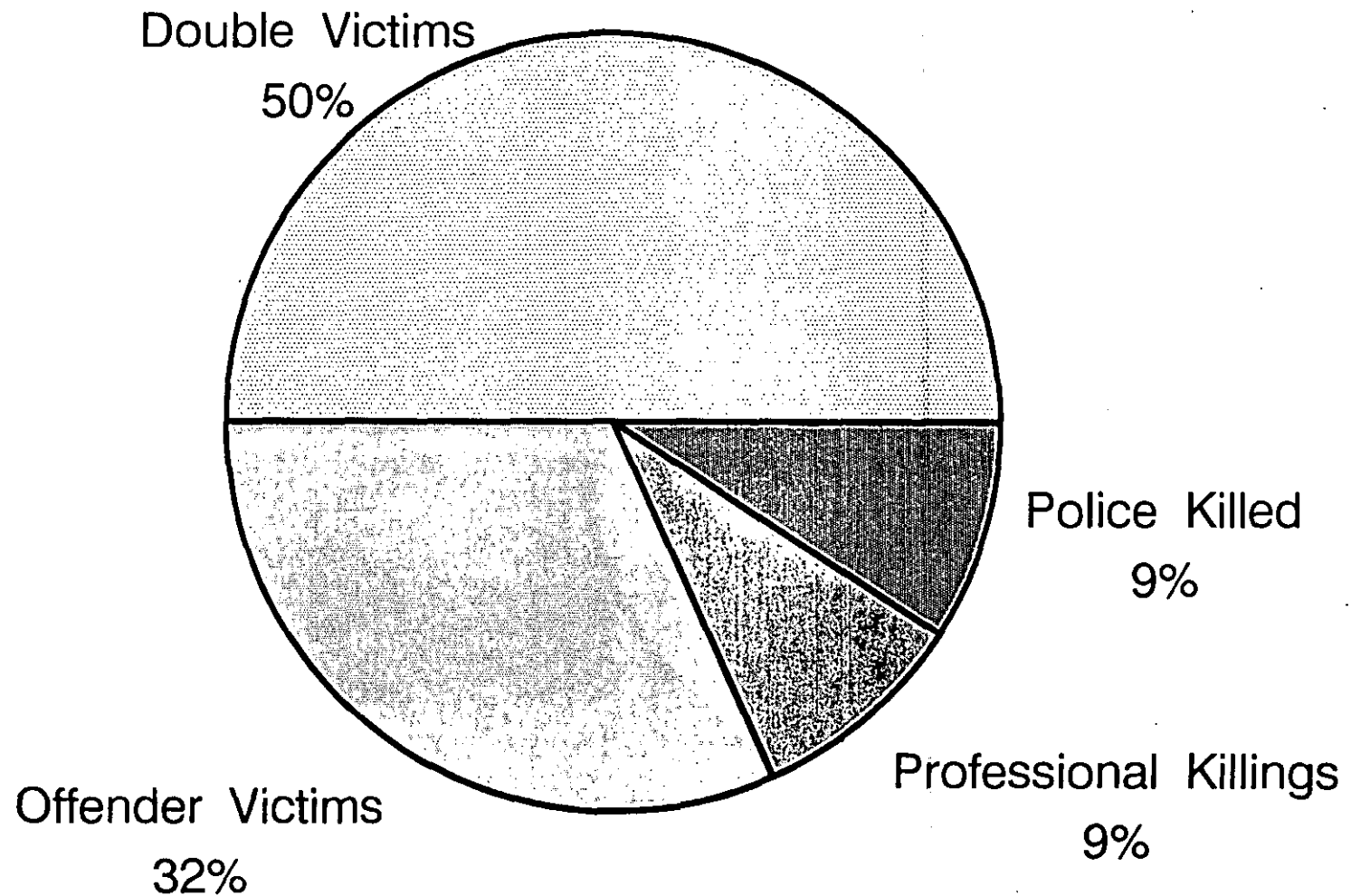
A third variation on this theme consists of two individuals who were victims of a professional killing. In these files, there is one homicide incident which involves two victims. These cases are classified within this category since their deaths could be seen as an outgrowth of the criminal activities of one of the victims. One of those killed was simply an innocent flat mate of the other. According to the best information that the police could piece together in this case, it appears likely that the killers were brought in from outside of Australia. According to one tip they were given, the intent of the killers was to give a severe beating to the victim who had angered some of his criminal contacts in the way he conducted some of his drug and prostitution business (which was how he made his living). When the flat mate was found on the scene, the two were apparently shot and killed to make sure that there were no witnesses to identify the killers. (Case Nos. 1584,5-85)

### **4. The Fourth Variation: Police Killed On Duty**

The final variation of this theme is made up of the cases of two police who were killed in the course of duty. In one case, a policeman in a country town was killed when he came across two professional criminals who were stealing a car as part of a planned armed robbery. In a struggle with one of the thieves his gun was taken from him, and the policeman then was shot with his own revolver (Case No. 3589). The second was the victim of the Russell Street bombing, Constable Angela Taylor, where a group of individuals with long criminal histories and a marked hatred for the police, exploded a bomb outside the police complex in Russell Street. While notable in many respects, this case stands out in terms of the detailed and extensive use of forensic scientific procedures in assembling the evidence necessary for conviction (including being able to identify a block of wood used in the device as coming from a piece sawn from a post on one of the offender's property, and one of the nails as coming from a box of nails in the possession of another, among many others) (Case No. 1133-86)

# Homicide Resulting From Other Crime

(22 Cases, 19%)



## An Overview of the Theme

Looking across these events, while they often constitute quite different circumstances, in all cases the offenders in the initial criminal event are males. Looking at those cases where criminal offenders are responsible for lethal violence, it appears that the high level of risk, perhaps desperation represented by such a willingness to employ violence, is a masculine phenomenon.

A further feature is that where criminal offenders are involved, they often have long histories of involvement in crime. The risk of resorting to, or being exposed to, lethal violence in the course of criminality occurs most often where the offenders are no strangers to crime.

If they are not strangers to crime, they are often strangers to the individuals they become involved with in these events. This is going to be the obvious case in armed robbery, although an unknown feature of the unsolved cases might be the killer was known to the victim, perhaps leading the criminal to cover up his first crime through murder. This might have been a contributing factor in the case where the policeman was killed by the two who were stealing a car, since both the offender and the policeman were from the small town (and since the offender had a long record including imprisonment), the fact that he was known to the policeman may have contributed to his death.

## H. THE FOURTH THEME: SPECIAL CASES

A further important theme in the Victorian files on homicide consists of those cases which involve such an odd or bizarre relationship between victim and offender that they have been termed "special cases." There were 6 cases of victims of this form of crime in the 1985-1986 files for Victoria (these making up 5% of all homicides). Some brief case illustrations will help to make understandable why this category has been created:

Just before midnight, H.S. came into the South Melbourne police station and informed the officers present that he had killed his wife. Investigation by the police found the body of his wife, Wanda, dead of stab wounds at their flat. When asked why he killed her, H.S. replied: "I'm not sure." When the officers established that Wanda had been in bed when the attack took place, they asked him if she was asleep or wake at the time, and H.S. again replied: "I'm not sure." When asked when he decided to kill Wanda, he replied: "I don't know..it just sort of happened."

When asked if he argued often with his wife, W.S. replied "No," and when asked if he had argued with her that day, he once again said: "I'm not sure." When asked what he did after he killed her, he said: "I kissed her," and then upon probing if he did anything else, he said: "Yeah, I put my arms around her."

At the end of the interview, after H.S. had acknowledged again that he had killed his wife, and that he knew it was wrong to do so, the interviewing police stated their puzzlement: "The only thing you haven't been able to tell me is why you killed her, can you tell me now?" The reply was: "I don't know why." Both H.S. and his wife had histories of

deep psychiatric disturbance, including periods of institutional treatment.  
(Case No. 965-86)

This case involves a victim who is a wife and an offender who is her husband. To classify this with other instances of wife killings, however, we would find unsatisfactory since we are unable to say what it was in the relationship between the married couple that provoked the violence. In virtually all other cases where men killed their wives, there is a theme of possession present, most often linked to jealousy. In this case, the offender (and those who investigated the event afterward) are unable to state what happened within the dynamics of the relationship between the victim and the offender that produced the violence.

A central feature of this case, and many of the others in this category, is a history of mental illness. In one of these, a 19 year old offender explained that he had killed a 74 year old man who had befriended him because the friend "...said I had hands like a female...and, he kept talking about Hitler." The boy also said that the elderly man: "...was Austrian and made me watch German movies all the time." The other involved another young male:

K.M. (age 20) had taken a young woman friend to his flat for dinner (in this case both had extensive histories of mental illness). When the young woman began to scream for reasons unclear, the male bound her and gagged her with masking tape to stop her from screaming. When she managed to chew through the tape and continued to scream, the young man then took out his cross-bow, and loaded it, intending, he states, to scare her into ceasing the screaming. When she continued, he shot her. He then states that since things "...couldn't be any worse for me" he raped the badly injured girl. When he left the flat afterwards, the girl was still alive, but she died sometime before he returned two days later. (Case No. 3645-85)

In the remaining three cases, while there was no specific history of psychiatric treatment, the homicide event involves exceptional odd elements. In one case:

Two young work mates had worked together for some weeks and there had been no argument observed between them, they then went to a Christmas BBQ in which again the two seemed nothing but friendly, then together they went to a pub for a final few Christmas drinks. While at the pub one of the two borrowed a knife from an acquaintance, and while the two were walking toward home, he turned on his friend with a frenzy of stabbing (over 100 wounds were found at the autopsy). He then took the other boy's pay packet (they had both been paid that day) and went back to the pub, bragging about what he had done. When the patrons wouldn't believe him, he produced the pay packet to verify the story. (Case No. 3940-85)

In a second case:

A young man who had been discharged from the Army three weeks earlier for insubordination and personal difficulties, after spending what he relates was a pleasant and relaxing day with his brother, began to wonder "...what it would be like to kill someone." To find out, he loaded

his rifle and shot and killed his brother as he stepped out of the shower.  
(Case No. 4155-86)

The final of these "special cases" involved:

Two males who viciously attacked a mentally retarded girl after both had had sex with her, subjecting her to exceptionally brutal wounding, including cutting at her sexual parts. Neither of the young men could offer a reason for the killings, or the savagery of their actions, other than one thought that perhaps "...she was going to yell out rape for the assaults." Both showed no remorse whatsoever, one even saying to the police afterward: "I'm glad I done it, I don't care what anybody thinks of me. I haven't slept better since I done it. I feel really great." (Case No. 1606-85)

While the cases don't fall within the 1985-1986 years selected for this specific investigation, some mention ought to be made of two well known instances of mass murderers which took place in Melbourne and which also would constitute special cases in terms of the relationship between victims and the offender. The "Hoddle Street Massacre," in which seven people were killed, the motivation that has emerged from the months of intensive investigation appear to be that the murderer, Julian Knight, wanted desperately to experience combat, including the feeling of killing and being killed.

This was followed a few months later by the Queen Street Massacre in which even more people were killed. That offender committed suicide at the conclusion of his 17 minute rampage, so could not be examined personally for his statement of why he did what he did. Kapardis (1989:161) warns that there is "...no simple explanation for why Queen Street took place." Nonetheless, the killer, Frank Vitkovic, leave lengthy diaries and letters which speak of extreme mental disturbance. More to the present point, his utterances indicate a distinctly different relationship between the offender and his victims than is the case in other homicides. As he was carrying out the last of his killings, he was heard to say by survivors such things as:

"I don't care anymore. Where are the police? Why don't they come. The police are going to kill me so non of you bastards are going to stay alive. You're all scum and you're all s... Well, who's laughing now? What's the point of life when nobody loves you? I'm going to take you all with me."

#### **The Six Special Cases: Observations**

The focal point of this research into homicide is on the dynamics of the interaction that occurs between offender and victim. In all other forms of homicide, except for these special cases, it is possible for the outside observer to trace a rational thread that leads from some initial set of interactions between victim and offender to the final stage where deadly violence results. In intimacy, the relationship starts with the close, personal bonds between the two, with these ties disintegrating as offender and victim reach the point of homicide. In confrontational scenes, one can define what is at times virtually a ritual of challenge and counter challenge which leads to the lethal violence. Similarly, when actions are desperate, and often involve men who are desperate, it is easier to understand how events can flow from the commission of a crime on into the ultimate crime of homicide.

The single distinguishing feature of the six special cases is that it is not possible to draw such a pathway of action which links victim with offender. In the extreme case of the mass murderers, the victims are literally total strangers who by some massive stroke of ill fortune are in the wrong place at a definitively wrong time. But in the other cases as well, often the offenders themselves cannot account for themselves, or provide a scenario linking them with their victim that fits within easily understood boundaries of thought. In particular, these offenders are unable to say much about what it was the victim did that provoked their actions. H.S. was unable to provide any reason for why he killed his wife (nor did any seem to be present). A young man is wondering what it would be like to "kill some one," and his brother happens to be there when he decides to find out. Even if some explanation is offered, the extreme of the violence used is simply all out of proportion to the provocation offered up as an excuse.

While in many of these special cases, the offender has been, or clearly could be, labelled as mentally ill, this is not seen as a defining characteristic of these cases. Rather, what is at issue is the quality of what transpires between victim and offender. Failing to find a scheme by which that interaction can be given an appearance of rationality (in that the events follow logically, once one knows what it was about the victim that provoked the offender), we shall say that at this point we are unable to provide an appropriate scenario which makes sense of the relationship between the victim and the offender.

## I. CULPABILITY, NEGLIGENCE AND DEATH IN THE WORK PLACE

Each year for the past few years, between 60 and 80 deaths that occur in the work place resulting from injury are reported in Victoria. In the past, these deaths, and other deaths that result from corporate negligence or willful violation of the law, have not been considered as a part of the picture of homicide. This view is beginning to change.

In the Ford Pinto case in the U.S., the Ford corporation itself was brought into court and tried for murder in a county in Indiana. The charge resulted from allegations that the company had knowingly placed a motor car on the road which had mechanical defects which would cause death. While that prosecution was unsuccessful, the fact that the matter advanced to the point where a company as large and prominent as Ford was brought into court on criminal charges indicates the beginnings of a change in legal attitude and approach to corporate violations of law and regulation.

In the Film Recovery Systems case which concerned an industrial death, the company officials involved (including the company president, the plant manager and the plant foreman) were convicted of manslaughter and sentenced to prison. What was central in those cases was that the prosecution was able to show that the three executives knew of the dangers that the worker was exposed to, and that they further understood that their failure to provide protective equipment created a strong probability of death or great bodily harm (Frank, 1988:20).

In Victoria, within recent months there was successful prosecution of a metals company for violation of occupational health and safety regulations which resulted in the deaths of 4 workers. In that case, the deaths were the result of an explosion that occurred in a foundry furnace when a chemical compound that was poured into molten material, instead of being the proper (and non-explosive) compound, was in fact highly explosive under those circumstances. The explosive chemicals, through negligence, had been stored in close proximity to where the proper compound was placed.



In the 1985-1986, there would have been somewhere in the range of 140 deaths by injury in the work place in Victoria. In addition to the 4 deaths in the metals company case (which occurred in 1986), we have identified at least 10 other deaths in which a reasonable case could be made that negligence on the part of the company contributed to, or was responsible for, work-place death. These cases are not drawn from the homicide files, but instead have been compiled from analysis of other files from the Coroner, the Department of Labour, and other regulatory agencies. While much of the information is contained in the material from the Coroner's inquest, since these cases were not found through the process of pulling of files dealing explicitly with homicide, they are treated here as a separate category and are not counted in the tally of the number of homicides. Some the typical cases are as follows:

A.C. was working for a metals company on a furnace used in recycling aluminium cans. The company had made a modification to the furnace, installing a new door, and new door lever, with the new door level not being protected by a safety shield. Such a shield was known to be necessary, since if the raw materials were wet, as they often were since these were stored out of doors, an explosion of the metal materials could occur. One wet weekend day, as A.C. was operating the furnace, an explosion occurred which resulted in A.C. sustaining burns to 55% of his body, and he died in hospital a month later. (Case No. WD 18-86)

A tyre manufacturing company in Footscray retooled one of the machines used in tyre building. They provided to the engineering company responsible for the retooling incorrect specifications concerning the form of steel used in making the machine. Both the welding technique employed, as well as the nature of the modifications, were improper and violated regulatory guide-lines. The machine exploded while in use, killing a nearby worker. (Case No. WD 21-86)

The company doing the site excavation for the new Carlton shopping complex knew that the soil they were working was unstable and prone to collapse. One set of vertical cuts had been temporarily shored up with timber. The shoring was removed to allow access for a back-hoe. After that work was done, T.C. and R.G. were ordered to place steel reinforcing along the bottom of the wall as part of the permanent reinforcing. The wall collapsed as they were carrying out this task, with R.G. being seriously injured, and T.C. killed. (Case No. WD 36-86)

A roof was being constructed on an extension of the Southland Shopping Centre. Since there was no safe working platform (scaffolding, safety lines, roof planks, etc.) the Site Safety Officer notified the plumbing contractor that they were to provide protection underneath the working site. No such protection was provided, and T.M., a roof plumber, fell to his death while working at the site. (Case No. WD 42-86)

The other 6 cases show roughly similar circumstances. In these, a case could be made that negligence on the part of the employer contributed to the death. At times, the negligence was extreme enough that some action was recommended either by the Coroner or by the responsible regulatory agency. In the case of the collapsed excavation which killed T.C., the Department of Labour recommended prosecution against the companies involved. In the last case, where T.M. fell to his death, the Coroner at the inquest found that the plumbing company involved had failed to comply with appropriate safety regulations.

While these circumstances establish clearly that companies have caused deaths in the work place because of negligence, as yet little has been done to establish the principle that such negligence meets the standards so that individuals could be charged with manslaughter. The criminal law in Victoria has provisions which in theory might apply. Where there is gross negligence, for example where there is a gross and culpable failure to take the steps that a reasonable person would have taken in the circumstances, then a charge of manslaughter could be sustained. There are also some circumstances where the company officials involved knowingly engage in the performance of an unlawful and dangerous act, which would also open the avenues for sustaining a charge of manslaughter.

There are two reasons to include these work deaths in this discussion of violent death in Australia. First, it is important to make the point that there are many ways people die by violence in Victoria. When work deaths are added to motor car accidents, we find that, in fact, homicides account for only a small proportion of all violent deaths.

Second, if we are concerned with public policy to prevent violent death, then issues such as work death and the road traffic toll out to be addressed for two reasons. On the one hand, these constitute a much larger group of cases than does homicide. On the other hand, it is likely that the circumstances of both industrial accidents and road traffic accidents are such that these are much more amenable to reduction by informed, effective public policy. Put another way, it is much easier to either persuade or coerce companies to abide by reasonable safety standards than, at least in the short run, it will be to alter the deeply imbedded socialization structures that are responsible for the jealousy and possessiveness, for example, that lead men to murder their sexual partners.

## J. ON THE NATURE OF HOMICIDE: CONCLUDING OBSERVATIONS

This investigation which is based on case studies of homicides in the files of the Coroner's office in Victoria for 1985 and 1986 has proceeded with the assumption established in the early Work of Wolfgang (1958), and seen explicitly in more recent research such as that of Luckenbill (1977), Zimring, Mukherjee and Van Winkle (1983) or Silverman and Mukherjee (1987) that a key factor in understanding the nature of homicide is analysis of the nature of the social interaction that occurs between the victim and the offender.

In the present research, several distinct "themes" have been found which differentiate forms of victim and offender relationships found in homicide. Once the classification was developed and examined, we are inclined to conclude that the various themes and variations seem to be distinct enough such that any analysis of "homicide" as an overall concept will be of limited usefulness. For example, we have found that the phenomenon of "victim precipitation" which is so prominent in Wolfgang's analysis is likely to be an issue only in particular types, these being confrontational homicides, intimate homicides involving a sexual relationship where the victim is a male and the offender a female, and perhaps in some homicides in the course of another crime, where the offender in the initial crime's violence provokes a response by another which leads to the original offender's death. Even here, despite the fact that the term might indicate a feature of the evolving event between killer and victim, the actual dynamics of these different forms of homicide suggest that there is a different role for the precipitation as well.

For another example, it is common in studies of homicide to report the nature of the weapon used. Once again, what is found in the present study is that the nature of the weapon is a significant feature of the transaction that takes place. Overall, guns are used much less in Australia than in countries such as the United States.

What is of central importance, however, is both when and how weapons are used. For example, no females themselves used a gun in a homicide (one was involved in contracting with a killer to use a gun in the homicide of her husband). When males use guns in the homicide of their wife or lover (i.e., in cases of sexual intimacy), there is likely to be a high level of premeditation involved (for example, the husband who went to the lengths of obtaining an antique, cap-and-ball revolver to shoot his wife). Quite a different dynamic is used in the case of confrontational homicides, where in these Australian cases (and quite at odds with findings from the U.S.) if a gun is used the offender must leave the scene to fetch the weapon.

Once the role of the weapon is placed with the interactional dynamics of the particular type of interactional event, it plays a role in further clarifying the nature of what transpires in the homicide transaction. Merely summing across all homicides to find the proportion of homicides where guns are used, on the other hand, provides data of limited analytic value. Without the context of the interaction, one cannot know the role that the gun plays in the evolving transaction that results in lethal violence.

The categories employed here resulted from direct analysis of the case studies, and are at some variance with the categories more commonly used to describe the relationship between victim and offender in homicide studies. The most common categories, which began with the work of Wolfgang (1958) and are now used for the routine data collection of the Uniform Crime Reports in the United States, consist of three: "Family," "Friends or Acquaintances," and "Strangers." Drawing upon the present data, it would appear that these are of limited theoretical value.

First, there are few true instances of "stranger" homicide, i.e., where the victim has no meaningful relationship with the offender. What other studies would call "stranger" homicides, in general would fall either in the category of confrontational homicides or in those cases of homicide in the course of another crime. If we go outside the 1985-1986 time frame of this investigation and bring in the two dramatic instances of mass murder that took place in Melbourne in 1987 (The Hoddle Street and Queen Street massacres), one of the dramatic characteristics of those events is that there is no meaningful relationship between the offender and his victims. In such cases, the victims happen to be there when the offender chooses to strike. In such cases, there is nothing to be gained from an analysis of the relationship between the offender and his "stranger" victims, once the lack of relationship has been established.

In the other cases, however, classifying across all of these different events homicides into the traditional single category of "stranger" will result in the considerable loss of knowledge about the actual nature of the event which has occurred. In the U.S., for example, a consistent finding is that a majority of "stranger" homicides occur in the course of other felonies, primarily armed robbery and rape (Zahn and Sagi, 1987; Reidel and Zahn, 1985), with comparable findings being reported in Canada (Langevin and Handy, 1987). We would suggest that while it is a fact of some significance that the victim and offender are strangers, in fact one would expect that of these crimes, and that it is more pertinent to describe the interaction as taking place in the course of that crime.

Second, a similar problem exists with the typical use of the label "family." Prior investigations, such as the investigation of Silverman and Mukherjee (1987) have made the important contribution of using a general term "intimacy" in the study of "intersexual" crimes, then proceeding to sub-classify by the various forms of intimacy that cross-sex relationships can take.

It is our suggestion that such a valuable step should be extended. There is no need to limit the analysis of social relationships involving intimacy to intersexual homicides. Such a procedure precludes considerations of father-son or mother daughter homicides, both which occur with some frequency. Further, the bond of friendship which we have argued should be included within the boundaries of intimacy involves homicides exclusively between males.

Third, the current use of the label "friends or acquaintances" needs modification. Some within the category are close friends who experience a sudden flareup which results in lethal violence, these cases being quite different than individuals whose "acquaintance" consists of a long-standing feud which leads to a final, and deadly, confrontation. Lundsgaarde (1977) suggests an approach toward the examination of friendship as a distinct category which is in many ways similar to that taken here. However when the case materials he uses are read closely, some of what the homicides he suggests as arising out of friendship seem to be better understood as arising out of intimacy (his Case No. 171, p. 107, involved a man who killed a close friend when he caught him in a sexually compromising situation with his wife), or as what have been termed here "confrontations" (e.g., his Case No. 109 which involved an argument between two people remotely connected by family ties).

The present study has, as an alternative, suggested a different set of categories. There is some correspondence between what has been called here "intimacy" and the results reported in earlier investigations (we must, for example, acknowledge a debt to research such as that of Silverman and Mukherjee, 1987; and Lundsgaarde, 1977)). At the same time, new categories are proposed which in our view capture more appropriately the dynamics of the relationship between offenders and victims.

### **Murder and Public Policy**

There are a number of the features of these results that are suggestive for purposes of public policy. For one, it is obvious that running through many forms of homicide there is the dominant theme of masculinity. The vast majority of homicides which take place within the framework of relationships which are of a sexually intimate character appear to result of possessiveness, often jealous possessiveness on the part of males. The confrontational homicides are exclusively male, and imply the existence of a set of norms regarding "honour" or "face" which are acted upon in such a way as to lead down an interactional path to homicide. Educators and philosophers might be advised to take a long term look at how both males and females are educated with respect to appropriate roles of masculinity, such that oppressive and violent possession, and combative masculine face saving, are seen as unacceptable aspects of such roles.

For another, responsible policy makers should pay close attention to the stream of marginality and vulnerability that runs through these accounts of homicide. When large proportions of persons are relegated to positions of permanent marginality, as a significant number of young people in contemporary society are (see Duster, 1987; Polk, 1989), then some of these are likely to drift into the highly risky activity that carries them into homicide. Often this is not because they wish the homicide to happen, but because they drift into the high risk behaviour that flows on outward into lethal violence. Reducing unemployment for adolescents and young adults may prove one of the most significant and accessible steps to lowering the overall rate of homicide.

It can also be pointed out that if Australian decision-makers are concerned about the reduction of violent death, attention needs to be paid to both work place and road traffic deaths, for two reasons. One, together these account for at least ten times more deaths a year than does homicide. Two, in the final analysis these forms of violent death are much more amenable to reduction through public policy initiatives than are the diverse forms of homicide that have been discussed in these pages.

Finally, not enough can be said about increasing the controls on guns in Australia. This and other studies show that not only is the rate of homicide lower in Australia, Australian homicide differs in character as well. Specifically, in Australia homicides are much less likely to involve guns than is true for countries like the U.S. This is not because guns are less deadly in Australia. Rather, it is probably because guns generally are less accessible, this being especially true for hand guns. In all of our confrontational homicides when the offender killed with a gun, he had to fetch the gun into the scene. In the 11 cases where the weapon was fetched to bring back into the confrontation even, in 6 cases it was either a rifle or a shot gun. There were no cases of confrontational homicide (i.e., where a fight escalates into lethal violence) in which a hand gun was the murder weapon. This stands in sharp contrast to the common situation where the deadly violence occurs in the initial flareup between victim and offender results in immediate resort to hand guns and then the death of the victim (see, for examples, the detailed cases recounted by Lundsgaarde, 1977).

Let's put the matter somewhat differently. It is our guess that the lower rate of homicide in Australia is not because Australians are less prone to violence per se. There is, in fact, a high level of violence in such leisure scenes as pubs and discos. What is crucial is that when the violence occurs, in particular when males seek to protect their honour, in Australia they are initially limited to their fists (and boots) or perhaps knives. In his analysis of homicide in Chicago, Bloch concluded that: "Whether an assault ends up in death is almost entirely dependent upon the weapons available for the attack." (Bloch, 1977:95) In the U.S. where guns, especially hand guns, are readily available, routinely reports suggest that approximately 60-66% of deaths result from gun shot wounds. In Australia, one-third or less of homicides result from the use of guns.

We can conclude by referring back to our opening statement, and point out that the reality of homicide is quite different than that pointed out in the various forms of the entertainment and news media. There are few murders that represent "strangers," rather killers are much more likely to be linked through some bond of intimacy with their victims. While a very high proportion of killers in TV or book detective stories are likely to be women, unprovoked killing by women is quite rare, and we find not one instance of a jealous woman killing her male partner (whereas many males kill their female partners out of possession and jealousy). There are, in fact, precious few mysteries in these files. In most cases the killer is either immediately obvious, or is likely to become obvious in short order through relatively routine investigations.

At this point there is much too little knowledge available to us to provide a causal explanation of how and why particular murders take place. What can be suggested is that we continue to focus attention on the dynamics of the interactions that occur between offenders and victims. From what we have seen here, these dynamics reveal that there are many different forms of homicide, each type differing from the other in important ways. As we develop better understandings and descriptions, we shall have to pay close attention to the differences between the various themes of homicide.

## REFERENCES

- Bacon, W. and R. Landsdowne (1982) "Women who kill husbands: The battered wife on trial," pp. 67-93 in C. O'Donnell and J. Craney, *Family Violence in Australia*. Sydney: Longman Cheshire.
- Bonney, R. (1987) *Homicide II*. Sydney: New South Wales Bureau of Crime Statistics and Research.
- Block, R. (1977) *Violent Crime*. Lexington, Mass: Lexington Books.
- Daly, M. and M. Wilson (1988) *Homicide*. New York: Aldine de Gruyter.
- Duster, T. (1987) "Crime, youth unemployment and the black urban underclass," *Crime and Delinquency* 33: 300-315.
- Frank, N. (1988) "Unintended murder and corporate risk taking: Defining the concept of justifiability," *Journal of Criminal Justice* 16: 17-24.
- Grabosky, P.N., N.S. Koshnitsky, H.D. Bajcarz, and B.W. Joyce, (1981) *Homicide and Serious Assault in South Australia*. Adelaide: Attorney-General's Department.
- Gross, H. (1949) *Criminal Investigation: A Practical Textbook for Magistrates, Police Officers and Lawyers*. London: Sweet and Maxwell Ltd.
- Hewitt, J.D. (1988) "The victim-offender relationship in convicted homicide cases: 1960-1984," *Journal of Criminal Justice*, 16: 25-33.
- Kaparidis, A. (1989) *They Wrought Mayhem: An Insight into Mass Murder*. Melbourne: River Seine Press.
- Langevin, R. and Handy, L. (1987) "Stranger homicide in Canada: A national sample and a psychiatric sample," *Journal of Criminal Law and Criminology* 78: 398-429.
- Luckenbill, D.F. (1977) "Criminal homicide as a situated transaction," *Social Problems* 26: 176-186.
- Lundsgaarde, H.P. (1977) *Murder in Space City*. New York: Oxford University Press.
- Polk, K. "Education, youth unemployment and student resistance," in R. Slee (ed.) *Discipline and Schools*. Sydney: Macmillan.
- Reidel, M. and M.A. Zahn (1985) *The Nature and Pattern of American Homicide*. Washington, D.C.: U.S.G.P.O.
- Silverman, R.A. and S.K. Mukherjee (1987) "Intimate homicide: An analysis of violent social relationships," *Behavioral Sciences & the Law* 5: 37-47.
- von Hentig, H. (1979) *The Criminal & His Victim: Studies in the Sociobiology of Crime*. New York: Schocken Brooks.

Wallace, A. (1986) *Homicide: The Social Reality*. Sydney: New South Wales Bureau of Crime Statistics and Research.

Wolfgang, M (1958) *Patterns of Criminal Homicide*. Philadelphia: University of Pennsylvania Press.

Zahn, M.A. and P. C. Sagi (1987) "Stranger homicides in nine American cities," *Journal of Criminal Law and Criminology* 78: 377-397.

Zimring, F.E., S.K. Mukherjee and B. Van Winkle (1983) "Intimate homicide: A study of intersexual homicide in Chicago," *The University of Chicago Law Review* 50: 910-930.



## THE VICTORIAN INSTITUTE OF FORENSIC PATHOLOGY

The Victorian Institute of Forensic Pathology is co-tenant with the Victorian State Coroner's Office in the Coronial Services Centre of Victoria situated in South Melbourne. The latter is a new \$25,000,000 purpose built centre and was opened on July 26, 1988, and occupied in September that year.

The Victorian Institute of Forensic Pathology is a body corporate with perpetual succession and was established in the Victorian Coroners Act 1985. Its objects and functions are prescribed in sections 64(2) & 66(1) of that Act. Its objects are:

- (a) To provide, promote and assist in the provision of forensic pathology and related services in Victoria and, as far as practicable, oversee and co-ordinate those services in Victoria;
- (b) To promote, provide and assist in the postgraduate instruction and training of trainee specialist pathologists in the field of forensic pathology in Victoria;
- (c) To promote, provide and assist in the postgraduate instruction and training of persons qualified in biological sciences in the field of toxicological and forensic science in Victoria;
- (d) To provide training facilities for doctors, medical undergraduates and such other persons as may be considered appropriate by the Council to assist in the proper functioning of the Institute;
- (e) To conduct research in the fields of forensic pathology, forensic science and associated fields as approved by the Council."

Staff at the Institute also comprises the members of staff of the Department of Forensic Medicine at Monash University and the Institute is an affiliated institution with the University of Melbourne.