Women's Studies Int. Forum, Vol. 14, No. 5, pp. 385–412, 1991
Printed in the USA.

0277-5395/91 $3.00 + .00

INTRARACIAL RAPE REVISITED

On Forging a Feminist Future Beyond Factions and Frightening Politics

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Synopsis—Here I revisit three contentious issues: intraracial rape, feminist theorising around race and gender, and the problematics of cross-cultural collaboration (see Bell & Nelson, 1989). I begin by examining the modes of analysis of abuse of Aboriginal women as revealed in recent reports, and offer comparative case material from North America. With particular reference to the shifting bases of my relationship to Topsy Napurrula Nelson, I trace a personal, partial, and hidden history of an idea, that is, a more empowering feminist future may be envisaged by grounding our theorising on questions of gender, race and violence in the possibility of relationality. I suggest that the propensity to engage in social construct boundary maintenance is obscuring the fact that it is women who are being brutalised. With reference to the handling of violence against women by the courts and by "communities," I argue cross-cultural collaborations and enunciation of women's law can empower women. Forging a sustainable vision of a meaningful future in the current crisis requires that the needs of woman be addressed; that in pursuit of the politics of difference we not lose sight of questions of power; that the politics of law, the nation state, the academy, and Aboriginal liberation struggles that shape the "master narratives," are interrogated from within and from "elsewhere."

Since working for the Aboriginal Women's Task Force I have become aware of a very fast growing proportion of Aboriginal men rapists. (Daylight & Johnstone, 1986, p. 65)

Women are being badly hurt and dying because of violence and in some places rape and sexual abuse of children has become common place. (Wright, quoted in Balendra, 1990, p. 2)

. . . rape and assault were the most under reported offences in the Queensland Aboriginal community . . . in one town no Aboriginal girl over the age of ten had not been raped. (Barber, Punt, & Albers, 1989, cited in Atkinson, 1990a, p. 6)

I thank Genevieve Bell, Martha Crunkleton, Susan Hawthorne, Renate Klein, Jocelynne Scutt, Karen Turner, Kristin Waters, and my students at the College of the Holy Cross, Worcester, MA. As I have struggled to commit my ideas of rape, race and gender to paper, they have convinced me that this article had to be written.

SPEAKING OUT ABOUT RAPE AGAIN

Violence against women is on the increase. The research findings are incontrovertible: Rape is a reality, occurring at a rate that qualifies as an abuse of human rights, and on a scale that constitutes a crisis. Rape is about power: Silence about rape protects abusers of power. Comparative analyses of case material from Australia and North America point to rape, especially gang rape, being an index of the "ultimate experience of the acceptance of violence against women in both black and white cultures" (Maher, 1989, p. 265). Talking about rape requires that we interrogate notions of the private and the personal; that we peer behind the veil drawn around families (Scutt, 1983); that we look again at the way inequality is sexualised (MacKinnon, 1987, pp. 3–4, 1989, pp. 215–234). Talking about rape in Aboriginal society is difficult: There is a genuine fear of reinforcing racial stereotypes, of retribution, of exhibiting cultural arrogance (Atkinson, 1990a, p. 9; Daylight & Johnstone, 1986, p. 67; O'Shane, 1988, p. 105). But, there is also widespread ignorance of the extent of the vi-

olence, and the rights of the abused, a reluctance to name the violence for what it is—woman abuse. Consequently arguments for woman-affirming services and woman-empowering strategies are resisted.

Aboriginal women have been telling us (other women, feminists, Australians) for some time that rape is part of the socio-political landscape (Sykes, 1975, p. 319), but it has been interracial not intraracial rape of which they spoke. Confronting the abuse of women in an already marginalised minority population requires theorising around issues of gender and race. Asking that women be given priority in research, in access to resources, in media analysis, or law reform, is not popular (Atkinson, 1990a, p. 6; O'Shane, 1988, p. 98; Sculthorpe, 1990, p. 16). Yet the statistics tell us women are suffering and the seriousness of the situation is being variously disguised as "domestic violence," "customary practice," an "expression of distress" of a people (Atkinson, 1990a, p. 6; Payne, 1990, p. 10).[1] "Over the past ten years there have been more female deaths from domestic violence in the Northern Territory and Queensland, than there have been black deaths in custody," notes the Office of the Status of Women (Balendra, 1990, p. 2). "More women have died from violent assaults in one town of the N.T. over the past five years than all the deaths in custody in the N.T. over the same period," writes Atkinson (1990a, p. 6). "Aboriginal women in the N.T. are 28 times more likely to die from homicide than other Australian persons," observed Ernest Hunter (cited by Payne, 1990, p. 10). The current levels of interpersonal and gendered violence within Aboriginal communities, the terror, the loss of dignity, the erosion of self-esteem, the personal and social dislocation, should concern us all, but how are white women to engage?

I am looking for a way forward: I'm seeking analyses that are empowering, strategies that have some chance of success, and models that reflect the experience of woman-directed violence. My concern regarding the increasingly brutal and systemic nature of intraracial rape is informed by many years in the field; by excursions into the courts; by work for legal aid services; by having been a consultant to the Law Reform Commission; by having given papers to various audiences (lawyers, anthropologists, writers, Women's Studies professionals, historians) sometimes in collaboration with Aboriginal women, sometimes solo, never covertly. The responses to and fall out from these occasions illuminates the way in which arguments are sought, commissioned, fashioned, heard, and used—negatively and positively. My theoretical explorations are grounded in my field practice: My standpoint is explicitly feminist and always clear about its politics.[2] Epistemologically, I am contesting the objective, gender-neutral stance, and declaring that the raw empiricist merely masquerades as a universally valid and scientifically detached position (see Hawkesworth, 1989, pp. 535–538; Waters, 1990). I am writing as a woman and that carries certain baggage for when I speak of an issue as visceral as rape, I do not do so in the abstract: It has real substance for me as a woman, not for me as a gender-neutral person, or me as white woman, or me as an academic. It is me as a woman who is vulnerable, and while the qualifiers may assist me in reducing the risk I run of becoming a statistic, women are raped because they are women (MacKinnon, 1989, p. 178). Rape is indigenous to women, not just the experience of indigenous women. I speak as an anthropologist and this is a convenient straw person for other disciplines, for politicians, and for Aborigines, all of whom have cause for concern that the voices of the vulnerable, the excluded, and the muted may be heard. However, because stereotypes of "white male exploitative researchers," have become ritualised, in order to deal with feminist analyses of male bias from women who have been in the field, a new stereotype has emerged. It is one that resonates in the wider society: Feminists are imposing their agenda on other cultures. From the above it is obvious that each of my bases of authority is a contested site: The best I can do is make plain my position and agenda.

A persistent theme in my writing has been that current manifestations of gender relations in Aboriginal society are part of the dynamic of the interweaving of sexual politics and social change on the colonial frontier (Bell, 1983, p. 41ff). With reference to Central Australia I have argued that women's traditional bases of power—religious and economic—have been fundamentally trans-

formed by the loss of their lands. Their participation in decision-making processes of the emerging political institutions of Aboriginal self-determination is restricted; their ability to access the resources of the nation state is limited; and fora in which they might develop strategies and skills are few. Throughout I have insisted that the colonial encounter is inscribed differently on the lives of men and women. In the locus of violence, we have here a clear example of how this difference registers: Aboriginal men are dying in custody and while some Aboriginal women also die in custody, many more being brutalised in their home communities.[3]

By framing my analysis of rape within these understandings, I have found it necessary to look beyond glosses such as "societal breakdown" to the specific experience of Aboriginal women, to ask: Why women? Why the increase? Why the mystifications? Here I find helpful the enunciation of Teresa de Lauretis (1987, p. 25) of the task facing feminists as the need "to create new spaces of discourse, to rewrite cultural narratives, and to define the terms of another perspective—a view from elsewhere." By this she means one both shaped by, but suspicious of, the "master narratives" (p. 2), and their "persistent tendency to reproduce themselves in feminist theories" (p. 25). Turning to "rhetoric of violence" and the "violence of rhetoric," de Lauretis brings us back to women's experience as the basis for our theorising: "the interests of men and women . . . of rapists and their victims, are exactly opposed in the practices of social reality, and can not be reconciled rhetorically" (p. 38). Similarly Catherine MacKinnon (1979, 1987, 1989) unpicks the "master narratives" in her discourses on life, law, and the state. She develops a distinctive feminist standpoint from which to critique the contradictory claims of a value free stance of law in dealing with rape and pornography. Of feminism MacKinnon said:

> If it does not track bloody footprints across your desk, it is probably not about women. Feminism, the discipline of this reality, refuses to abstract itself in order to be recognized as being real (that is, axiomatic) theory. In terms of existing theory, the distinctive intellectual challenge of feminism is to retain its specificity without being confined to the parochial; its distinctive practical challenge is to stay concrete without being crushed. In feminist terms, it is difficult to be narrow if you are truly talking about the situation of 53 percent of the population, but it is almost impossible to survive if you do—which makes these one and the same challenge. (1987, p. 9)

In the rush to take up a "concerned" position on race and gender (or retreat to a neutral niche), the extent of the violence has not been fully and openly confronted, and previous research and feminist reflections have been erased. They survive, like so much of women's history, in personal accounts, in private conversations, and in publications that have been shunted to the side to make way for more pressing political issues. We are constantly reinventing the wheel, having to prove through expensive research what we already know, that to be a woman is to be vulnerable to violence and to be an Aboriginal woman is to increase the odds of violence. I fear that 10 years hence the research findings will show that the aetiology etiology of rape is remarkably similar for white women and for Aboriginal women.[4] There are already indications in the available material that this is so (Atkinson, 1990a, p. 7; O'Shane, 1988, pp. 104–106), but while the analytical frame remains one of racial oppression, the similarities will be masked.

RECENT RESEARCH AND INTRARACIAL RAPE

Audrey Bolger's (1990) study in the Northern Territory, Judy Atkinson's (1989, 1990 a, b, c & d) research in North Queensland communities, and Pat O'Shane's (1988) report on NSW (New South Wales), confirmed our N.T. (Northern Territory) observations (Bell & Nelson, 1989) and extended documentation to other states.[5] The portrait that emerges is of a society in crisis and of the already vulnerable suffering horrendous abuse. Sue Wright, coordinator of the federal government's remote areas research project on domestic violence, is quoted as saying, "Our whole Aboriginal race is getting out of control . . . a lot of women are taking

a lot of bashings out there and it is amazing how the human body can stand up to the treatment they get week after week, sometimes day after day." (Balendra, 1990, p. 2). Judy Atkinson, who prepared "Beyond Violence: Finding the Dream" (1990d), a video and booklet funded by the federal Office of the Status of Women and the Torres Strait Islander Commission, is quoted as saying "communities are in total crisis, violence is now endemic in much of contemporary Aboriginal society . . . women expect to be bashed" (Roberts, 1990).

Atkinson (1989, 1990b, c) drawing on a variety of sources, statistics, and seminars arranged by local groups, government agencies, Aboriginal women, and other concerned parties, provides chilling documentation of the violence. On Mornington Island, a small community of 900, last year the rape conviction rate (note, not the incidence of rape) was 37 times that of the state average. In Kowanyama, on Cape York Peninsula, in late 1988, 12 children aged between 4 and 8—clearly victims of sexual assault—were being treated in Cairns Base Hospital for syphilis and other sexually transmitted diseases (Roberts, 1990). Atkinson (1989, pp. 11–14; 1990c, pp. 6–11) recites a litany of abuse: rape of children; of seemingly casual revelations, "I was only raped last night again," of gangs of 10 to 16 year olds raping drunken women; of women being beaten when the violence is reported; of women reduced to a pulp; of brain damaged women; of brothers "selling" sisters (to both black and white men) to pay gambling debts or for beer; of 8-year-old girls being shown hard pornography and being asked to perform the act depicted; of pack rapes; of young men raping older women; of old men abusing young girls; of one 7 year old with her reproductive system destroyed; of surgical repair; of anal and vaginal gonorrhea and syphilis; and finally of women being blamed for the poor health of their children (see also Zwar, 1990, p. 6).

Atkinson (1989, p. 11) remarks that "rape is a daily occurrence but 88% go unreported, only pack rapes are reported," but, as our cases indicated, even they may not be reported (Bell & Nelson, 1989, p. 412; see also Bligh, 1983, p. 101). Underreporting is a problem in all rape cases but there are particular reasons why, in small kin-based communities, crimes go unreported: Victims fear retribution, learn to protect themselves from further abuse by keeping quiet, and the power to intimidate is known to boys and men; police are not always interested and may even be part of the abuse pattern; people are reluctant to see offenders go to the jails in distant cities (Atkinson, 1989, p. 21; 1990b, p. 14; 1990c, p. 20; O'Shane, 1988, p. 112). Separate statistics are not kept for Aborigines (O'Shane, 1988, p. 100) and deaths due to violence are often subsumed under natural causes such as pneumonia (Atkinson, 1990c, p. 7). Violence is not always prosecuted. Atkinson (1990a, p. 6; 1990c, p. 8) notes where, with respect to five female violence related deaths, no charges have been laid.

Pat O'Shane (1988, p. 125) traces the way violence has become so routine that it has been incorporated into the range of acceptable affective responses: "I gave her a bit of Black-fellow's love last night" (i.e., bashing) is "a common expression around here." Young women, having known nothing else ask: "It's part of being black isn't it?" (O'Shane, 1988, p. 102). This echoes the comment recorded by Atkinson (1990c, p. 5) that "women do not think their 'bloke' loves them unless he belts them." The folk explanations include accounts of men treating women as property, of the appalling living conditions, alienation, jealousy, and despair. "The men feel rejected and depressed and they take it out on the women." (O'Shane, 1988, pp. 104–105) was told. Again I ask: Who speaks of the interests of women? To whom do they turn for a model that will give them a future? Male oppression has a model that addresses loss of self-esteem, but we cannot condone violence because women are the only category of beings left through whom men may be made to feel better about themselves. What we have is a crisis in masculinity and it is here that we need acknowledgment from the men that they are responsible for the carnage.[6] "Aggression against those with less power," MacKinnon (1987, pp. 6–7) argues, "is experienced as sexual pleasure, an entitlement of masculinity," and that is what is revealed in the expectation of Aboriginal women that to be bashed is to be loved, and that "Black-fellow love" entails a bashing around. Subordination has been sex-

ualised and sexuality is private: feminist researchers beware.

Heather Sculthorpe, a barrister and solicitor with the Tasmanian Aboriginal Legal Service, points out that it is not fashionable to demand that women's interests be given priority. In rejecting the analysis that men suffer as much as the abused, she cautions we take care lest:

> that fallacy . . . become[s] another myth which we will start to believe against all evidence in the same way that we were previously led to believe it was only white men who mistreated Aboriginal women or that sexual abuse of children did not exist in Aboriginal communities. (1990, p. 16)

Sculthorpe praises Atkinson's video presentation for not blaming men, but points out it cannot be left to women to rescue the men. They must also be "the architects of their own salvation" (Sculthorpe, 1988, p. 16). O'Shane (1988, p. 120) makes a thoughtful plea for community education by which women may be informed of their rights without losing respect for their menfolk (see also Atkinson, 1990b, c). But, in all the materials thus far available the issue of male power is avoided: No Aboriginal male activists have declared safety of women a priority. Yet there are men who care and they could be mobilised. Unfortunately the men we hear from appear to be arguing violence off the political agenda (Atkinson, 1990a, pp. 6–7).

In this vein, one intimidatory argument I have heard is that to bring rape to public attention places men at risk because they are likely to be jailed, and then become a custodial death. Therefore, women should not pursue rape charges. Another argument is that violence against women is a matter of culture and to interfere is to undermine customary law. Atkinson (1990a, pp. 6–7), citing similar objections voiced by senior Aboriginal males, suggests that such analyses originated with white male public servants, but she does not pursue this as a male alliance shoring up similar interests (see also Sykes, 1988, p. 34). There are many good reasons to doubt that customary law licenced violence against women, and there were customary punishments that women could apply to violent men.[7] But, even if the assertion that violence is customary law were valid, Australia is a signatory to human rights conventions that protect women regardless of race (see Bell, n.d.; Bradley, 1990), and rape is a criminal offence. If rape is not part of customary law, then we need to confront the collusions that have allowed spurious male assertions to stand as "culture" (see Bell & Ditton, 1980, p. 17; Bell & Nelson, 1989; Coombe, 1990; Payne, 1990, p. 10).

Feminist questioning of the "master narratives" reveals that by framing violence as a racial problem (i.e., it is Whites oppressing Blacks), women are rendered mute. To admit gender as a category of analysis is destabilising. It is helpful to ask the question feminists asked when scrutinising the violence hidden in the home: In whose interests is silence maintained? Under what conditions may women be able to put their safety and that of their children above the needs of the men who beat and rape them? Here again the need to work from within the race construct has constrained findings that might empower women.

THE RHETORIC OF VIOLENCE AND THE VIOLENCE OF RHETORIC

> Until we name the practice, give conceptual definition and form to it, illustrate its life over time and space, those who are the most obvious victims will also not be able to name it or define their experience. (Rich, 1986, p. 45)

Consider the following "facts" culled from a social issues journal in the United States: In 1989 the FBI recorded 3,584 rapes; the rape rate is increasing; only one in ten rapes is reported; a rape occurs every 6 minutes; most rapists rape 15 to 20 times before being caught; there is a 3% chance of conviction; rapists have the highest rate of recidivism (Hoffman, 1990, p. 3). As Kathleen Barry argued in 1979, the huge number of men engaged in these practices should be cause for declaration of an international emergency, a crisis in sexual violence (quoted Rich, 1986, p. 49) but there are multiple ways in which "woman as vulnerable" is obscured. Underlying each is the fact that women do not enjoy the same power as men. Rape does not hap-

pen in a vacuum—it happens because of the "brutalisation, subordination and degradation of women that goes on daily in a thousand different ways" (Hoffman, 1990, p. 42). Here, with reference to North American cases of anti-woman violence, I am exploring the way in which discourses around questions of violence, race, and gender are constituted and distanced by the academy, law, media, and minority groups.

Two recent cases from the United States and one from Canada are emblematic of the way in which violence against women is masked, deflected, trivialised, and denied. In the Engineering Faculty of the University of Montreal, December 1989, 25-year-old Marc Lepin strode into a classroom, separated the students into two groups, male and female, and shouting, "You're all a bunch of feminists," mowed down 14 of the women with a semiautomatic rifle (see Nyhan, 1989, p. A19). The nation was shocked by the carnage but the media reporting did not focus on the fact that it was women who were dead. It was a lunatic run amok. As the circumstances of the tragedy emerged it was obvious that this was an attack on women because they were women. In a letter found after the massacre, Lepin blamed feminists for ruining his life and listed 14 prominent feminists. Now here was a man who did not distinguish when it came to exacting his revenge: He took it out on the group, that is, women.

When a 28-year-old woman investment banker jogging in Central Park was viciously assaulted, gagged, raped, sodomised, and left for dead by a gang of youths, the New York media quickly seized on the racial backgrounds of the youths and the case developed as White accused Black. The woman lying unconscious was somehow invisible. In an analysis of coverage from April 19 to May 17, 1989, Lisa Maher (1989, p. 264) argued for a "disturbing example of how the media resonates and reinforces the sexism of western social orders." The youths' behaviour was designated "wilding" and the actions of urban Afro-American males were thus labelled and explained. There was no analysis of woman as the target of the violence. To their screaming victim, the youths had shouted, "Shut up bitch." Note, they did not shout, "Shut up white bitch," or, "Shut up rich bitch," but, "Shut up bitch" (Hoffman, 1990, p. 3). Through an incredible act of courage and with the support of family, colleagues, and feminist groups, the woman endured the subsequent trial and the sordid defence scenarios of victim blaming: What was she doing in the park anyway? (see also Hoffman, 1990, p. 42). The woman's name was suppressed and the media abided by the ban, but angry black supporters of the accused, shouted her name in media presence and accused her of promiscuity, of fantasy, of race privilege. It was an example of anti-woman, male-affirming, race-prioritising syndrome. Such victim-blaming, in the name of a critique of racism and law reinforcement, must itself be critiqued.

Along with the New York jogger case, the murder of Carol DiMaiti Stuart by her husband in Boston, on October 23, 1989, has become a touchstone for media, feminists, and law enforcement agencies, albeit for different reasons. Carol Stuart was murdered when 8 months pregnant by her husband, but it was the black man that Michael Stuart said had held them up and shot them both (her fatally and him badly) that the police searched for and found. As police moved in for prosecution, one of Stuart's brothers came forward with information and the next day Michael Stuart jumped off the Tobin Bridge. It then became evident that the brothers had conspired in the murder. They were protected at law by virtue of being members of the family. Given that one in three women is murdered by a husband, lover, or *de facto common law husband*, this should have made Stuart a prime suspect, but the racial dimensions completely overshadowed that index of vulnerability and dependence. The race card trumps all others. Carol Stuart was murdered because she was an inconvenience to his business plans, but this was not analysed. To do so would have entailed problematising the family as locus of security, protection, and love.

The murder of Carol Stuart and the New York jogger rape were reported because they were white, but they suffered because they were women. The cases rattled the collective conscience of the nation but media analysis focussed on police procedures, media coverage, the racism of Whites, and not the circumstances that render women vulnerable, not the women-negating culture in which the

violence occurred. Asking that we scrutinise these cases as violence against women does not mean the racial stereotypes evoked should not be scrutinised also. Both cases inflamed racial and class stereotypes and they did so at the expense of an analysis of the women who were brutalised. Race is important in how rape is dealt with and the charge that the rape of one white woman is more important than the rape of many black women holds. Ninety percent of rapes are intraracial (MacKinnon, 1987, p. 247 n. 1) but few make the headlines. It is interracial rape, that is, the anomalous, that the media pursues, but not with woman in focus.

The reluctance to acknowledge that it was women who were dead, raped, abused just because they were women, has important ramifications. In the United States these are clear. In moves to legislate on the new category of "hate crimes" women are conspicuously absent and likely to remain so because the categories for which statistics are kept will not include one for women (Heinzerling, 1990, p. 112). Under the new federal law hate crimes "are those impelled by the victim's race, ethnicity, religion or sexual orientation." Thus if a man is killed because he is black, it is a hate crime, but if a woman is killed because she is a woman (and we have evidence that women are killed for exactly that reason) then it is not within the ambit of the legislation. To question this lack of consistency is to challenge the "master narratives." In other legislation sex is acknowledged as critical, for example anti-discrimination legislation, and human rights provisions recite the litany of sex, race, creed, colour, and national origins.

So why are women excluded when it comes to abuse? Heinzerling (1990, p. 112) suggests that society does not think of crimes against women in the same way that it thinks about racial or ethnic violence. I think we should push this further and ask: Is it because it would focus on the generative force of the "master narrative," and reveal that it is through violence or force that the patriarchy maintains its control over women? It would properly identify the behaviour as woman-hating, woman-negating, and declare the violence is part of a culture that allows women to remain with less access to political power, economic security; focus an academy that prefers to write of difference (de Lauretis, 1987, p. 24; MacKinnon, 1987, pp. 8, 32–45); and critique the law cast in the image of a reasonable man who thinks "consent" can include screaming "no" (Coombe, 1990). In MacKinnon's (1989, p. 173) terms taking rape from the realm of "the sexual," and placing it within the realm of the "violent," removes force, as a normal part of heterosexual relations, from the legal definitional issues. How, she asks, may one distinguish between sex as intercourse and sex as rape, under the conditions of male dominance? (MacKinnon, 1989, p. 174).

MacKinnon (1987, p. 5) brings our concepts of gender, law, and the state into sharp focus with her observation that abuses of women can be "as allowed de facto as they are prohibited de jure." Her questions generate another: Should intraracial rape be held to a different standard? Aboriginal women researchers, confronted by the realities of intraracial rape, express anger at the abuse, but are constrained in their analyses by their insistence that the locus of violence is race. In *Women's Business* (Daylight & Johnstone, 1986), the report of the Aboriginal Women's Task Force of Australia-wide consultations, there is a short section, significantly entitled "Women as victims" (pp. 63–76), which addresses women's anxieties and ignorance regarding sex. Only one regional coordinator wrote at any length. Noting the frightening increase in intraracial rape, she calls for something to be done, but the subject of intraracial rape falls outside the analytical frame of the overall report: The violence is a colonial artefact: white men rape black women, and intraracial rape is an anomaly (p. 66). Another example of the problems of addressing intraracial rape comes from an Aboriginal worker from the Adelaide Rape Crisis Centre who, reporting on a workshop run at the 1984 Women and Labour Conference in Brisbane, notes the lack of fora in which to talk (pp. 66–67). Many of the issues raised by Atkinson and O'Shane are prefigured in the Task Force Report.

"FIELD" RELATIONS: GENDER AND RACE

In revisiting the issue of intraracial rape, I want to do more than fill in the gaps since

our 1989 paper. I'd like also to bring a hidden history into the open and thus build a more dynamic, less guilt-ridden appreciation of questions of gender and race. What I am offering is partial and personal; it's an account of relationships developed over the past 15 years, but I am hoping that this exercise might encourage others to share their experiences.[8] My intent is to make available some positive, woman-affirming examples of cross-cultural collaboration, and to move beyond a negative, reactionary retreat into social constructs. If we think of race as a given, then all we can do is react. Our modes of interaction are circumscribed by the construct "race." The boundaries of the person become fixed and we have to breach these socially constructed boundaries before we can engage in dialogue. Whereas, if we emphasise relationality, we can focus on connectedness, and the rigidity of the bounded category of race gives way to permeable membranes. In this focus on relationality, race as a category is destabilised. The shift in emphasis opens up the possibility of theorising issues of gender and race around relationships, and declares that our possibilities are not exhausted by our predicates (*white* woman, *Aboriginal* woman, *radical* feminist, *socialist* feminist). This shift from boundary maintenance to relationality is threatening if one has constructed a political identity (as have some feminists and some Aboriginal women) on the basis of predicates. When the issue is rape, it is our vulnerability as women to rape that grounds the relationality and thus I am suggesting we begin with the issue, not with the construct.

In my view, a feminism drawing on female friendship bespeaks a more robust feminist future than one cringing before socially constructed categories. If the cross-cultural politic is to be collaborative, the exchanges have to be two way: We need to learn to be more sensitive to cultural difference, and Aboriginal women need to see there are women who are sensitive. We do not need to be cowered by being told we are white and Aboriginal women need to stop denying that feminism has changed the environment in which they operate.[9] In this I think white women have the major responsibility to create and foster the conditions under which dialogue might occur, but that does not mean we should suspend all critical faculties. We need to be able to disagree with each other and to do so in a constructive way. It's not the end of the relationship to have a disagreement. If you can't argue then there is room to talk about an element of racism in the relationship. My emphasis on relationality does not require that we all be friends: there will be individuals whom we mistrust, find disagreeable and wish to avoid, but if there is the possibility of relationality, we can begin to talk about these interpersonal and political dynamics as part of our human heritage, not as a subset of our race or gender. Yes, we'll make enemies, and be hurt, that is an aspect of all interpersonal relationships. It forces us to ask why we wish to engage in the exchange, but it doesn't stop us reaching out. You may wish to analyse why some are not persons who may be friends, but that is another level of analysis. I'm talking about how feminists might ground their theorising of race, gender, sexuality, and class in their experience with Aboriginal women and it entails more than discourse: It is about owning to being a woman and acknowledging that feminism has opened discursive and social spaces for all women (see Langton, 1989).

My relationship with Topsy Napurrula Nelson began with an inversion of what was known of interactions between black and white women in Central Australia in the 1970s. The white women with whom Aborigines routinely came into contact were either the dependents of local officials, or employed in roles associated with feminine nurturance: teachers, nursing sisters, missionaries. They were set apart by their knowledge, skills, material comfort, and access to resources. For me to ask to be taught by Aboriginal women was a novel experience for them. During my first period of indepth fieldwork, from 1976 to 1978, Topsy Napurrula was one of the ritual experts who took me under her wing and guided me through the maze of knowledge necessary to be considered competent in her world. Without her patient guidance I would never have learned to tell the difference between edible and poisonous solanacae at 100 paces, or to discriminate between the shape of fire or a storm on the distant horizon. These are minimal skills,

I allow, but they were critical to survival and were taken by my teachers as evidence of my capacity and determination to learn.

The women had no problem seeing me as a pupil, if that was what I said I was, and if I behaved as one who is learning should behave. This meant I had to abide by the rules of women's law. I had to keep secrets, avoid certain people, joke with others, lend to some and borrow from others. I had to learn organically, that is, wait until a matter arose before asking questions. That changed once I'd learnt some of the basics and could form questions that would not offend, but to reach this stage I needed to know a great deal of genealogical and social history. For instance, one should not voice the names of dead people. After several years individual names come back into circulation, but close relatives continue to observe the taboo and it causes deep sorrow and offence if a name is verbalised in their presence. Thus, in everyday conversation, I needed to know enough about those present not to cause pain, and because personal names were often the names of things, like "Battery" George (a man who had worked on the mining battery and died before I began work in the area), I had to learn to put water in the "replacement word" of my car, and purchase "replacement word" for my torch, and cassette player. There were other taboos that were generated by ceremonial obligations and that I could only learn through participation. There were no lists and no one person could speak to all the taboos.

What is indelibly printed on my memory and sustained by reference to my notes of my "student stage," was that never was I told that because I was white I was to be excluded, or that I couldn't understand. The criteria for building relationships were personal characteristics. Sometimes women would laugh at me and say because I was white I hadn't learned things any adult woman would know, like how to tell the difference between the tracks of a goanna and a snake (important if one is to stay alive). It was in the towns, like Alice Springs and Tennant Creek, that I'd hear race used as a bar to learning in dismissals such as "what would Whitie know?" There Whites outnumbered Aborigines but in the community where I worked Aborigines were the majority. In terms of the work I was doing, the Aboriginal women were in control. They had no need to evoke a racial distinction to protect or defend themselves from me.

Important to my acceptance was my willingness to deal with what I was being told and my ability to apply that knowledge (in sacred, ceremonial, and everyday activities), and my preparedness to speak up when asked to do so. When "official parties" of whites visited the community, local Aborigines would ask me to be present: The most endearing moments were when women wanted their views conveyed to all male parties and their menfolk would explain gently to the visitors that they needed to consult with women.[10] Having me in the community was often convenient. It protected locals from the tedious repetition of answering bureaucratic questions and it also allowed them to implicate and educate me. While engaging in such exchanges, I was always visible and if people wanted to hear they could. Usually they'd ask me to report and maybe send me back for a second round. Even on shorter field trips, when I was doing contract work in the area (1978–1988), I'd find that people would ask me for a briefing before they met with the "officials." In no way am I suggesting I knew all the answers, but also I do not consider these people were at the mercy of an intrusive anthropologist. They had their own agenda (about which I'd ask, if I felt I knew enough to frame the questions constructively); they chose their messenger, and if they wanted direct contact, they made it. Where all these negotiations broke down was that the endless meetings were only consultations. Real power resided in decision-making fora where women had little or no input.

So, in those first years I was learning, but local people were learning also, not just about things but about attitudes, personalities, about how I, as a single mother, coped with children, and about how an anthropologist operates. These impressions of Anglo culture and my discipline were necessarily partial, but that was the point of exchange between women of different cultures and that was the ground on which we built our relationships. Let me give you an example. I carried topographical maps when we under-

took long off-the-road expeditions. The local women navigated by orientation to sacred sites, old camping sites, and physical features of the landscape. For them distance was measured in walking time, for me in miles. There were confusions and frustrations galore and we all made mistakes as we negotiated from within our preferred navigational modes. Through these exchanges several women became accurate with maps and my sense of direction in seemingless featureless plains was heightened. There was merit in both systems and both had problems: Maps are often inaccurate and a fire or flood may erase sacred markers.

These activities usually involved parties of 8 to 12 women and although the composition of the group changed, Topsy Nelson, her father's sister (now deceased), and one I called "mother" (also deceased) were often in the group. Napurrula and I called each other *pimirdi* (father's sister/brother's daughter) and as members of the same patriline, we shared certain ceremonial obligations, and rights and responsibilities in land. I knew her family well enough to mourn her father's passing; to be given access to his "law," to be present when his knowledge was reactivated (see Bell, 1985, pp. 14, 17). When his "brother" was in court, facing a murder charge, the male relatives asked that I assist and were prepared to recount the history of the dispute that had generated the incident now before the court (Bell, 1984). There were many women with whom I worked and whom I considered friends, but Topsy Nelson and I became close friends and it has been a friendship on which we have both relied heavily: If either one was ill, depressed, had good news, was perplexed, the other was always there.

On two occasions in the 1980s when Topsy Nelson was in hospital, I sat and waited for her to come out of the anaesthetic; when my daughter was in an accident, she stayed with us; when I was deeply disturbed by an ethical dilemma in executing a professional contract, I sought her counsel, and followed her advice although it put me at odds with Anglo-law and some Aboriginal bureaucrats. Ours is a friendship that has endured and grown over the years. Napurrula and I have always found ways by appeal to humour and our affection for each other to make differences in understanding or approach, which could have been cause for conflict, into ways of gaining a deeper understanding of what the other held dear. She made a miniature baby carrier for my daughter's 10th birthday, although the custom of celebrating birthdays was irrelevant and such a toy frivolous (young girls don't pretend to be "little mothers," they have actual mothering responsibilities), and I learned to overcook prime fillet steak for her children who rejected juicy bleeding meat as a form of primitivism on my part.

The field relationship wherein I had been pupil and Topsy Nelson teacher, was fleshed out and gradually transformed as she began to hear what I had to say of what I had learned. I often tried out analyses with various groups, and Topsy Nelson was one of the many women on whom I could rely to correct me if I erred, but she was also one of the smaller group of three or four women who would quiz me, test my ability to extrapolate to new situations, and, if they thought it useful, they would offer supplementary narratives and present new ones. These negotiations of ideas took time and some are ongoing. Perhaps I had asked about a kinship puzzle and done so in the abstract—the range of distinctions within the categories of cross and parallel cousins was intellectually a great game. To teach me, I'd be given a concretely grounded example from which I began to build a picture that included rules and exceptions. Articulation was *post hoc*. It is not possible to predict, to generalise, or to state the socially acceptable practice, unless one has access to intimate details and it is improper to ask about the business of others. I had to be there to learn such things and then I was part of the process. In the early stages, if I made a mistake, my teachers were held responsible, but as time passed I was increasingly held responsible. As mistakes can be life and death matters, one is taught in a positive fashion by being placed in situations in which one might succeed. In no sense is one learning by experimentation: It is learning by doing/being/having. In an oral culture knowledge is wealth and decisions to impart knowledge are made with care: One invests in human relationships and a wise person is cherished.

I considered these sessions where I tried

out ideas to be not only a matter of sound field practice, but a way in which the people with whom I worked could flesh out their idea of anthropology and research. This has become increasingly important because researchers are now routinely being asked: "What good will this research do us?" And, if the answer is not pleasing, these researchers can find field access barred. In such cases it is not always possible to argue for the benefits of fundamental research, whereas routine negotiations allow this appreciation to develop in a concrete context. Our sessions, in which I reported on what I was doing, were always with the people with whom I was working, not with some external organisation located in a regional centre or in Canberra. I was prepared to explain what I was doing to such bodies when requested, and I often did, but I interpreted field accountability of notes, tapes, photographs, and articles to be a matter between the people who had taught me and myself. Within the wider domain, my work might be a matter of scholarly debate and at times involved brushes with bureaucrats, courts, and at others involved in political and ideological positioning. One does not work in isolation, but developing an ethical stance towards the politics of the nation state entails different negotiations from the ethics of field accountability. To make this distinction however, I have to be able to distinguish the people who are my friends, whose trust I've earned, and those who are part of a political lobby which purports to speak for all Aborigines and for whom I present an enigma. Aborigines have many different interests in working or not working with anthropologists, feminists, politicians, and lawyers, just as non-Aborigines may have.

I did not confine the domain in which people could assess the use to which their knowledge might be put to field sessions. I invited people, especially women, to be present when I visited officials, when I gave evidence in magistrates' courts on summary matters, in the Supreme Court of the N.T. on criminal matters, and in land claims. These were all interesting occasions. In 1977, I first asked Topsy Nelson if she would like to hear what the environmentalists were saying about research in the arid zone of Central Australia at which I was giving a paper. It was commonplace for Aboriginal men to attend such events but not for women. She had no qualms about attending—would I put her at risk? She listened, participated, corrected "experts," and afterwards related to her relatives what it was anthropologists had to say about hunting and gathering strategies. I used to keep pressed samples of plants in albums (my ethno-botanical collection) and they were a source of great storytelling fun, but after this conference, they were seen as legitimating documents. From then on women took enormous care to make sure I understood the precise histories and uses of various plants, so that their knowledge would be known. These were important stories, they said. From then on when I was invited to give papers on the topic of research with Aboriginal women, I always asked that the conference organisers extend the invitation to local people and I have enjoyed the company of a number of women and men on such occasions.

OTHER FIELDS OF GENDER AND RACE

After I left the field in 1978, I stayed in contact with various members of the community, and because I continued to work in the field of Aboriginal land rights and law reform for Aboriginal land councils, legal aid services and government agencies (see Bell & Ditton, 1980; Bell, 1983; 1984/5), I was able to visit on an average of at least every 6 months for the next decade. Topsy Nelson, along with her family and friends also made frequent visits to my home in Canberra and Geelong, sometimes just for a holiday, sometimes to participate in conferences. By now Topsy Nelson is well versed in the format of academic fora and her insights on such gatherings have always been to the point, often terse, and have initiated further discussions between us. In reflecting on that period now, I can see what we were doing was continuing a friendship established in the field, but we were also each pursing our careers: Topsy Napurrula as a ritual leader and cross-cultural negotiator, myself as an anthropologist in the academy and in the applied field. Let me note a few highlights that illustrate what I'm saying about friendship, cross-cultural collaborations, race, and gender. I invite other fieldworkers to do the same: These issues did

not surface with the Huggins et al., (1990) letter and they have many different manifestations. Here I am reconstructing but one strand, the one I have experienced.

Along with a number of other Aboriginal women from around Australia, Topsy Nelson came to Adelaide University to attend the 1980 Australian and New Zealand Association for the Advancement of Science (A.N.Z.A.A.S.) congress. It was a collaborative endeavour with a conspicuous level of cross-cultural cooperation (see Gale, 1983, pp. ix–8). At times the forum was tense: Women black and white, urban and rural were finding their way through multiple agenda. There were some wonderful moments when family ties, lost in the painful separations of the assimilation era, were rekindled. During the conference some of the Aboriginal women asked that men leave the meeting. The males present, mostly anthropologists (I do not recall there being any Aboriginal men present), sat on. The reverse—white women declining to leave when requested by Aboriginal men—would have been a national and professional scandal, but these were professors who wrote the scripts for the "master narratives." I challenged one of them later and suggested his behaviour had been an exercise in power. He rejected that analysis but when I persisted he did admit the experience had been "interesting" and that "women only meetings" were an "enigma."

The Aboriginal women met in workshops conducted by Natasha McNamara and Margaret Valadian (Gale, 1983, p. ix) and reported back at the end of the conference. The anger some urban women directed at white people was of concern to some of the non-urban Aboriginal women present. It was a category based hostility applied to women they knew personally. They were not prepared to accept that there could not be friendship between black and white, or that women could not work together. They talked about the politics of race, gender, and the interventions at the conference, as we drove the 800-odd miles onto Canberra (Bell, 1985, pp. 15–16). The white women they knew, the women over whom they had some call by virtue of previous interactions, were much more familiar than the fierce voices asserting a political bond. The need for solidarity was well understood, but the aftermath of government policies of assimilation and to a certain extent, the consequences of policies of self-determination, have left many women from Aboriginal settlements (reservations) with a profound mistrust for mixed race people. That is a hard thing to say, but what racism I observed in the field was directed at mixed race people who had grown up in distant places and were now in positions of power. If they could forge a relationship with local people the opposition melted, but without such a bond, without a shared history, they were feared as one never knew where their loyalties lay.

As a member of the editorial board of *Aboriginal History*, I was actively engaged by discussions in the 1980s regarding who owned the past; the role of Aboriginal historians; and the contributions of revisionist histories. In August 1984, as a guest of the A.H.A. (Australian Historical Association), I heard Aboriginal women at the conference vigorously pursing the position that only they could speak or write of Aboriginal history. I had been invited to give a public lecture and I spoke of separatist politics as manifest in the all female residential configurations in contemporary Central Australian communities, and the demise of the Medieval beguines of France and Germany.[11] I was also scheduled to participate in a panel discussion on "Aboriginal Women and Colonisation" with historian Ann McGrath and Phyliss Daylight (coauthor of the Aboriginal Women's Task Force Report). The panel was dropped by the organisers; the dialogue did not proceed. My only documentation of that attempt to have the issues in the open are my notes of discussions from papers by historians writing of Aboriginal history and the programme schedule. Another opportunity for discussion would have been with historian Heather Radi (1984), whose paper on Aboriginal women took a position quite antithetical to mine, but a last-minute scheduling change exacerbated an already tense session and preempted dialogue.[12] Topsy Nelson did not attend this conference, but I discussed it with her the next time we met.

Questions of race, gender, and knowledge were firmly on the agenda at the Melbourne "Women's Writers Festival" in 1985. There were sessions devoted to "Aboriginal Women Writers," an "Aboriginal Women Only" workshop, and "White Women Writing

about Black Women," to which I was invited to speak. I agreed on the condition that Topsy Nelson could speak also: It was after all a dialogue (see Bell & Nelson, 1985). The possibility of Napurrula attending was enthusiastically supported by Susan Hawthorne and her coorganisers. The session had numerous agenda. One was to address issues raised in Brisbane in 1984.[13] That episode had flowed over into the media. The A.B.C. (Australian Broadcasting Corporation) recorded the views of Jackie Huggins and approached me for comment. My notes of that broadcast reveal that Huggins asserted that anthropologists, especially foreign ones, were exploiting Aborigines by recording stories and not giving credit; that Aborigines were the experts; that 90% of anthropologists were white male and middle class.[14] I raised questions of field accountability, cross-cultural collaboration and critique. Building on this, I prepared a handout for the 1985 conference. I reproduce it here, because it indicates the enduring nature of the issues embedded in the current furor.

> In recent years Aboriginal women increasingly have voiced protests regarding the way in which they are depicted by non-Aboriginal writers. Angrily they assert it is not their reality which is mirrored in the portraits of Aboriginal society as male dominated. This is a theme which is explored also in the anthropological and historical literature with some rigour by feminist social scientists and with a certain smugness by male oriented researchers. In this workshop I would like to address the following questions:
> (1) What is the substance of the debate? — ownership of ideas; a matter of taste; the impossibility of cross-cultural analyses; censorship; the need to create a niche; the perpetuation of p/maternalism?
> (2) Who are the protagonists? — an overview of positions adopted by Aboriginal and white women in various fora;
> (3) Who attacks whom? — why attack those who are sympathetic? an exercise in power? who is the enemy?
> (4) Is it racism or sexism? — why and how Aboriginal women reject white feminist analyses and examples of joint projects;
> (5) Who is the audience of the writing? — will Aboriginal women write for themselves, their society, for white women, the whole society?
> (6) What is the role of white women writing about Aboriginal women? — not mere reporting; the provision of a critique for the wider society; the location of issues of gender and race within a wider perspective, i.e., one outside the experience of any individual; an analysis of social change;
> (7) A co-operative endeavour? — the need to explore different perceptions; to consult; to be accountable; to address the relationship between white women and Aboriginal women; to explore the dynamics of social change; the interaction; the position of Aboriginal women as women and as Aborigines within Australian society; comparative analyses with other fourth world peoples.

The 1985 conference was attended by a broad cross-section of the local population, including Aboriginal women and there were also international guests. After Napurrula and I had spoken, Audre Lorde began the discussion with a declaration: "Before I heard you speak, I wasn't sure, but when I see you two together, I see you really are friends." There were hurt and hostile comments from some Aboriginal women angry that sessions they'd organised had not been well attended. Why did people prefer to hear from us? Topsy Nelson, in a tone very similar to that of her letter to *WSIF* (this volume) spoke of the importance of a friendship which drew on a shared history with children and family, mutual respect, and affection. If we can not speak to each other, she said, there is no future. What had been a tense situation dissolved into frank exchanges among the women present. One Aboriginal woman, in tears, said she was envious of the access of white anthropologists to traditional Aboriginal society. One white woman said she was intimidated by the talk of racism. The reaching out, I thought, held promise for future dialogue. But it seems it has to be reargued on a one to one basis with each encounter. Like Audre Lorde, we only accept what we see, and it requires quite a jolt for us to look.

On that trip to Melbourne, Topsy Nelson

was not well. She had discharged herself from hospital in Tennant Creek in order to attend the conference by saying she would be with "Dr. Bell." (She was well aware of the humour of that use of the title doctor.) When told she could not leave because she needed regular medical attention she had retorted that she'd be staying with friends in a house and not sleeping out in a dog kennel (a reference to her substandard housing in Tennant Creek). When she got on the aeroplane she was wearing a cotton dress and was barefoot. We bought shoes and clothes during the change of flight in Alice Springs. I became a conspirator in her running away from hospital. As soon as we arrived in chilly Melbourne, Topsy Nelson saw a local doctor, who changed the dressing and showed her what to do. The next day as we drove home after the conference session, Napurrula asked that I get her some bandages so she could change the dressing. Fortuitously, we were driving through an area where chemist shops cater for drug users and the array of bandages, swabs, and the like, was extensive. She was impressed and I didn't tell her until later about the probable use to which bandages were put in that locale. At that point it was her turn to enlighten me with a display of her knowledge of substance abuse, its inroads in Aboriginal communities, and the characteristics of foetal alcohol syndrome. "It is killing our generations," she said.

In 1986 Topsy Nelson came to Geelong and presented "My Story" in a conference I had organised around the use of oral sources in the fields of history, anthropology, literary criticism, and psychoanalysis (see Schreiner & Bell, 1990). She had listened all day to learned distinctions being drawn between history, social history, oral history, and the "new history." With her usual candour she asked: "What is all this new history? We only have one: here," meaning her home about which she had been speaking to a spellbound audience (Nelson, 1990a, pp. 18–27). In 1988, she was again in Melbourne to attend the "Colloquium on the Rights of Subordinate Peoples" at La Trobe University, and another on the "Future of Feminist Research" at Deakin University at which she explained, in narrative style, the importance of women having their own physical and spiritual space.

As the La Trobe University paper is the one that sparked the current correspondence, let me give you a little background. When in August 1988, I was invited to speak, I asked that Topsy Napurrula Nelson be my copresenter. When I approached her regarding this and I asked what she thought might be a useful topic to address, she talked about the trouble in Tennant Creek, with "that grog," young girls running wild, young kids watching strippers in the pub, and "too much sickness." "Those young girls are 'having their strings broken' and no one cares, not even their mothers sometimes.[15] Why doesn't anyone care?" Topsy Nelson asked. "They do," I said, but I thought back on all the occasions on which I'd been on the brink of writing about the nature of male/female violence and backed off. I have consistently refused to give evidence for the accused in cases involving abuse of women, but I have kept notes. So at one level my honest answer was it's just "too hot" to write about.

But, the more I thought about that position and the more I thought about Topsy Napurrula's questions, I decided to try to plot out an answer as an anthropologist, feminist, and one who had been involved in various court cases and law reform questions. Where was the context I might provide? Napurrula and I talked about the problems I confronted in answering her question, and I in turn asked her how she might answer it. She responded with a long account of the structure of residential camps, marriage practices, family alliances, reciprocal responsibilities of the families of in-laws and the rights in country. "That story has to be told," she said. When we delivered the paper we alternated with her narrative and my analysis. The contributions were stylistically very different, but we each knew whence the narratives of the other sprang. I thought it worth trying to find a way of preserving the exchange in a written presentation. Too often the oral accounts remain just that, or are presented as *sui generis*. At Topsy Nelson's request I taped her story and she told it several times over the period of the week she was in Melbourne. I transcribed it and read it back. She recorded bits of it again until she was satisfied. "That's it, tell it like that, make me proud for my story" (Work tape, 11/88). And that is what appears in our article.

Coauthoring an article on rape with Topsy Napurrula constituted a considerable risk. We were made patently aware of that when we spoke at the conference. In particular two women—not feminists in any sense I understand the word—argued that rape was not an issue to be aired in mixed company; was not an issue of national and international import; but rather one that belonged in families, within communities, and out of the public gaze. These are arguments that this generation of feminists has revealed protect only the abusers. Interestingly Aboriginal and Indian men present argued that the issues must be aired and allowed that the framers of questions of human rights have been curiously reluctant to examine gender inequalities and their most violent manifestations (see Bell, n.d.). They were able to see the asymmetry between so called private laws (i.e., where domestic violence is located) and public law (i.e., where reforms are implemented). The resources poured into the Deaths in Custody inquiry surely vindicates this asymmetry.

No one directly confronted Topsy Nelson at the conference: I would have been interested to watch her technique had they. Like me she learned of the current upset through one of the persons/organisations to whom the Huggins et al. (1990) letter had been circulated: Neither of us received clean copies. In defending her right to collaborate with me, Topsy Nelson wrote to me that:

> The CLC [Central Land Council] gave me a letter some Aboriginal women wrote about the article you and I wrote and . . . I don't agree with what they are saying. I wrote them a letter about our work together. I thought you might like to see that letter, so you won't be worrying about that. (Nelson, personal communication, April, 1990)

Of course I had been "worrying" (a term of care and affection) but I had not wanted to burden Napurrula with the unseemly attack on her integrity and authority because I thought it would blow over. Like the incident with buying bandages, I should have known she would have her own insights. She didn't need protecting from the consequences of her actions: She could own them. Had I been in Australia I probably would be writing this article with her too. I would love to hear what she'd say of the MacKinnon/Dworkin thesis on pornography, gender, difference, and inequality. I have a fair idea what she'd say of my relational thesis:—"that's what I've been telling you all along, it's about woman to woman."

In addition to the fieldwork and conferences, there is a third context within which Topsy Nelson and I have collaborated and that is in the area of applied research (1978–1986). We have worked together in the preparation of submissions to land claim hearings and Topsy Napurrula has given extensive evidence in numerous land claims and speaks with clear authority on matters of Aboriginal religion and land tenure, but she also has an astute understanding of the requirements of legislation like the *Aboriginal Land Rights (Northern Territory) Act, 1976*. Much turns on the structure of the local descent group and its responsibilities to land and Topsy Napurrula was one of the few persons (Aboriginal or Anglo) with whom I've worked who could and would say: I understand what you're asking and I can answer it like this, but it would be better to ask a different question. Now her formulation was not always a question available under the rules of evidence, nor was it always material to the statutory definition of traditional ownership, but the problem of recognition of customary law by incorporation was always central.

There are other examples I could give here, and there have been other women with whom I have worked in a similar fashion to Topsy Nelson, but the three with whom I was closest are now dead. Had they been white women they probably would still be alive. They were vulnerable because they were women: They were not given adequate treatment/options because they were Aboriginal. One, my "sister," is recorded to have died of natural causes, but had she not been struck many times over by her drunken son, when he was hungry, or broke, or just mistook her for his wife, and took it out on her, she'd be alive. Had she been white she would have had access to a shelter, but the abuse of women was too easily deemed "traditional" in the 1970s and any interference was feminist inspired meddling. Asking about the anger of disturbed young men bashing their mothers

provoked responses such as: That's how they treat each of their womenfolk (see Atkinson, 1989, p. 18; 1990b, pp. 16, 20–201). It was seen as part of the high level of interpersonal violence in Aboriginal society: It was custom.

One, my "mother," died of cervical cancer. Had she been a white woman she would have had access to information about pap smears. No woman of her age should have died of such an easily detected cancer. My "daughter-in-law" died, as far of the death certificate was concerned, of pneumonia. She would probably have been alive had she been able to find employment. She was literate, bright, and willing to work but alcohol and prostitution became a way of life and she neglected her health. Racism contributed to the invisibility of these women, but in order to envisage a safer future their needs as women must be addressed. Feminist interventions in family violence, in offering an alternative to relatives of alcoholics, of educating women about their own bodies, and of self-help groups offer a means of altering these biographies. The impulse to resist intervention is understandable: Aborigines have suffered much through paternalistic policies, but the insistence that "we can solve all our own problems" is placing women at an unreasonable risk.

RELATIONALITY GENERALISED: THE CASE OF THE FIGHTING WOMEN

Let me here give an example of the way in which a relationship such as the one Topsy Nelson and I built can be generalised, so that trust, anthropological expertise, and cross-cultural communication can be empowering to women. It concerns a fight, which could easily have been ignored as a jealous spat, but it took place in the main street of Tennant Creek. Irene, a 17-year-old resident of a town camp, having learned that her husband had been unfaithful, sought out the other woman, Joanne, and hit her with a piece of wood.[16] To the police she simply said, "I had to do it." Giving content to that explanation required a considerable amount of knowledge of the local kinship, marriage, and land tenure systems. Irene had acted in accordance with women's law and without the correct dispute resolution procedures being followed, the fighting could only escalate. The older Warumungu women who should pronounce on these matters included Irene's maternal aunts and Joanne's paternal aunts. It was their responsibility to "balance" the kin lines and to ensure that any "pay-back" did not get out of hand (see Bell & Ditton, 1980, pp. 33–35) and they were keen that the magistrate hear their expert testimony. It included distinguishing between cross and parallel cousins, actual and classificatory kin, and affines who were also kin. I prepared a genealogy to show the bases of relationship of the parties to the dispute and "read" it onto the transcript, an interesting cross-cultural experience in itself.

The lawyer for Aboriginal Legal Aid (a feminist), argued duress while the senior local women and myself explained the customary considerations. The magistrate found that the evidence was sufficient to satisfy the defence and dismissed the charges.[17] Too often Aboriginal organisations and Anglo courts have considered women to be of little consequence but in this case the women were able to demonstrate their expertise and to have it make a difference. They won respect from other women (it was worth insisting that women had law), from men (a court had taken note), from white residents of Tennant Creek (Aborigines had been in court as experts, not defendents), from the court (customary law is not a matter of assertion but an internally consistent set of principles which can be articulated). This case did not become a leading case: It was a small affair in a magistrate's court in October 1982. What I am arguing is that it could have become the basis of increased cooperation and empowerment of women. The reasons such cases do not enjoy a high profile has to do with the absence of feminists from the criminal justice system; the resistance of the law to accommodate women's views as legitimate; and the internal politics of Aboriginal organisations. It is not a matter of race per se.

For the duress argument to succeed, the court needed to understand that the consequences of a woman not fighting for her marriage, implicated three generation levels of the families of the husband and wife (Bell & Ditton, 1989, pp. 90–94; Bell, 1980, p. 255ff; Bell, 1983, pp. 267–272; Bell, 1984). Had the marriage or relationship been based

on individual preference, there would have been no one to instruct Irene, or to follow through. If Irene had not been prepared to follow her aunt's instruction and "fight for her marriage," she would have been making it quite plain that she did not think the marriage was worth saving; she would have besmirched her aunt's reputation; caused others to suffer; and ultimately would have had to endure severe physical punishment herself. The latter was a matter of secret women's law,[18] and was important in building the defence of duress. All the women were prepared to divulge to the court was that there were censures and Irene knew the consequences of not complying with her aunt's instructions. The magistrate, impressed by the sincerity and knowledge of the women, accepted the assertion. The prosecutor, with no knowledge of women's law, did not cross-examine. Courts have been prepared to accept "restricted" submissions (i.e., for men's eyes only) for to do so requires little disruption of a court; the judges are male, the lawyers male. A request that women be similarly accommodated reveals that we are all not equal before the law: some of us are women. In one case, the Aboriginal Land Commissioner had ruled in favour of a restricted women's submission (see Bell, 1984/5, p. 358), but in this case there was no way around the problem, the information was too dangerous.

One major accommodation of the court was that the women were able to give their evidence as a group and the results were impressive.[19] In place of the shy, halting, monosyllabic replies of Irene, who as a young woman, was both embarrassed and shamed by the court proceedings, and further, did not have the authority to speak of matters of law, came full explanations of Aboriginal law from her older and wiser kin. Arriving at a just solution by reference to testimony from those with a vested interest in the outcome, is contrary to Anglo notions of detachment, objectivity, and impartial justice. Fortunately the magistrate, like the women, placed greater emphasis on finding a solution, but this required accommodations on both sides. Yes, the women conceded, it was wrong to disrupt the peace by fighting in a public place, but they added, it was a good place to fight because it was public and everyone could see Irene vindicated. No, they said, they could not guarantee it would not happen again: It depended on how the marriage now proceeded.[20]

There were other aspects of the dispute not visible to police, such as the need for Irene to deal with Joanne's sister who had sworn at her. As soon as Irene was released by the police, she sought out this woman. Fortunately the good experience of the court flowed over into the resolution of this conflict, and at the instigation of the appropriate women and with the cooperation of their lawyer, a meeting was convened in the local Aboriginal Legal Aid Office. The offender was challenged and when she could not provide an answer, the older women explained the law to her, the two girls then apologised and the matter was concluded. It is difficult to see how this dispute might have been resolved without the interventions and court hearing. It was a delicate area of women's law and none of the existing local Aboriginal organisations had the capacity to deal with "women only" matters. It would not have been resolved by "community mechanisms" because there is no community as such in Tennant Creek (see Bell & Nelson, 1989, p. 412; Bell & Ditton, 1989, pp. 69–70). There are official town camps, makeshift camps, and some Aboriginal people live in town in houses. There are different land and language affiliations and it is these mixings that give rise to many disputes. The original traditional owners of the land may state the law for the place and expect to be respected, but the presence of "foreigners" in their territory undermines their authority (Bell, 1983, pp. 73–89; see also Kent, 1989; Knauft, 1990), and the presence of service and quasigovernmental structures further complicates the issue. In Irene's case, the dispute occurred on Warumungu territory and was settled by senior Warumungu women according to Warumungu law. Had it involved outsiders, and there are many such persons in the town and its camps, the resolution would have been further complicated. The court and the Legal Aid Office provided fora to resolve the matter promptly and with dignity. It was well this occurred because the reasons for decision from the magistrate took over a year to appear.

Now one might protest that none of this should have to be paraded in court, and in

the best of possible worlds it would not need to be, but Tennant Creek is a depressed community where violence is endemic, women are brutalised, and finding ways of acknowledging women's law are restricted. In my view, a few encounters such as this one would do a great deal to put women in a position to develop mechanisms whereby mediation and customary law might have some chance of informing the tensions generated by living in large, mixed communities. One might also protest that Irene, as party to an arranged marriage, was not a free agent, and that Joanne had been beaten. In terms of the workings of polygynous marriages, I have no easy answers about where we draw the line between protecting women from exploitation, exhibiting cultural sensitivity, and respecting personal preferences, any more than I have answers regarding marriages in western society. As far as I can specify my position, it would be that as long as the practice does not involve another being brutalised, demeaned, or abused, I will entertain arguments regarding difference. But I am not prepared to accept crude cultural relativism dressed up in arguments regarding "difference" to licence the stance that whether they kill, mutilate, and abuse the powerless, one must avoid being judgemental and ethnocentric because that is their custom.

CUSTOM AND COMMUNITY: A FEW FEMINIST CAUTIONS

I want now to turn to a Supreme Court case that initially held out some hope that women's voices might be heard, but ultimately provided another triumph for the "master narratives." Frank (a pseudonym) was charged with two counts of unlawful assault of his wife and six counts of assault and carnal knowledge of her younger sisters (both under 16) over a period of 18 months. He pleaded guilty to all charges and there was ample evidence to show that his wife had long suffered from his violence; that the girls were forced into sexual acts with him; that his power to intimidate and coerce was great (Transcript, 1988/1990, pp. 45–46, 49–50). He was found guilty of the assault charges against his wife, sentenced to 12 months, but as he had spent 8 months in custody, was released on a good behaviour bond for the balance of 4 months. Four years after the date of the first alleged abuse of the two girls, a *nolle prosequi* (unwilling to prosecute) was entered. The wheels of justice grind slow, procedural and substantive issues intertwine, counsel changes, judges retire, and the home community of the victims begins to interpret inaction as condoning violence against women. It is a practice that is markedly different from the summary nature of Aboriginal justice.

Throughout Frank insisted the matter had "nothing to do with anyone" (Transcript, 1988/1990, pp. 18, 39, 50, 69); that these were family matters; and that no one, "especially European law," had the right to interfere (p. 39). Throughout, the officers of the court were at pains to emphasise that he could not beat his wife with impunity; and that Aboriginal women were to be afforded the same protection as white women (pp. 61–62). Both of the judges involved in the case explained that this message needed to be heard in the community and one voiced his wish that the case be heard in the community, not in the capital city, but he also knew that time and other resources made that level of bringing justice to the people impractical (pp. 23, 33). This judge had experience in land claim hearings where evidence regarding "tradition" is critical.[21] The case, he acknowledged, was important for every "tribal woman" in the N.T. (pp. 32, 37, 63). But who spoke for these women? Who represented their interests? Careful attention to the evidence, presentation, modes of legal discourse around violence, women, Aborigines, and customary law provides depressing confirmation of my thesis that there is no one to speak of women's law. If we look to the Anglo justice system we see that, even while asserting it is there to protect women, it disempowers. If we then turn to the possibility of "community justice," we see that today women have little chance of being heard. Neither forum takes account of women's standpoints and without a feminist analysis of the asymmetrical power relations, male modelling of culture is universalised.

The accused was an important man and no one interfered in his domestic arrangements (p. 50). Further, the "community," which may have held him to account, was in fact a number of different groups with a

number of different agendas (p. 50). There was no consensus regarding who might have mediated and it was clear that Frank would and had rejected any censure of his behaviour. On one occasion when an uncle had intervened, Frank had thrashed him. There were different positions on what constituted customary law, and who had jurisdiction, and if it was not going simply to be a matter of "might is right," there needed to be adjudication by an authority with sanctions binding on all parties. If the women were to receive any justice, the mode of adjudication needed to allow that women were relatively powerless in pursuing their justice claims. The case raises questions about the justness of mediating violence. Jocelynne Scutt (1988, pp. 507, 513) argues that "counselling, conciliation and mediation are the shorthand for let the powerful retain power" and that "mediation in the context of social, economic, political, sex and gender inequalities is nonsense" (p. 512). The mediator can only equalise the power differentials by breaching their mandate. Promoting mediation as a mode of resolving a conflict when the matter is rape, denies that there is damage done by one to the other.

Had there been competent evidence called regarding the rights and responsibilities of so-called "arranged marriages" that accorded women a voice, then I think the message to the community would have been quite different from the one set by delays. As it was the outcome reinforced the commonly held view (e.g., by police, bureaucrats, some Aborigines and some academics) that male "elders" define "culture," and that this is what will be respected by the courts. On the other hand, what women say will be construed as personal and its force reduced by pointing to outside influences as "contaminating" (feminists and the church are often in the same category here). The fact that men are benefiting from their interactions with male authority in Anglo institutions goes unscrutinised (see Bell & Ditton, 1980, pp. 8–21). In the absence of a strong persuasive presentation by the prosecution on the need to take account of the pressures on the girls and the wife to withdraw charges, Frank's "dominion" over his wife and her sisters (Transcript, 1988/90, p. 50) could only be strengthened.

The violence towards his wife that brought Frank before the court focussed on two incidents where he had taken exception to her behaviour, which had included attempts to protect herself from him (Transcript, 1988/90, pp. 10–12, 65–67). In April 1988 she had flown to the city to get away from him, but he learned of her whereabouts, followed her, and forced her to return home with him. When she refused to explain why she had run away, he punched her with his fist and hit her with a hammer. He then asked her to boil water. She complied. He dipped his shirt in it and applied it to her bruises and put it in her mouth twice. He said it was to ease the pain; She felt it as more pain (pp. 12, 42, 67). His explanation of the incident was that he was angry with her: The charter flight to the city to get her back cost him $1,200. Because of delays in the hearings, the judge allowed Frank out on bail in November 1988. He was serving time for a matter arising from another "unrelated" assault on his wife (pp. 40–41), and it was not until February 1990 that a second judge (the first one having resigned) passed sentence. He found Frank appeared to be a "man of good character," who was "held in generally high regard," had held positions of responsibility, and seemed to have a "good marriage" (p. 69). His wife was said to be living "fairly happily" with her husband (p. 68).

Now there are some questions a feminist wants answered. What sort of evidence would have constituted her not being happy? Of whose "marriage" are we speaking? Scutt (1988, p. 512) argues that there are in fact two marriages: his and hers. In these cases where the spectre of "tribal rights" is evoked, "the marriage" nearly always is a male construct. Yet the experience of marriage is very different for men and women. Both men and women may have a number of spouses in a lifetime and for both marriage is part of the sexual politics of the society, but for men marriage means polygyny, whereas for women it entails serial monogamy (see Bell, 1980, pp. 250–256). The court was told that despite the violence, the wife had resumed the marriage after each episode. But of what value was this evidence? What choices did this woman have? The court took her return as evidence of a desire to forgive and sustain the marriage. In opposing bail the prosecution spoke of her as living a life "under his influ-

ence," of her being "absolutely terrified" (Transcript, 1988/90, p. 45); of her being beaten for failing to procure girls for him (p. 47); and of a long history of assault whether he was drunk or sober (p. 46). The medical records showed that his wife had sustained a series of injuries attributed to his violent outbursts (pp. 2, 24). Had the prosecutor been familiar with the literature on battered wives, he could have called evidence to show that they return again and again to their abusers; that without significant interventions, the patterns persist.

The defence allowed that wife beating was common in Frank's community; that "wives are assaulted by their husbands and very very few of them get reported to police," and that violence was "unfortunately a way of life there" (Transcript, 1988/90, p. 21). In an aside, the judge noted that the increasing violence against Aboriginal women had been raised as a separate topic for discussion at a meeting of magistrates (p. 26). Now, just because violence is a "way of life," is it "traditional?" If the answer is no (as I think it is), then there needs to be a mighty effort to educate women regarding their rights, men regarding Anglo law, and a need to provide safe places for women. If the answer is yes (even a tentative, qualified one), then the issue of cultural relativism is raised. Do we stand by and ignore abuse of women (and I'm not talking abut polygyny here, but rape, assault, and murder) because to interfere would be culturally insensitive? (see Bell, n.d.).

The second cluster of charges Frank faced concerned six separate incidents of carnal knowledge. According to the evidence the first incident occurred when one of the younger sisters travelled with the accused and his wife from their home to an outstation. When they arrived, he stripped naked, pulled off the girl's skirt and pants, climbed into the back of the truck and lay on top of her. She says penetration and ejaculation occurred. He says not so; she was moving too much and he only put his penis up against the outside of her vagina (Transcript, 1988/90, pp. 8, 34). A month later, on a trip with his wife and both of the girls, he dropped off the wife and youngest sister and drove on with the one he'd earlier isolated. He got out of the truck, took off all his clothes, pulled off her skirt and pants and pushed her to the ground. She says he had intercourse, that she cried and asked him not to, but that he threatened to hit her if she did not stop crying. He admits to everything but intercourse: He says he changed his mind. Several months later, he pressured the youngest sister to accompany her sister and his wife. She was afraid to go with him but he persuaded her to get into the truck by striking her several times with a boomerang (p. 8). He then got her alone, took off his clothes and hers. She cried throughout, but he had intercourse. A short time later it happened again and he hit her twice on the chest. And so on (pp. 9–10).

It was an incredibly brave act for the young women to make statements (Transcript, 1988/90, pp. 7–12, 33–37) detailing the abuse, and to follow through by giving evidence, but it was unreasonable to expect that they could indefinitely resist pressure to drop the charges. Unfortunately, because of the way in which the case had been handled at the committal stage, that is, by way of hand-up (p. 30), there had been no opportunity to cross-examine and thereby establish the "truth" on the matter of the discrepancies between the evidence of the girls and that of the accused. In the lower court it had appeared that a conviction would be secured, and this was also the impression when the case arrived in the Supreme Court. But after careful reading of the evidence, the judge pointed to the discrepancies as cause to amend or withdraw the guilty plea (pp. 36–37). What message did the unwillingness to prosecute send? The technical considerations that informed the working of the Anglo criminal justice system were irrelevant in assigning meaning in the home community or elsewhere. It mattered little whether custom was mitigation or custom was cause (p. 18); it mattered little that a guilty plea was inconsistent with the demands of Anglo-justice: The man was free; the girls were known to be available; it appeared might was right.

The case raised interesting questions regarding who is qualified to pronounce on matters of tradition, and how these statements are interpreted. The first judge was uneasy with the argument from tradition and did not mince words. "Are you telling me it's normative behaviour to have forcible sexual intercourse with your wife's younger sister?"

(Transcript 1988/90, p. 17.) In his knowledge of Aboriginal culture, "forceable sex and sadistic behaviour was not part of the normal cultural life" (p. 18). The judge asked for an anthropologist with credentials that were to include knowledge of the local community, its politics, the dynamics, culture and customs; and a real understanding of kinship and the social obligations that go with kin relations (pp. 21–22). He allowed this was "a tall order" (p. 22), but when we consider the tall orders that have been filled in defence of accused males in order to establish bench marks, it was not tall at all. Not only had the judge sought to unscramble the traditional considerations, he was also alert to the fact that women and men had separate bodies of knowledge, and he knew full well why he was not hearing from women: In his words "historically no one asks them," (pp. 24–25). Ultimately his insistence that a woman anthropologist talk to the women, and that women's opinions be presented, were neglected. Male to male constructions of custom predominated and this despite the caveat of the Probation and Parole Officer that he was "not confident the truth has been extracted from such a complex situation" (p. 70).

What might a feminist anthropologist have said? As in the Tennant Creek case, the young women were shy, and those who were adamant the behaviour of the accused was "not alright" and that the girls were "afraid of his strength," were close kin. Even from the limited evidence available, it was apparent that persons with authority to pronounce on "arranged marriages," the mother, father and an uncle, were clear that the alleged behaviours were not "custom." What more could be needed? The conflict of opinion on what constituted custom came to be represented as, on the one hand, older women and those with mission education versus, on the other, "male elders" speaking tradition (Transcript 1988/90, p. 7). It would have been helpful to separate out Christian influences, from women's law, from local politics, from male as custom. It would have been helpful to call evidence on women's traditional ways of protecting themselves from violent husbands; their rights to damage men who transgressed; and the reasons why today these practices have fallen into disuse (see Bell & Nelson, 1989, pp. 404, 411; Bell & Ditton, 1980, pp. 66, 77). So, first, some genealogical research could have illuminated who could speak with authority to what issues.

Second, in all the evidence regarding customary law and sexual relations with a wife's younger sister, no one it seems asked about *how* such relationships might be consummated. These are matters on which I have heard women deliberate and when a second wife is a younger sister, as in this case, her integration into the marriage as a co-wife is negotiated with the senior wife, is gradual and monitored by families to ensure the young woman is being treated properly (see Bell & Ditton, 1980, pp. 27–28; Bell, 1980). In this case the younger women were dragged off to isolated places, thrown on the ground, confronted by a naked male, and violence was used to persuade (Transcript, 1988/90, p. 8). In transforming this non-traditional behaviour into "custom," the defence presented the behaviours as consensual; as known to the community (everyone knew and no one interfered); and as condoned by the father (pp. 34–35). Does the fact that the abuse was repetitive make it less? Does the fact that others have turned a blind eye reduce the damage to the girls? The girls had been taken away from their protectors, that is, older kinswomen, by a man who intimidated them all; they had been subjected to menacing and demeaning acts. Whether or not there was penetration is hardly the point [sic]. At Anglo law they were under the age of consent, and according to women's law the behaviour was wrong. But neither system was able to protect the girls. My third question then would focus on concepts of custom and consent. Can consent be understood to be consistent with "dependence, deprivation, and objectification"? (Coombe, 1990, p. 23; see also MacKinnon, 1989, pp. 171–183). Just as we recognise the problematics of "consent" for all women in many aspects of Anglo-Australian law, so the question arises for Aboriginal women: How do we speak of "consent" in the context of arranged marriages?

The task facing the magistrate with the two fighting women was of a different magnitude to that facing the judges in the carnal knowledge case, but there are important lessons to be learned from the proceedings and decision in Tennant Creek regarding this in-

direct mode of recognising customary law and empowering women. It would not have happened without the presence of cross-cultural communication and trust. These are problems that exist at the intersections of two value systems and making that explicit can empower women (see Bell, 1987). Expert evidence can be called on women's law, but one needs to know from whom. There needs to be a forum in which women may speak as authorities, in the presence of women. The Supreme Court is an intimidatory masculine forum and not one where one might expect to hear the law articulated by women.

ENGENDERED VIOLENCE: REWRITING THE MASTER NARRATIVES

So, to where and to whom may women turn? Sharon Payne of the Law and Justice Department, Aboriginal and Torres Strait Islander Commission (A.T.S.I.C.), states the dilemma well:

> Groups of Aboriginal women in the N.T. are now saying that they are being subjected to three types of law: "whites man's law, traditional law and bullshit law," the latter being used to describe a distortion of traditional law used as a justification for assault and rape of women (it's Aboriginal law you don't interfere), or spending all the family income on alcohol and sharing it with his cousins, justifying the action as an expression of cultural identity and as fulfilling familial obligations. . . . It is ironic too that it is the imposition of the white law on traditional law which has given rise to the newest form. (1990, p. 10)

Aboriginal women researchers have identified the patriarchal nature of Anglo law as over-determining women's lives and have criticised the lack of concern shown by those working in the area of criminal justice system for women (Atkinson, 1990a, p. 6). They have been less clear in tracing the different impact of colonisation on men and women; of mapping the ways in which sex-specific manifestations of the law have been internalised; and of proposing strategies that address the empowerment of women.

Who is going to unpick the self-deceptions that have been legitimated in courts. The turn around in taking evidence and allowing that women have a distinctive stance on the law has come from feminist dialogue with the law, not Aboriginal legal aid per se. Of those cases of violence that make it to a hearing, we find that rarely is it Aboriginal Legal Aid that is representing the woman. Aboriginal Legal Aid or Australian Legal Aid appear for the rapist and in this way amass expertise when dealing with men. It would constitute a conflict of interest for the same organisation to represent both victim and accused, but because the organisation with the greatest access to communities, routinely represents men, the consequences for Aboriginal society, gender relations and women in particular are stark. Rape and assault of women has come to be seen as an issue on which "their organisation" does not represent women's interests (see also Atkinson, 1989, p. 21; 1990c, p. 20).

The violence of dispossession and state dependency impinges differently on men and women. If this were not so then "pathologies" (the patterning of custodial deaths, alcoholism, interpersonal violence) explained by reference to colonisation and patriarchal law, would be the same for men and women. It isn't: It registers in different ways, and men and women access the newly available resources differently (see Brady, 1989; Bell & Ditton, 1980). The very fact that intraracial rape is not on the political or legal agenda, but custodial deaths are, requires comment. The liberal conscience is moved by the statistics that give rise to a Royal Commission regarding custodial deaths, yet few appear to acknowledge that this is gendered phenomenon. It is not Aborigines per se, it is mostly Aboriginal men and a rather restricted age group at that who are dying in custody. Unlike critiques of other forms of violence where an agent of the state can be identified as the baddie, rape entails scrutinising so-called "personal" relationships in the "domestic" domain. It requires an analysis of interrelations of state formations, law, and the engendering of violence. Yet both, custodial deaths and rape, are about a crisis in masculinity.

Initially Atkinson hoped that the Deaths in Custody Inquiry (see Muirhead, 1988)

would somehow build on the work of the Australian Law Reform Commission (1986) and might extend to an investigation of women. It is a reasonable expectation that once the dimensions of the abuse of women become public, something will be done. But, without an analysis of gender it is a difficult step. Both inquiries have been panned for their white bias and overly legalistic stance, and Aboriginal women have added they pay scant attention to women (Atkinson, 1990a, 1990c, p. 18). Here we have one of the deep contradictions in the politics of self-determination. In pursuing arguments regarding sovereignty, Aboriginal activists are often in the difficult position of appealing to the agencies of the nation state to reform the very law responsible for the initial dispossession. Attempts to get gender onto the self-determination platform are met with the argument that there is an Aboriginal budget and if Aborigines want these things, "they" will allocate money accordingly. But, Aborigines are not an undifferentiated lobby and women's needs are not currently a priority. They are something to be dealt with after the major political goals have been achieved. This needs rethinking. The very survival of the people requires that the current violence against women be addressed. It is a hard thing to acknowledge, and women (Aboriginal and non-Aboriginal) within organisations, who have worked on the issues where a woman's standpoint is not consonant with that of Aboriginal men, have been dealt with in quite dramatic ways.

Many people are, I think, still trapped within the "master narratives" in our attempts to theorise violence, gender, and race. The structural violence of colonisation, loss of self esteem, and breakdown of traditional society (see Atkinson, 1990b–1990c) are critical themes in the writing of new scripts, but we are yet, in de Lauretis' terms, to speak from "elsewhere." We have not yet pulled back the last layer of self-mystification and addressed our explanatory frames as metaphors for transfers and consolidation of male power. What we are yet to ask is who profits from masking the gendered inequalities in Aboriginal society, from the appeal to custom, from the new "bullshit law"?

It is from this standpoint that I would critique proposals for a return to "tradition" and "community justice mechanisms." Atkinson (1990a, p. 7) argues for:

> the right and ability to redefine and articulate law, that is, the mechanisms of social organisation and social control which allowed our society to function in balance and equity to both sexes prior to 1788.

This is not possible in any literal sense: The economic base of Aboriginal law has been destroyed, but the impulse that Aborigines may be empowered by taking more control over their own affairs is sound. How then is this to be accomplished so that women are not further marginalised by the spurious appeals to "tradition"? There is a draft of a law reform proposal arguing that by-laws could empower local communities to deal with social problems (Atkinson, 1990a, p. 7). In terms of the case material presented above this is problematic: Rape is not a social problem. There are suggestions for Aboriginal police. However, without extensive education regarding women's rights (in both legal systems), changing the race of the agent simply provides an opportunity for Aboriginal men to participate in the male culture of the law enforcement: It does not alter the basic practices or values (see Atkinson, 1990a, p. 7; Bell & Ditton, 1980, p. 24).

The suggestion that community justice mechanisms, mediation, and conciliation may take Aboriginal disputes out of an arena that has proved hostile, and inadequate is likewise a sound impulse, but actual experience should make us wary. First, we have a definitional issue. What is the community? A coresidential configuration? If so then there is no necessary congruence between that and traditional authority structures. There are multiple overlays: The communities are colonial artefacts, the product of policies of assimilation, forced removal of children, dispossession and dislocation. Within such communities there may be groups that may deal with disputes within their own social fields, but when their outcomes impinge on others, then there is likely to be recourse to other authorities and then violence ensues. Major intergroup disputes were settled in ceremonial contexts. Disputes involving alcohol, money, vehicles, rape, and child abuse, which now confront communities, are

not amenable to religious law. Before European contact, the law had no need to develop ways of dealing with these problems, and the chances of mechanisms now evolving are constrained, in part, because authority structures are fractured as Atkinson (1990a) acknowledges (see also Bell & Ditton, 1989, pp. 27–28).

If disputes are to be settled by persons with the right to speak, then we are talking about persons who may not be coresidential. Who will make sure the appropriate women are present? In many communities women have limited access to vehicles, driving licences, and channels of communication (see Bell & Ditton, 1980, pp. 106–107). I find it hard to imagine that such groups would be constituted and reconstituted on a context dependent basis for each dispute, or that the move and counter move necessary would be allowed to run its course, especially when it entails the inflicting of pain. For instance, my ethnography indicates that rapists were dealt with in a summary fashion by the female kin of the victim. Would the agencies of the state stand by and watch sex-specific violence be inflicted on a man who under Anglo law is innocent until proved guilty? I think a return to pre-1788 notions of proper punishment for rapists would soon bring the cultural relativists into print regarding individual human rights.

My plea for the forging of a feminist future is that we build on our relationships as women and work together to be the voice from within the institutions (be they academic, legal, bureaucratic) and from "elsewhere," in a feminist critique of the gender inflected discourses of those institutions. The mandate to be engaged in questions involving women to me is self-evident but for those who are less certain, I offer my relational model as a means of thinking about cross-cultural questions. So, for those feminists who want to "attempt the impossible" (MacKinnon, 1987, p. 9), and work towards a sustainable vision of a meaningful future, when faced with questions requiring attention to gender and race, I would suggest rather than privileging one over the other we ask: what analysis offers the greatest hope of empowerment to the most disempowered? In the case of rape it is the inequality of woman by virtue of being a woman violated in a society which has multiple modes of rendering this less heinous than it actually is, that underwrites her call on the resources of our society.

ENDNOTES

1. In the six months after new domestic violence legislation was introduced in the N.T. (October, 1989) almost half the restraining orders taken out in Alice Springs were by or on behalf of Aboriginal women (Balendra, 1990). Hospital records provide another basis of comparison. In 1982 in the N.T., where Aborigines are 22% of the population, 232 Aboriginal women compared to 45 non-Aboriginal women were treated for injuries arising from "domestic violence."

2. Hawkesworth (1989) divides feminist theories of knowledge into three: empiricist, standpoint, and postmodern. Despite the willingness of social scientists to acknowledge that there may be different perspectives, when it comes to malestream anthropology taking account of feminist insights concerning engendered knowledge, empiricism is still the dominant paradigm: that is, getting women into the picture is simply a matter of more/better observations. Recognition that all accounts are relational, perspectival, and necessarily partial is resisted. Kristin Waters' (1990) survey of feminist standpoint theorists, identifies the following characteristics (a) rejects relativism; (b) endorses a particular evaluative standpoint (anti-racist, classist, sexist); (c) privileges feminists epistemically; (d) privileges oppressed races and classes. In Waters' schema postmodernism can not be an epistemology. It is a critical theory, capable of deconstructing but not of putting things back together. I note in passing that the flight from epistemology into representations by the postmodernist pioneers in anthropology, has eschewed an interest in gender and theories of knowledge while purporting to explore power (see Mascia-Lees, Sharpe, & Cohen, 1989).

3. As used here the term "community" does not connote any internal coherence, or identity of interests, but merely a coresidential configuration in which Aborigines (and often a considerable number of non-Aborigines) reside. Traditional land affiliations inform residential choices but much is also the outcome of state policies (see, i.e., Bell, 1983, pp. 73–89).

4. Part of my contribution to Bell and Nelson (1989, pp. 406–407) was to highlight feminist insights regarding the aetiology of rape and the dearth of material about intraracial rape was striking. I have since learned of the work of Laura Zimmer (1990) and Christine Bradley (1990) in Papua New Guinea. In terms of the conceptual framing of rape as a feminist issue, I think there is more to be done in exploring the differences in emphasis between Susan Brownmiller (1975), and Catharine MacKinnon (1987, p. 92; 1989, pp. 56, 173, 178) on dominance and sexuality; and the insistence of Angela Davis (1981, p. 178ff) and bell hooks (1981, pp. 51–59) that Brownmiller take into account the legacy of slavery and "systematic devaluation of black womanhood" (Brownmiller, 1975, pp. 59–60). If these writers are read chronologically, there is, I think, an argument to be made for

seeing their theorising as deepening our appreciations of the dynamics of rape, in terms of race, culture, class, power, history, etc, rather than casting their critiques as oppositional. One common complaint is the difficulty of keeping rape on the political agenda (see Carmody, 1990, pp. 303–308) and the way it is politically exploited when it is on the agenda (see Pleck, 1990). There is also the question of the relationship between pornography and violence, which Topsy Nelson (Bell & Nelson, 1989, p. 413) and other researchers have raised (see Atkinson, 1989, pp. 11–14) and which Catharine MacKinnon and Andrea Dworkin locate as central to any analysis of rape (see MacKinnon, 1987, pp. 127–133).

5. I am relying on secondary sources with respect to Atkinson (1990d) and Bolger (1990). They have been reviewed in the *Aboriginal Law Bulletin*, but are not yet widely available. There are significant differences between Atkinson's (1989) draft and the published form (Atkinson, 1990 b&c), so I have made reference to both pieces.

6. "REAL Men," a Boston based group, has as its charter to own the violence that men inflict on women as a manifestation of a crisis in masculinity. They work to educate other men regarding the valourisation of misogyny in American culture. O'Shane (1990, pp. 10–11) argues that if violence is an expression of powerlessness (i.e., women are victims because they are powerless), then men's violence is an expression of their powerlessness in the wider society. Solutions for the problem at this level require a restructuring of Australian society in which Aborigines are too often an underclass. My concern is that in the macro-strategising attention is paid to the plight of women and that in addressing the politics of liberation of a people, we do not overlook the fact that there are men and women, that is, that the rights won will be enjoyed by both sexes.

7. Many of women's activities, which contributed to their ability to punish men in specific ways, and more generally to minimise the conditions under which women could be violated, have been curtailed by the inroads of missionary activity, welfare agencies and state policies on the delicate system of checks and balances that guaranteed women a negotiating position vis á vis their menfolk. Women's most spectacular punishment relied on sex-specific aspects of Aboriginal law. Given that most anthropologists have been male these have been largely invisible to researchers (see Bell, 1987).

8. For instance, Marian Sawer (1990) in writing of bureaucratic cross-cultural exchanges has generated a genealogy for the Aboriginal Women's Task Force. Those feminists who have worked on various reports for a range of organisations and government agencies have hidden histories of their encounters. (I certainly do of my work in the area of law reform.) Sometimes the lack of fit with the dominant modelling of the "problem" under scrutiny gives rise to a minority report, but more often it is filed away as a source of personal frustration. In terms of the model of relationality developed here, I note that the work of Karen Warren (1989, pp. 17–20) on ecofeminism proposes a similar focus on interconnections between all systems of oppression and I thank Mary Ann Hinsdale for bringing this piece to my attention.

9. Langton (1989) makes a case for giving "credit where credit is due," but much of the writing of Aboriginal women about "feminists" and the "women's movement" entails stereotypes, which on closer scrutiny cannot be sustained. See Bell (1988, pp. 123–128) and Bell and Nelson (1989, pp. 409–411) for overviews of Aboriginal women's writing on their relationship to the so-called white women's movement. This is an issue that deserves another paper. Here I note that "I'm not a feminist but . . . I like equal pay," is a formulation that western feminists understand as underscoring the "true perception that the Women's Movement is radical and . . . the false perception that it is monolithic" (Stimpson, 1979, p. 62). However, we are loathe to apply the insight to minority women who declare that the women's movement, feminism, or other women have had no impact on their lives but rely on functions organised by feminists to network and deliver speeches. See for example the comments of Jo Willmot after attending the 1985 meetings in Nairobi (Huggins, 1990b; *The Age*, July 14, 1990).

10. In Central Australia Aboriginal men and women rarely sit together at large meetings to discuss community matters. They hold separate meetings and decisions are negotiated and/or made known through kin, ceremonial, and land based relationships. Because most persons seeking information about and consulting with Aborigines have been male, Aboriginal men have had easy access to information coming into communities, whereas for women it has been problematic. This separation is breaking down, but seeing men as the cultural brokers has become codified as "custom" for many cross-cultural negotiations. See Bell and Ditton (1980, pp. 13–14): Bell (1987, pp. 308–309).

11. Bell (1988) contains some of the material presented, but not the discussion of Aboriginal women's strategies vis á vis urbanisation. I note with interest the debate between Susan Kent (1989) and Bruce Knauft (1990) regarding the nature of violence and authority in newly sedentary societies (the Basarwa in Botswana) which takes up some of those issues.

12. Heather Radi (1984) argued that Aboriginal women fled the violence of their menfolk into the arms of Whites; that abject poverty drove them to prostitution; and having characterised my model of the transformation of gender relations on the colonial frontier as "linear" asserted, by reference to literature from a number of observations (mostly from men and mostly from the east coast) that it could not be sustained.

13. See Bell (1988, p. 123), Huggins et al. (this volume); Bell (personal communication). One constant theme in the four accounts I have thus far gathered is that some Aboriginal women objected to some papers dealing with Aboriginal women that were scheduled to be presented by some white women. Some Aboriginal women negotiated with some white women. Some papers were withdrawn; some were presented. The narratives converge and diverge around the points of articulation of gender, race, and feminist politics.

14. My taped copy of the broadcast is archived in Australia. In the U.S.A. I have my notes of the tape of sessions (October 19, 1984) which were edited back to form the broadcast and my notes of the broadcast.

15. The uterus, "baby pouch," is thought of as suspended in a delicate web of threads, and violence (unwelcomed sex with young girls with persons other than one who stands in a spouse-like relationship) breaks the

strings. The violation is often spoken of as one of both physical and personal integrity. The uterus is not merely a reproductive organ. An assault that damages her body also violates a woman's integrity and she can no longer expect support from relatives.

16. I have given the persons involved in this case pseudonyms to provide a degree of privacy. We work with small populations and ultimately it is impossible to disguise identities. Dealing with confidentiality with respect to one's own case material is relatively straight forward (as long as one is not giving evidence in court for there is no privilege attached to fieldnotes). My practice has been to record the status of the information (e.g., for women only, restricted to certain families, age groups, localities, etc.) and to make publications available so that people can see what I'd written. I do not undertake covert research. But, dealing with court transcripts is different. It is not material generated under field conditions. The material is on the public record and scholars who wish to consult the sources should be able to do so, but because I am anxious to minimise "casual voyeurism," please contact me if you wish to know more of this case.

17. Pam Ditton, the lawyer with Central Australian Aboriginal Legal Aid Service (C.A.A.L.A.S.) often represented Aborigines clients in Tennant Creek. She knew the local women well and had their trust. We had undertaken joint research in the area of women and customary law (see Bell & Ditton, 1980) and the older women involved in this case were familiar with our work. This was the first time the duress defence had been raised by an Aboriginal in the Northern Territory and for that reason alone, the case warrants a detailed examination. The defence was a way of according legitimacy to the culture that merely admitting arguments concerning duress as mitigation does not achieve. It allowed that Aboriginal culture may be sufficient excuse from criminal liability.

18. The magistrate was prepared to accept this. I had discussed it with the women before giving evidence and they knew my position on such things. I would refuse to testify on matters that were secret. This puts one at odds with Anglo courts which believe they have rights to access all information in their search for truth. Much of women's law is kept secret rather than exposing it to public glare. While protecting their law from appropriation, this protective strategy has the effect of making it appear that women have nothing to say on certain issues. If a majority of judges and lawyers were women, our appreciation of Aboriginal women's law would be very different.

19. Each was identified for the purposes of the transcript as she spoke, but the four women were sworn in as a group. By being able to give evidence in a group the women were able to control questions and see they were referred to the correct expert. In Aboriginal society, although everyone knows almost everything that is happening: not everyone has the right to speak of the matter. The taking of group expert evidence has become established practice in land claim hearings before the Aboriginal Land Commissioner, where it is extremely important that a number of persons are present to attest the veracity of answers (as a sort of witness to the events), to provide support (as a sort of audience), and to step in where necessary (a sort of panel of experts).

20. The husband's behaviour, which could be said to have caused the incident, was not the focus of the fight. When I asked what might happen to him, I was told that was "men's business," but the older women added that if he continued to "run around," then they would no longer consider the marriage worth defending, and Irene could leave if she wished. The dispute would then be negotiated by the families, that is, men and women acting in terms of the interests of kin and country at stake in the marriage.

21. Unlike his fellow judges on the Supreme Court, this judge had worked with Aborigines in several different capacities: as Aboriginal Land Commissioner, as counsel for the N.T. government, and as counsel for the traditional owners in a land claim where the need for restricted women's submission was made (see Bell, 1984/5). I worked with him on that claim. He had seen at first hand the gendered landscape of Aboriginal law and ceremony.

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