

Title: Victim stories and victim policy: Is there a case for a narrative victimology?

Introduction

Stories help make sense of people's troubles and responses to them. Indeed, stories have been recognized as constitutive of action including criminal action (Presser, 2009). Yet, victimology has been slow to recognize their potential both as sources of data for making sense of victims' experiences, policy responses to them, and as forces which act upon such experiences and responses to them. Whilst the feminist movement has centred women's stories of oppression as ways of campaigning for policy changes in employment, criminal justice, education and so on, a similar claim cannot be made for victimology. Historically, of course, the relationship between feminism and victimology has been fraught with difficulties (Rock, 1986; Walklate 2003). These difficulties have frequently centred on the problematic totalizing effects of the term 'victim' (Polletta 2006) embedded within the discipline of victimology itself. Yet the victimological conceptual embrace of the term 'victim' is neither unitary uniform, nor totalizing. Victimology, like many other areas of investigation, is a contested domain comprising competing theoretical perspectives. These parallel those of criminology: positive, radical, critical and latterly cultural victimology (Mawby and Walklate 1994; Walklate 2007; McGarry and Walklate 2015). Indeed it is within the incipient development of a cultural victimology, emerging from critical victimology (which is itself embedded in structuration theory and an appreciation of the relationship between agency and structure), that the victimological challenge to a totalizing concept of victim can be found. Within this latter strand of thought it is also possible to discern an interest in the role of narratives and their relationship to criminal justice policy. Using a case study of one victim's story, that of Rosie Batty (Australian of the Year 2015), this paper is concerned to offer a critical appreciation of the further development of such a narrative victimology.

In this article we seek to understand what has widely been referred to in the Australian media as the ‘Batty effect’. Rosie Batty’s son, Luke, was murdered by her ex-partner whilst at cricket practice on February 12th 2014. We are particularly interested in the nature of the narrative surrounding these events and the consequences that this narrative had in influencing family violence policy in Australia. Put succinctly, why did this story matter to people there at that time? (Frank 2010). Our analysis falls into four parts. The first offers a brief overview of the changing nature and presence of victim centred organisations from the late 1960s to the present. This changing presence is placed alongside the parallel growth in concern with narrative approaches in the social sciences in general. The third offers an analysis of why the Batty effect seemed to ‘work on people’ (Frank 2010). In the final and concluding part we consider the extent to which the analysis of a case study of this kind might contribute to the development of a narrative victimology.

Appreciating the Victim Voice

Since the late 1960s and 1970s groups proclaiming to speak for victims of crime have grown apace throughout the Westo-centric world. This growth in North America, the U.K., and to a lesser extent in the Nordic countries and continental Europe, has been well-documented (see inter alia, Rock 2004; Barker 2007; Shapland 2010; Ginsberg 2014; McGarry and Walklate 2015; Gallo and Elias 2016). Much analysis aligns this growth with the increasingly powerful presence of neo-liberalism (Ginsberg 2014) illuminated in Garland’s (2001) masterly analysis of a culture of control where he observed the further politicisation of the victim as a mode of responsabilisation (see also Miers 1978). It is possible to discern two distinct types of victim groups during this period. Those considered ‘politically/structurally’ neutral (Rock 1994; Walklate 2007) and those viewed as ‘structurally informed’ (Walklate

2007). As these labels imply these distinct groups posed different questions for existing policy practices with those emanating from the feminist, and other social movements inspired by identity politics (Somers, 1994; Polletta, 2006), proving to be the most politically contentious. The problematic consequences of the victim label for groups in this latter category have been subjected to thorough analysis by Polletta (2006). In the context of criminal justice in particular there are a diverse range of victim centred organisations all claiming to speak for victims of crime. (See for example, Karmen, 2016). The ongoing existence of such ‘victim’ groups cannot be fully accounted for by a simple or linear reference either to neo-liberalism or to a culture of control. Clearly some victims’ movements, including those informed by feminism have more readily aligned with the punitiveness associated with a culture of control (see for example, Harper and Treadwell, 2013, on Sara Payne’s campaign against paedophiles in England and Wales). However, such issues notwithstanding, it is also apparent that some victim groups and their concerns appear to capture the ears of policy makers and are acted upon, at both the national and the international level, while others do not. There is clearly more to be said about how and under what conditions this happens.

In addition since the late 1960s and 1970s it is also possible to observe a shift in the underlying focus of such victim organisations from working on the delivery of appropriate support for people experiencing difficult times and pressurizing for appropriate complementary policy, to advocacy and narrating the social and cultural impacts of crime: for seeing the world through the prism of pain (Fassin 2012). Within this shift the stories told by individual victims have been used to provide a narrative not only for their pain but to stand for all those victims who might have had similar experiences; a re-positioning in making sense of victimhood from a victim narrative to a trauma narrative (McGarry and Walklate

2015; Walklate 2016). This shift has afforded the space in which not only such narratives have emerged but also appear to have become increasingly powerful. In the following section, we further examine some of the processes underlying this change of emphasis.

Some time ago, Lasch (1979) commented upon the emergence of a ‘culture of narcissism’ present in the United States. Put simply this culture served to render each individual’s experiences equal to that of every other individual. Whilst he was commenting on the United States specifically, it is easy to discern ways in which such cultural values have seeped well beyond that geographical context. Some of this seepage is associated with the contemporary ever present twenty-four hour social media and virtual world. This assumed equivalence of experience, which of course may not exist, is often articulated in the language of trauma. Indeed Alexander (2012) avers that there are particular cultural conditions under which particular events achieve or fail to achieve the status of a narrative of trauma. For Alexander (2012) one of these cultural conditions has been, and still is, the evolving national and international concern with human rights. Human rights discourse, whilst informing both global and national jurisdictions in variable ways, has centred on the victim and their stories. Meyers (2016) in considering the nature of this victim focus points to two co-existing paradigms of victimhood informing human rights discourses: the pathetic and the heroic. Echoing Polletta’s (2006: 111) characterization of ‘canonical story lines..... about how proper victims respond to their treatment’, Meyers (2016) suggests both of these paradigms are idealized and contested. Indeed, squeezing victims’ stories of human rights abuses into one or other of these paradigms not only does a disservice to their stories (akin to the harms of victim stories discussed by Polletta, 2006) they also reveal much about the conceptions of innocence on which they are based. Such conceptions and the categorization of the ‘victim’ flowing from them, has consequences for what she terms ‘impure victims’ (Meyers 2016:

39). In her analysis these discourses frame, politically and culturally, not only whose story is listened to, but also how that story needs to be structured in order to be heard.

Victimology has long critiqued idealized conceptions of innocence underpinning determinations of who is and is not recognised as a victim (Christie 1986), alongside the troubling outcomes when notions of deserving and undeserving victims derived from conceptions of innocence are translated into policy (Miers 1978). The power of conceptions of the 'ideal victim' can be traced in both individual and collective experiences of all kinds (McGarry and Walklate 2015). Elucidating the conceptual power of innocence in human rights discourse and the import of 'canonical' stories, Meyers (2016) and Polletta (2006) highlight one particular condition for the success or otherwise of the victim story: the political and policy process. Placing the victim at the centre of criminal justice policy is a key feature of this process relevant to this discussion.

Whilst Garland's (2001) analysis of a culture of control is pertinent to understanding the changing nature of 20th century criminal justice policy in the U.S and the U.K., there is more to be said about the policy positioning of the victim as a 'powerful motif' (Bottoms 1983). Rhodes (1997) in commenting on U.K. parliamentary democracy talks of the shift from Government of the post-World War II years to an era in which governance prevails. Under governance the boundaries between public, private, voluntary and state become very blurred and opaque as do the lines of accountability. Within these blurred boundaries policy networks and policy champions become important elements in understanding the influence of particular stories, especially victims' stories (see Walklate 2001). The increasing presence of legislation in different jurisdictions named after particular individual victims is clearly illustrative of these processes: for example, Megan's Law in the U.S was introduced federally

in 1994, Sarah's Law in the U.K. introduced in 2011, Byron's Law in New South Wales introduced in 2005 and more recently Clare's Law introduced in the U.K. in 2014. All of these pieces of legislation derive from highly emotive and/or violent crimes (sex offences and homicide), and were largely implemented in response to the individual case after whom they are named not from any substantive review or inquiry process. Some of these stories are of course, 'ordinary': ordinary in the sense that they are commonplace. Yet despite such ordinariness some of them gain traction and political influence, are listened to and acted upon, while others do not. Recognizing this hints at a further condition informing the contemporary victim oriented climate: the audience.

The work of Berlant (2004), Polletta (2006) and Meyers (2016) amongst others alludes to the role of the audience for a story to be both listened to and heard. In Stauffer's (2015: 9) analysis hearing is essential in order to avoid the condition of 'ethical loneliness': 'the experience of being abandoned by humanity compounded by the experience of not being heard'. Such an audience can be real or imagined but is a requirement since:

In order to construct self-narratives we need not only the words with which to tell our stories, but also an audience able and willing to hear us and to understand our words as we intend them. This aspect of remaking a self in the aftermath of trauma highlights the dependency of the self on others and helps to explain why it is so difficult for survivors to recover when others are unwilling to listen to what they endured. (Brison 2002: 51)

Following Frank (2010) then, stories are 'exceptional' because from them we learn who we are, we can make sense of our relationship to the past and they '*work on* people insofar as people become *caught up* in stories to a degree which is exceptional' (ibid: 666). For Brison (2002) and Stauffer (2015) 'people becoming caught up in stories' is essential to being heard.

Importantly here we are concerned with an ‘appreciation of why a story like *that* would matter so deeply to a person located *there*’ (Frank 2010: 666). Thus, whilst the story used as an example in this article was widely covered in the media (see Hawley, Clifford and Konkes 2017), this story gained traction and influence on policy above and beyond the sympathetic media coverage given to it. It is for this reason, if no other, that this story demands closer scrutiny and provokes a number of questions. For example, why do some stories succeed in capturing the imagination of an audience in such a way that they become resonant of a wider public concern or become particularly influential in framing a policy agenda? Is this a product of the story-teller (and their voice)? Is it the product of the particular story? Is it the product of the way in which the story was told so that the audience heard? Is it a product of the time and place? Or is it the product of a complex mixture of these? In what follows we shall try to explore some of these questions using as illustration the story of Rosie Batty, Australian of the Year 2015.

The ‘Batty effect’: A case study.

The term the ‘Batty effect’ was coined by the media (see, for example, Perkins 2016). The term recognizes Rosie Batty’s significant influence on family violence policy in Australia. In the aftermath of the killing of her eleven-year old son, Luke, in 2014, by his father, Rosie Batty became a vocal campaigner and was named Australian of the Year on January 26th 2015 in recognition of her ‘tremendous efforts in shedding light’ (Dreyfus 2015) on family violence. In the same month, she was appointed to the Advisory Panel to the Federal Government on violence against women and in November that year she addressed a special sitting of both houses of the Victorian parliament on family violence. The ‘Batty effect’ contributed to the establishment of the Victorian Royal Commission into Family Violence. As reported by Perkins in *The Age* 6th December 2016;

"Rosie's heroic stand following Luke's death triggered community action and inspired the state government to announce the Royal Commission [into Family Violence]," said Jenny Smith, the head of the Council for Homelessness Persons.

The Royal Commission sat for thirteen months, delivering a seven-volume report in 2016, including 227 recommendations, which the state government committed to implementing in full. Subsequently, the Victorian government committed \$1.9 billion to preventing family violence and supporting victim/survivors (State Government of Victoria 2017). As part of the reforms the Victorian government convened a victim/survivors' Advisory Council, with Rosie Batty as its inaugural chair (Victorian Government 2017).

As this short overview reveals there can be no doubt Rosie Batty had an uncommon and unprecedented impact on family violence policy in Victoria specifically and Australia more broadly. This article presents an in-depth analysis of the Rosie Batty story drawing on a range of documentary sources: the official coroner's report into the incident which brought her story to wider public attention; state and federal parliamentary documents; newspaper reports from across the political spectrum; video material (of Rosie Batty speaking to different audiences), Rosie Batty's own biography, and other publicly available data sources. This data was gathered from January to July 2017 and covered the period from 12 February 2014 when Rosie Batty's estranged partner murdered Luke Batty, Rosie's son, until June 2017. News media databases and other public sources (cited above) were searched for all mentions of Rosie Batty. In total, there were 105 documents collected, of which 25 were Parliamentary Hansard records. These documents were analysed thematically focusing particular attention on links with policy. It is presented here as a theoretically exploratory case study (Yin, 2009) to examine what it might be about her particular story of family violence that made it so influential. We pay particular attention to the story of Luke's death, Rosie Batty as the teller

of that story, the way in which she told that story and the time and place in which that story is located. While all these elements are interrelated in myriad ways for the purpose of exposition we deal with each separately.

Rosie Batty's story

The brief summary below, of the circumstances of the killing of Luke Batty, is taken from the Coroner's Report (published on the 28th September 2015). On 12th February 2014 Rosie Batty (Luke's sole carer at the time) took her son to cricket practice at the Bunguyan Reserve, Tyabb (Victoria), a regional area which is relatively socio-economically disadvantaged (the median income is well below the national average, ABS 2011). When they arrived, Luke's father, was already there having left his shared accommodation with all his belongings (including a kitchen knife) in a rucksack which he had with him. A number of family violence intervention orders were already in place in respect of Luke's father's contact with his son, though Rosie thought he was permitted contact with his son in public places. Batty asked her son if he was OK with his dad being present to which he replied he was. Batty left her son with the training staff, other parents and children and returned home. She was not aware that the intervention order did not permit Luke's father access to Luke under these circumstances. She was aware, however, that Luke loved his father 'to bits' (Coroner's Report 6. para 27), that his father had never been aggressive to Luke (ibid. 6: para 28), and said that 'there was never any doubt in my mind that Luke should know his father' (ibid 6: para 30).

A little while later Rosie returned to collect Luke who asked if he could continue practising in the nets with his dad to which she agreed. In response to questioning during the coroner's inquiry, Rosie explained,

He was on the pitch and if his dad went up and gave him a hug and had a quick chat with him, I saw there was nothing wrong with that because he was in my line of sight, in the public forum, on the oval, where everybody else was. On the night he died, lapse of judgement on my behalf because within five minutes, everyone had gone home and clearly that was a staged situation that I *hadn't* seen coming. (ibid 14: para 71 emphasis in the original)

While collecting his cricket equipment the eight year old son of the cricket coach saw Luke's father using a cricket bat as a 'chopper' and returned to his father distressed. At the same time Rosie heard a distressed noise, went to the cricket nets to see Luke lying on the ground. His father is recorded as saying 'Yeah, he's – he's OK now, he's gone to heaven' (ibid 15: para 76). He was subsequently shot by police at the scene and died later in hospital.

Media coverage of the 14th February 2014 incident was extensive. Words frequently used to describe the events included 'tragedy', 'shocking', and 'horrific'. Messages of sympathy were reported to have been received from Luke's school friends, the wider community, the national Australian cricket team and the (then) leader of the opposition government in the state of Victoria, Daniel Andrews. Later coverage of the events on Australia's premier investigative television program suggested that Luke's death was a 'crime that left Australia horrified' (4 Corners, 7th July 2014). There were a number of elements to the story that contribute to the sense of horror at Luke's death. Luke was an eleven-year old child killed by his father in a public place. It was a killing witnessed by another even younger child. A sports field, a place of innocent recreation, where parents and children, particularly fathers and their sons, engage in (presumably) psychologically and physically healthy activity, became a killing field. Rosie and Luke were out doing what parents and children do on a routine daily basis in the Australian summer time - they were participating in sport. Australia is a sporting

nation, and although cricket was originally a colonial game, imported from England, Australians deeply identify with it. Cricket is played throughout Australia at all levels and innumerable locations (cricket.com.au 2016). The cricket bat in and of itself is important as part of this sporting culture. When Australian Test cricket player Phillip Hughes was accidentally killed by a cricket ball during a Shield match in November 2014, thousands of people placed bats outside their homes in tribute (Wright 2014). The bat, so often a source of national or individual pride and even reverence in Australia, was used to kill a child.

It is the everyday ordinariness of the behaviour of playing cricket, juxtaposed, with the brutality of Luke's death, which arguably touched a deep nerve for many Australians. Stauffer (2015) reminds us that it is the mundanity of everyday experiences that underscores everyone's vulnerabilities. She goes on to point out:

I am not describing things that can only happen to others or to people in desperate circumstances. It is part of the human condition that abandonments and abuses affect us as deeply as they do, and it starts with everyday losses that are less serious but may underscore for us –if we take time to look- our vulnerability, our false idea about our autonomy, and what matters about the autonomy that we do have. (Stauffer 2015:3)

It is in the everydayness of Luke and Rosie's activity, and the shared nature of their 'respectable project' (Christie 1986) in terms of Australian family life, that touches this collective vulnerability, subsequently amply covered by the media, creating the 'time to look'.

Rosie Batty as the teller of the story

From the point of Luke's death Rosie Batty was attributed full victim status in media coverage and as a public figure. Some time ago Christie (1986:18) in discussing 'the ideal victim' says, 'I have [instead] in mind a person or category of individuals who – when hit by

crime – most readily are given the complete and legitimate status of being a victim’. He goes on to identify attributes that place an individual within this category of victim. Luke only falls short on one of these attributes: he did know his offender, but in every other respect his status as an ideal victim, and the social response guaranteed by this status was certainly assured for him. Similarly, Rosie in different ways comes close to possessing all the attributes of the ideal victim. Rosie was a single mother, independent, doing her best to ensure that her son had a relationship with his father despite the difficult circumstances in which they found themselves. Moreover, motivated by the love she had for her son acceded to his request to spend some time with his father in the cricket nets.

Rosie, and her pain as a mother who has lost a child, importantly underpins Rosie’s status both as a victim and her agency in claiming that victim space as a heroic figure. Wright (2016: 1) notes:

The bereaved mother’s experience represents any parent’s deepest fear. The loss of a child is simply unfathomable to all of us who are parents as it grates against our sense of the natural order of things, and sharply brings to our attention that there are moments in our child’s day which we are powerless to control. As a result, we look upon the grief of the mother with horror, not only in sympathy for her, but with agony for the possibility that her pain could one day be our own.

Moreover, these processes do not just connote any mother they connote understandings of the ‘good’ mother. The cultural expectations associated with good mothering and their consequences for those deemed ‘bad’ mothers have been well documented (see inter alia Miller et. al. 2015). The role of mothers in victim movements more generally has been subjected to some analysis (see inter alia Charman and Savage 2009; Helms 2013). Those same cultural expectations frame everyday life for all mothers with children including those

living in violent relationships. For example, Lapierre (2010) found that while living with the threat of violence might complicate parenting, it does not undermine the strategies women develop to ensure the care and protection of their children. At the same time recent research in Victoria (Australia) found that, in many instances, mothers may face judgement and opprobrium when they are adjudged as having exposed their children to the risks of family violence (McCulloch et. al. 2016). In this case however, the system rather than Rosie Batty was seen to have failed. The coroner's report lists what was known and not know by Rosie Batty and the various family violence agencies about the risks posed by his father (ibid: 76-77). In summarising the case the Coroner concluded that the killing of Luke was a premeditated act, that his death could not have been foreseen by anyone including Rosie Batty and that she was 'a loving, caring, intelligent, thoughtful mother. Her decisions and actions were clearly motivated by her deep love of her son' (ibid 2: para 8).

Coverage of the events on Australia's premier investigative television program (4 Corners 7th July 2014) revealed Batty had reported her ex-partner's behaviour to various agencies over a long period of time. Indeed, Batty's engagement and struggle with various agencies is documented in detail in her biography. There were four arrest warrants for him at the time of the murder and no full psychiatric assessment had ever been undertaken. In that same programme the (then) Commissioner of Victoria Police Ken Lay said: 'When you need to look someone in the eye like Rosie and hear how the system dealt with her and understand how the system may have let some of those people down, it's very, very confronting'. Thus, all the already known failings of criminal justice and family violence services responses to women living with violence were laid out for all to see. Rosie Batty and her suffering through the death of her child seemed to be the epitome of these failings. It is evident that Rosie strove to be a good mother. This featured as part of her 'vocabulary of motive' (see May

2008). She put Luke's interests above her own, and managed the risks that might be associated with his interests to the best of her ability. Again, the ordinariness of this dimension of Rosie's story and the positive account of her mothering would have touched a deep cultural nerve for many who read it. Taken together these features meant that this event could have involved 'any mother' with 'any son'.

Moreover there is Rosie Batty herself. She gave birth to Luke as a mature woman and was, as she continues to be, an independent woman. Interestingly Christie (1986: 21) has this to say on independent women:

The more females attain an independent status, the more useful it is for them to claim victim status, and the more they are listened to.....The reasoning brings to the surface another important element in being an ideal victim: she (or sometimes he) must be strong enough to be listened to, or dare to talk. But she (he) must at the very same time be weak enough not to become a threat to other important interests. (Emphasis in the original).

In addition to this Rosie maintained that one of the reasons she was able to speak and be heard was because of her characteristics as a relatively privileged woman:

I believe that one of the reasons I have been able to speak to so many people about my story, and why people are willing to listen, is because I am white, middle-class, well-educated and articulate. If I did belong to a rough neighbourhood, or I were Indigenous, or from another ethnic background or had a disability, I would not be heard. (Witness Statement of Rosemary Anne Batty, Royal Commission into Family Violence. WIT.0118.001.0001: para 5. 6th August 2015)

This reflection is in itself significant in that it highlights the way in which some storytellers are listened to, while other experiences of victimisation and family violence are silenced. While the Victorian Royal Commission (2015) revealed high incidences of family violence in

diverse communities, it is the stories of those – like Rosie Batty – who are most clearly heard and present an opportunity for change.

The way Rosie Batty told her story

Rosie Batty was and is a skilled communicator; sufficiently resilient to speak to the media the day after Luke's death and to communicate her message in innumerable public forums over a period of months and years. Part of her skill as a communicator is her ability to connect her story to broader context of family violence, creating a sense of a shared story connecting with her audience. In the Victorian tabloid newspaper, the Herald Sun, she is quoted as saying: 'I want to tell everybody that family violence happens to everybody, no matter how nice your house is, how intelligent you are, it happens to anyone and everyone.' This depiction is clearly resonant of the paradigm of heroic victimhood discussed by Meyers (2016). Arguably, this paradigm offers a critically important way of understanding how Rosie Batty's story was animated, despite the entrenched and widely documented difficulties faced by women who have experienced violence at the hands of their partners or persons known to them in being recognized as victims, ideal and/or heroic, at all (as observed by Christie, 1986).

During her time as Australian of the Year Rosie delivered over 250 speeches campaigning against family violence. With rare exception coverage of her activities was sympathetic. One such exception was Mark Latham, former leader of the federal Labor Party and a columnist for the Australian Financial Times, who was reported as suggesting Rosie was using her year as Australian of the Year to 'cash out' her personal tragedy. Latham was seriously rebuked in that same outlet by former Premier of Queensland Anna Bligh (July 18th 2015).

Rosie's presence in the policy domain was significant. In November 2015, addressing the Victorian parliament, she made it clear that what happened to her 'touched the hearts' of so many others, including she notes the Victorian Premier, Daniel Andrews, who has a son the same age as Luke. She then proceeded to speak clearly and with authenticity on family violence being about 'people like us'. Using this gentle but confrontational style she asked those present to think about their own behaviour and to move away from blaming the victim, drugs, alcohol or mental instability as explanations for family violence towards 'perpetrator accountability'. She received a standing ovation.

Indeed her gentle but confrontational style speaks volumes about the requirements of being an ideal victim as elucidated by Christie (1986) and also speaks to the 'canonical' style of story-telling referred to by Polletta (2006). Rosie also spent time during her working life in telesales (suggesting some skill in communication) and as she points out herself, she is white, well-educated and articulate. These features combined with her communication style were arguably particularly telling when she spoke to the media assembled outside her home the day following Luke's death. This not only took them by surprise; it silenced them. As Rosie reports in her autobiography:

I would learn months later that I had deviated from the playbook when it comes to these things, and that split-second decision would set in train another series of events that would completely change my life.....What I didn't know at the time was that none of the assembled reporters knew that I was Luke's mother. (Batty and Corbett 2016: 256)

Challenging the accepted script for someone experiencing bereavement under these circumstances, Rosie acted with agency not victimhood thus avoiding both 'ethical loneliness' (Stauffer 2015) and any further compounding harm that might have ensued from her embrace of a victim status (Polletta 2006).

This brief synopsis of the events leading up to and included in the ‘Batty effect’ offers a flavour of the story, voice, and response to this particular ‘victim’. For many of those who have campaigned in this arena over recent decades, whilst this story has some particularly gruesome aspects, it is not unusual. Indeed Batty herself states: ‘I was everyone and no-one and now I’m Rosie Batty’ (Batty and Corbett 2016: 273). However, in the face of the everyday nature of her story, apart from the elements of the story, the attributes of the story teller, the time and place in which the story unfolded and was told are also significant in understanding the ‘Batty effect’

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The time and place in which Rosie Batty’s story was told

Prior to Luke’s death, there had been at least two cases of violence against women which had provoked a particularly strong public reaction in Australia. On the 22nd September 2012 a young Irish woman, Jillian Meagher was raped and murdered. Soon after this event it was reported that ‘tens of thousands’ joined a rally in Melbourne urging an end to violence against women. Later that same year Sargun Ragi was stabbed to death and set on fire by her husband having earlier reported him for rape, assault, keeping her hostage, and feeding her only once a day. Following the death of Sargun Ragi the Herald Sun newspaper launched the Take a Stand campaign in 2013 involving four influential Victorian men including the Chief Commissioner of Victoria Police, Ken Lay. In addition on 11 February 2014 the fiancé of Lisa Harnum was jailed for 18 years for throwing her off their Sydney balcony in 2011, and in February 2015, one year after the death of Luke Batty, again just outside the centre of Melbourne, Kelly Thompson, was killed by her partner following 38 calls to police over a three-week period for breaches of intervention orders (Gray 2016). So, in many respects in the lead up to and immediately following the death of Luke Batty, the Australian public,

including policy makers and practitioners, had been sensitised to some of the more traumatic features associated with family violence.

Taking all of the features of this story together it is not difficult to see how it infiltrated the inter-subjectivity of ‘all of us’ beyond the media coverage afforded to it. Rosie Batty’s story, its specific characteristics combined with her biography as a woman and a mother, her way of speaking and the time and place in which it occurred allowed this story to ‘breathe’ (Frank 2010) so much so that Rosie Batty avoided ‘ethical loneliness’ and the ‘sense of being abandoned by humanity’ (Stauffer 2015: 29). Her voice, speaking both as Luke’s mother and as a victim of family violence, allowed her story to effectively communicate a powerful narrative about family violence that was ‘tailored’ (Presser and Sandberg 2015) to a receptive and responsive audience. The question remains, what does this kind of analysis reveal, if anything, for the emergent concern with a narrative victimology?

A Narrative Turn in Victimology?

Ricoeur (1984) suggested that narrative gives experiences form and in giving them form as Frank (2010) observes they locate us in relation to others. This is the core of a narrative identity (ibid: 666). Endeavouring to overcome the totalizing consequences of identity politics Somers (1994) furthers the concept of narrative identity by combining it with an understanding of ‘relational setting’. Conjoining identity and setting in this way ‘provides the conceptual sinews that produces a tighter more historically sensitive coupling between social identity and agency’ (Somers 1994: 635). So whilst both Meyers (2016: 4-5) and Riessman (2008) point to the infinitely variable way in which narratives are put to work both in people’s everyday lives and in social science, Somers (1994) offers a way of making sense of what both of these writers also discern in the patterning of both stories and narratives making

some work better than others. So, whilst they ‘work’ for us both as individuals and in wider cultural processes, this work is achieved in different ways. Arguably it is intimately connected with the voice of the story-teller and the story they have to tell. Such stories may be effective ways of ‘speaking truth to power’ (as in the cases analysed by Meyers 2016) but can equally be turned to purposes other than those intended by the story-teller (as alluded to by Polletta 2006). Thus there is a complex relationship between the story-teller, the incidents chosen to be ‘storied’, how such incidents are put into words, how these words intersect with the audience, and what is thereby accomplished by them, if anything. Nonetheless they are ‘strategic, functional and purposeful’ (Reissman 2008: 8) and have a range of functions from establishing what really happened (as in the courtroom), to mobilising groups towards action for campaigning purposes (Polletta 2006). Frank (2010b: 44) takes this a step further and states, ‘The capacity of stories is to allow us humans to be’.

Each of the social sciences reflects a slightly different embrace this ‘narrative turn’. In criminology, Presser (2009) offers a compelling argument for criminology to embrace an appreciation of narrative as constitutive and as such offers a way into understanding the evolving agentic nature of offenders’ stories. She suggests (2009: 184) ‘The perspective focuses attention on how narrative constitutes reality’ echoing Ricoeur’s (1984) attention on the relationship between narrative and experience, challenging positive mechanistic views of offending behavior and re-establishing a role for agency. Indeed the challenge of such a criminology for much mainstream criminological work lies in the recognition that, as Maruna (2015: ix) observes:

Leaving aside the ethics of this, what could be the scientific rationale of ignoring the stories of those human beings we have assigned to the construct of victim, offender, or family member in our analyses?

Indeed he goes on to suggest that in the light of this narrative turn, ‘at least we are now asking the right questions’ (ibid.: x). Moreover, whilst Presser and Sandberg (2015) offer a more eclectically informed understanding of narrative criminology, the focus on adopting an appreciative stance is one shared between the different proponents of this kind of work. As an example, the power of victims’ stories to aid in ‘appreciative description’ is convincingly revealed in Bottoms’ (2010) analysis of what became known as the ‘Ealing Vicarage Rape Case’ of 1986. The documented failures of the judge in this particular case to engage in such appreciation resulted in him failing in his duty to understand and widespread criticism of his handling of the case with the ‘victim’, Jill Saward, eschewing her right to anonymity to write about the subsequent impact this had on her. This is but one example among many demonstrating the scope for individual stories to reveal much about policy and practice.

How such stories are termed for methodological purposes is of course subject to debate. Various labels can be found in the literature; narrative, life-story, biography, personal testimony, or testimonio (see McGarry and Walklate 2015, chapter four). These labels are frequently used interchangeably and each of these different sources of data has its own history within criminology and to a lesser extent victimology. Indeed the data from which it is possible to piece together stories is equally diverse: in-depth biographical interviewing, documentary records, biographies, video-reportage, and so on. However, taken together (qua Maruna 2015), they can result in the centering of stories and experiences that have frequently been hidden in plain sight not only by criminology and victimology but also by criminal justice processes.

Centering stories is not without its problems. Stories are subjective constructions facilitating social interaction. In Frank’s (2010b) terms they make us human. However, they are

constructions and their veracity can, and is, always subject to validation and interrogation (Polletta 2006; Meyers 2016). Importantly of course, focusing on victims' stories stands in stark contrast to much mainstream victimological work where there is a preference for the quantifiable and for the kind of generalisation associated with the criminal victimisation survey (despite its inherent problems, see Hope, 2007). Indeed a focus on narratives might facilitate resolving one of the victimological lacuna identified by Rock (2002) who asked the question 'how is it that some victims embrace a victim identity and others do not?' An agentic appreciation of narrative, and its capacity to answer a question of this kind sits (at the theoretical level) comfortably with the kind of critical-cultural victimology outlined at the beginning of this paper. However whilst victimology might have been slow to connect with the importance of such stories, politicians and policy-makers have not been.

Conclusion: the Promise of a Narrative Victimology?

This paper has taken the story of Rosie Batty, as expressed by her and reported on by others, as an important source of data for understanding her experiences and the wider responses to the victimization of family violence in Australia. This in itself constitutes a challenge to much mainstream (positivist) victimological work insofar as it privileges individual experience over aggregate data. In centring this story it is possible to discern, following Green and Pemberton (2017: 93), that:

.....the actions and the choices of the victim are key, as is the manner in which the victim understands these actions and choices. Rather than viewing the victim as a will-less subject of outside forces, our radical victimology seeks to understand the victim on his or her own terms, in which he or she is the lead actor in the narrative under construction. The choices and actions are radical themselves.

As the story of Rosie Batty illustrates however, whilst such choices may be key to understanding the victimization experience, they are not made in a vacuum. Other factors can and do influence the extent to which victims' stories gain the appreciative understanding of those who are exposed to them and are able to act on them. It goes without saying that not all victims' stories gain the attention and influence this story has: they are not all morally persuasive (Meyers 2016). We have tried to identify here some of the contributing factors which underpin why Rosie Batty's voice was heard and why her story was listened to. Highlighting the capacity of this story to touch *collective* vulnerabilities and the ordinary context of the events within it, we have sought to draw out why her agency was acceptable and effective. However even within this story there are structural conditions enabling it to have effect. She did not become a 'moral beacon' independent of these conditions (Brewer and Hayes, 2011). These conditions range from the rising sensitivity to family violence in Australia at the time, to the sympathetic media coverage given to this particular event, to the wider global changes that have facilitated the presence of victims in policy discussed above, to the ever-present mediated nature of everyday life encouraging us all to share in the victim experience. All of these factors when taken together allowed this particular story to 'breathe' (Frank 2010b) and perhaps lend some weight to Somers' (1994) analytical combination of identity with relational setting.

That we all have a story to tell is a useful reminder to victimology that narratives are an important source of data. However, it is also the case that some narratives count more than others and the socio-political context in which such 'counting' takes place is important to appreciate (see Jou and Heberten, 2017). This story here has certainly 'counted' in contributing to the contemporary policy profile afforded to family violence in Victoria specifically but also more broadly across Australia, particularly in its capacity to confront but

not threaten other important interests (qua Christie 1986). Indeed it continues to be an important feature of the unfolding policy agenda. In ‘touching the heart’ of Daniel Andrews (to use Rosie’s words), and other key players in ensuring that the Victorian Royal Commission into Family Violence took place and its findings enacted, are important ingredients in the salience of this narrative and its ordinariness. It is a moot point whether or not this agenda would have unfolded anyway.

The extent to which such stories constitute a narrative turn for victimology remains open to question. It is certainly the case that victimology as a discipline (rather like criminology) has much to benefit from appreciating the role of narrative in both facilitating an understanding of how it is that some people embrace a victim identity and others do not (Rock 2002) and adding some much needed experiential knowledge to the stark de-contextualised nature of data generated by criminal victimization surveys. Whether or not these additions are sufficient to qualify as a narrative victimology remains to be seen. It is without doubt the case that the extent to which such narratives *should* form the basis of policy in and of themselves (one of the issues with which this article began) continues to be, and needs to be, contested. The readiness with which some victims’ stories can be harnessed in the interests of punitiveness, and others can remain unheard, remains.

Acknowledgement.

An earlier version of this paper, with a different title, was presented at the Second International Conference on Narrative Criminology held in Oslo in June 2017. This research is part of an Australia Research Council project focused on patterns of intimate partner homicide. [DP170100706 Securing Women’s Safety] We would also like to thank the

reviewers of this paper for their very helpful feedback. As ever the faults remaining are our own.

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