

**CRI 3001 Dissertation.**

**The Criminal Justice response to male and female victims of domestic violence.**

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With special thanks to:

Mark Brooks, Chairman of Mankind Initiative,  
For without him a major part of this dissertation  
Would not have been possible.....

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## **Dissertation.**

### The Criminal Justice Response to Male and Female victims of Domestic Violence.

#### Chapter 1

#### **Introduction.**

This dissertation will be taking a look at how the Criminal Justice System responds to male victims of female domestic violence and to see what the differences are in relation to female victims of domestic violence. This dissertation will also look at the theories behind violence as a way understanding acts of it; it will look at hegemony, masculinity and femininity to explain the differences between them. A comparative analysis will be carried out in order to compare and contrast any findings and to perhaps add to the dissertation by provoking further discussion as a direct result of the findings and comparing them to other researcher's findings with regards to male and female victims of domestic abuse. It will also be interesting to see if the courts operate in patriarchal and hegemonic ways and if this masculine culture influences the criminal justice systems responses or processes on the issue of domestic violence.

Common assault according to the Domestic Violence Crime and Victims Act 2004 (part 2 section 10:1) states it is now an arrestable offence and police can press charges without the victims consent. Domestic violence is usually portrayed as a problem for women at the hands of men. This is not always the case as men can be victims too, very often female on male violence is ignored or just not taken seriously. Dobash and Dobash (2000) in Hester et al (2007) claim that women who are violent to men is often as a result of self defence after years of violence at the hands of their partners. This being the usual belief puts men off reporting abuse for fear of not being believed so more often than not men suffer in silence rather than have their indignity exposed resulting in being demasculinised and humiliated.

Mankind is one initiative that does take female on male domestic violence seriously, Mankind fights for recognition and support for male victims, it campaigns on behalf of male victims by promoting awareness of such issues as, mental, physical, financial, and sexual abuse, it strives to promote equality within the phenomenon.

Ultimately the main focus of this dissertation will be to investigate, retrieve information and to find the answers to three key research questions that will eventually build this dissertation. The questions are: What are the official processes and actions taken by the criminal justice system with regards to domestic violence

cases? The second key research question is: what are the views from below, the voices of victims and survivors of domestic abuse? And finally: Are there any main gender differences, (are male victims treated differently to female victims) are patriarchal and hegemonic overtones on display within the criminal justice system?

Domestic Violence is a very common and current feature and an ongoing topic in contemporary society and very often in the press; it evokes high emotion and outrage in both men and women. The problem with domestic violence is that it is very hard to define, some of the most obvious signs are cuts, bruises, from being kicked , punched, slapped, bitten and so on, but there are also the not so obvious signs such as the psychological, emotional (the pains inside) and the financial aspects the hidden issues known only to the victim. Domestic violence covers all forms of abuse and some people do not even know that they are being abused and abusers often do not realise that what they are doing constitutes to abuse. Rape is another form of abuse as often men see sex as their right within marriage (conjugal rights) as according to Clarke (1987) rape epitomises maleness the dominant half of the relationship. Male dominance according to Mooney (2000):84 “crosses all classes” through the power of patriarchy and hierarchical beliefs men have about themselves being the dominant sex, race and ethnicity united in the shared understanding that they have power over their women and they are dependent on each other to maintain and reconfirm this status.

This dissertation will focus specifically on the violence aspect of domestic violence. Marianne Hester et al (2007) states that there is no official definition of domestic violence and because of this there are significant difficulties in getting a conviction through the courts. The Government on the other hand have a different attitude towards domestic violence their definition is as follows: “any incident of threatening behaviour, violence or abuse psychological, physical, sexual, financial or emotional between adults who are or have been intimate partners or family members, regardless of gender or sexuality”, [www.cps.gov.uk/publications](http://www.cps.gov.uk/publications). This therefore may go some way towards explaining the introduction of the new major consultation initiative on domestic violence, the strategy called “together we can end violence against women and girls” was launched March 2009. This strategy is designed to promote awareness, understand and tackle acts of domestic violence against women and girls (VAWG). Although the government are not adverse to men’s plights as victims of domestic violence they do stipulate that this scheme is directed at females of all ages, abilities, cultures and backgrounds, quoting “however the (VAWG) strategy is specifically about violence that is directed against a woman because she is a woman”. One of the many aims of the initiative is communication; this is seen as a key role in challenging entrenched views on the subordination of women, views such as attitudes that “support, facilitate, or condone” violence against women.

This idea of provocation has since been used as a defence mechanism for the male perpetrator in court on a domestic assault charge. This however is to be overhauled; according to Woolf writing for the Independent it is believed that the defence of provocation has discriminated against women for decades. It is argued that too many men who kill their partners are being charged with manslaughter rather than murder, which is lessening the offence. A consultation paper on the issue of domestic violence recommends that killing a partner in domestic environments should be classed as murder. Women who kill can still claim self defence in mitigation for their crime as it usually follows years of abuse even if the killing was not the direct result of abuse at the time of the killing, resulting in a premeditative act, (The Independent June 18<sup>th</sup> 2003). The consultation paper also suggests that a register should be introduced that should contain the names of people convicted of more than one act of domestic violence the register should be similar to the sex offender register, The Independent (2003). Sparrow writing for the Guardian (2008) ran an article in (2008) stating that Chief Constable Brian Moore an ACPO spokesman declared that lives could be saved every year if there was a register in which perpetrators could be traced, similar to the sex offenders register.

Domestic violence is often classed as a minor common assault even when the



injuries constitute actual bodily harm and getting a prosecution depends on a number of factors: whether there is enough evidence to secure a successful prosecution and whether it is in the public's best interest to proceed. This process is reiterated Hester et al (2007):115 where it states that "the CPS will consider whether to proceed with or discontinue charging a perpetrator after consulting with the police to gain more facts on the case". Two of the main issues therefore are the evidence which is needed to make the case and the issue of being of public interest, which basically means that if nothing is done to prevent repeating the offensive behaviour, is it likely to cause harm to the public therefore in the public interest. This is reiterated by Hartman and Belknap (2003) Volume 30 No 3. Where it states; that some court officials claim that because of the relationship between abuser and victim they therefore view domestic violence as a victimless crime and proclaiming then that the public order is not affected. Hartman and Belknap (2003) Volume 30 No 3 stress that the police are the gatekeepers to the criminal justice system therefore if they do not arrest abusers then it is unlikely that they will enter the system and proceed to the courts. Hester et al (2007) also argues that the time it takes for domestic violence cases to get to court also puts women off proceeding with court cases as they too long and the victims are often left with inadequate protection from further abuse, however Kennedy (1993) claims the opposite stating that cases are often rushed through the courts and treated as less serious than they perhaps should be. It is also claimed in Hartman and Belknap (2003) that such lenient treatment by

the courts trivialising the abuse reinforces the belief that the offenders have done nothing wrong, which can also act as a green light to carry on with the abuse. Judges often assume that victims of domestic violence provoke the abuser and instigate the abuse brought upon them, often putting it down to being a lover's quarrel whilst trying to talk the woman out of continuing with the case. (Ptacek, 1999: Welch,1994).

Non molestation orders can be given in some instances, which according to Women's Aid can provide some protection for victims but these orders are often breached. Since the 1<sup>st</sup> of July 2007 section 1 of the Domestic Violence, Crime and Victims Act 2004, have made it a criminal offence to breach a non molestation order, [www.womensaid.org.uk/domestic-violence-articles.asp](http://www.womensaid.org.uk/domestic-violence-articles.asp)? It clearly states in the Domestic Violence, Crime and Victims Act 2004 part 1 section 1(2) a person can be found guilty of breaching a non molestation order only if it is known to the perpetrator that the non molestation order is in place. A person found guilty of breaching the order can be punished with up to 5 years imprisonment, a fine or both.

The Sentencing Guidelines Council published a definitive guideline to domestic violence in accordance with section 170(9) of the Criminal Justice Act, these guidelines claim that every court should have regard to relevant guidelines and that

they should apply them to offence sentencing after 18<sup>th</sup> December 2006. One of these guidelines is to treat cases of domestic violence cases as seriously as they would treat violence cases that were not committed within the compounds of the home, non domestic settings Sentencing Guidelines Council (2004).

## Chapter 2

### Literature Review

Theories behind the causes of violence or the reasons behind violence have been open to interpretation for many years from Lombroso (1839-1909) to present day theorists. There can never really be one theory that explains all aspects of violence or criminal activity just theories or speculation. Biological, Psychological, and Sociological theories are based on the positivist school of thought,(Vold et al 2002) All of these perspectives add something towards an answer at the same time critique one another too. For instance, Lombrosian ideas argue that biological characteristic can increase the probability of criminal behaviour, such as violence and anti-social activities. Although Lombroso does claim that there is a possibility that the biological and the sociological theories can be connected, most of his work was based on physical appearances. Lombroso (1835-1909) claiming that many criminal men had large jaws/cheekbones, unusually large or small ears that stood out from the head and protruding jaws and teeth thus they resembled monkeys and chimpanzees. These atavistic features he claims could be present in women in biological terms rather than physiological. Testosterone levels has also been seen as a biological factor relating to violence in men this relating to men naturally being unable to control their “innate aggression” but the theories on testosterone cannot explain

why only some men are violent nor do they explain why some women are violent, (Croall1998):188.

Alcohol is often related to violence, according to Taylor in (Jewkes and Leatherby 2006) the links between violent crime and alcohol has a long history they go onto declare that young men are more likely to be affected by alcohol fuelled violence. Taylor (2006):163 proceeds to claim that the excessive use of alcohol by British men is widely recognised as a “seriously problematic cultural adaptations”. Alcohol according to (Croall1998) can affect a person’s ability to read behavioural cues and reasonability making a simple comment into an insult, but Croall adds that alcohol does not make all drinkers violent. According to (Ellen 2009) writing for the Guardian, binge drinking is a major problem for women and girls “drunken young women in miniskirts staggering along provincial high streets with a bottle in their handbags and their knickers hanging off one ankle or rolling around in gutters”. This image of women is precisely what Lombroso meant when he referred to women as “less evolved than men and closer to primitive types”, (Lombroso and Ferrero in Walklate 1995 and Heidensohn 1996 ). Lombroso and Ferrero argued that women were just big children and the female criminal was masculine and virile. These notions of women show a distinction between the “normal woman” being docile and reserved to the abnormal woman who showed masculine traits, hence the binge drinking

culture of today and the female participation.

Lombroso's theories of women and crime depicts the "good" and "bad woman" with the white upper class woman to be the good and most feminine but still beneath the white upper class male, bad women are "whores good women are chaste feminine and not prone to crime" (McLaughlin et al 2006):185. Theories on women and crime tend to be sexualised for, instance explanations of female criminality can be often associated with economic problems leading to prostitution and shoplifting this according to Klein (2006) is sexualising women's crimes as prostitution is promiscuity and the shoplifting is kleptomania both brought on by their menstrual cycle. Male shoplifting on the other hand is masculinised by calling it burglary (Klein 2006). Klein (2006) goes on to claim that theories on female criminal behaviour is contradictory, as Lombroso states that when it comes to adapting to new surroundings and survival women are superior to men, but says women lack intelligence. Freud (1933) sees women as acting in revenge for not having a penis and Pollak (1950) portrays women as cunning and deceitful. Pollack's notion of women being cunning and deceitful is suggest at by Hartman and Belknap (2003) on the issue of courts and pressing charges. For instance Hatman and Belknap 2003) argue that some professional court officials suggest that the only reason some women called the police was for selfish needs so (she) could have some free time to herself, similarly other public defenders have termed this as "weekend divorces" or "convenience

divorces". It is therefore implied that some women just want their partners out of the house so they can have the weekend off, by Monday they want their partners back and their cases dismissed, (ibid).

Hegemonic masculinity and emphasised femininity complement one another as "female fragility and compliance to male sexual desires for titillation and ego stroking" plus the natural acceptance of marriage and motherhood all add to subordination and dependence on males, (Messerschmidt in Rafter and Heidensohn 1995):173. Messerschmidt in (Rafter and Heidensohn 1995) also claim that women must recognise their position in society because they are positioned differently to men. Some feminists have argued that gender relations are based on power rather than simply "difference" due to socialisation processes in which men learn to be masculine and women learn to be feminine, (Tierney 2006:268). Furthermore, feminists propose that it is men who dominate society and this privilege enables men to enforce rules to the "detriment" of women (Burke2003):15. Patriarchy and masculinity, according to feminists are the main reasons behind domestic violence against women, male supremacy and female subordination,(Stacey1993). This is also the view of McDonald (2006) Tomson and Mason (2001) in Chakraborti and Garland (2009) but they widen their theory of masculine violence by arguing that male violence is not just against heterosexual women but also against lesbian and gay

men. Furthermore they claim that the violence towards this minority group is due to the issue of sexuality rather than just hate. This idea again is argued to be due to the dominant hierarchy of gender, the point of not performing to the roles of their ascribed gender (butch women or effeminate men) so masculinity they believe is the main reason. Chakraborti and Garland (2009) state there is a suggestion that the LGBT are targets for violence simply because they do not do gender properly. Such violent crimes are perpetrated by males in a bid to reaffirm their masculinity and position at the top of the hierarchical society structure when it comes to being the dominant gender females along with other minority gender groups are subordinately at the bottom of society's rating scale. Women's Aid state similar they claim domestic abuse is caused by the "misuse of power and control within a context of male privilege", violence by men against women as a direct consequence of inequalities, this they claim is rooted in patriarchal traditions and is therefore learned intentional behaviour, [www.womensaid.org.uk](http://www.womensaid.org.uk). White and Haines (2004) support this idea of male supremacy suggesting that a sexist nature has always been present that it is engrained even within the criminal justice system. White and Haines (2004) further claim that the language used in law is gendered for the benefit of males, as the law reflects the rights of males and pays little attention to the rights of females. For instance (Borkowski et al 1983) argues that some practitioners believe that there are some circumstances where violence appears to be a legitimate act especially in



cases of infidelity. Borkowski et al (1983) quotes "it seems there is often good reason for the violence- the woman tries her husband's patients" Furthermore "Sometimes they do it to cause excitement in their dull lives", some women enjoy it and almost seem to need it" similar theory to that of Pizzey in the 1970s.

### Masculinity Vs Feminism

In today's contemporary society women seem to have more equality, or do they? Are we living in a society where patriarchy rules and men are superior, you only need to look at statistics to see what could be classed as token gestures of equality. Within the government, politics, is usually seen as a male realm as men dominate in cabinets, general staff and senior civil servants as well as many executive levels, according to Connell (2009):204 when token women do break through into the male world of politics such as Margaret Thatcher did they do so on the backs of their male counterparts using male ideologies "not women's". Looking at the statistics "in England and Wales, you can see where other token gestures are, only 31 % of doctors are female, 438 female gynaecologists and 1,484 male. In the legal profession the disparity is equally marked with 79 female QCs and 964 male, 116 female judges to 744 male judges, 41,000 female solicitors against 75,000 males" Horley and Booth QC (2000):156. Naffine (2007) goes on to claim that men appear to be more confident

than women, because they are men and they believe they have superiority over women because they are men.

Feminists according to Connell (2009):<sup>41</sup> have argued that the way society is structured around men and their roles in their domination much of the social positions have somewhat forced women into their homes. Largely due to men occupying all the better jobs such as “government, corporations, media”, incomes that command wealth and status therefore providing the means to dominate and dismiss claims for equality. Feminists claim that the term “patriarchy” came into widespread use in the 1970s as a description of the gender bias against women.

Another way in which men exercise control over women is through is through the media for example Horley (2000) argues that women are used through television, magazines, pornography and prostitution she claims that all these types of activities devalue women and serve as a weapon of control. Women are often used to sell items exclusively aimed at men for instance women draped naked over bonnets of cars in order to sell the car, or women used in pornographic magazines used to titillate men but to cheapen women. Women who are seen as assertive and confident are seen as going against their gender ascribed role of being passive, vulnerable, and meek, and in need of a strong men for protection. Barnes and Maple

(1992):7 quoted women were classed as being “submissive, less aggressive, easily hurt, more emotional, less competitive, and easily influenced” the typologies for men were far more flattering completely the opposite to women.

This total domination of women by men started to change in the 1970s through the work of second wave feminism. Feminists concentrated on the issues women were facing every day they turned personal issues into political ones exposing female victims of domestic violence. Male violence was taken up as an issue in the 1970s by the feminist movement with women’s groups discussing male violence against women and gender power relations, thus organising something to be done about it (Charles 2000). Battered wives soon made the headlines, (Pearson 1998). Pearson (1998) argues women commit a “fair preponderance of spousal assaults”, and yet it is still seen that violence is masculine and men are the cause of it, women and children are victims of it.

### Domestic Violence.

Historically it is believed that women have always been classed as the second sex, with regards to issues of rights and autonomy. For instance husbands used to have the right to chastise their women in any way that they saw necessary, common

law gave legal justification for such actions known as “rule of thumb” this “common law” allowed husbands to strike their wives with sticks no thicker than the width of the husbands thumb, Gelles (1987). This kind of behaviour towards women dates back to the 1500s where in England techniques were adopted and commonly used to keep women under control “the golden age of the rod” was used against women and children. Women and children were taught that it was their sacred duty to obey the man of the house; therefore violence against wives was encouraged throughout this time [www.mincava.umn.edu/documents/herstory.html](http://www.mincava.umn.edu/documents/herstory.html) Stanko and Hobdell (2007) claim that because of these cultural beliefs it is assumed that men are the predators and women are their prey. Patriarchy and masculinity according to feminists are the main protagonists with regards to domestic violence against women and coincide with female subordination, asserts Stacey (1993 in Mooney 2000).

Husband battering has been known to produce a “wry grin” according to Freeman (1979):227. Having being more used to hearing of battered women going unreported, battered husbands goes equally if not more unreported. Freeman declares that in this country there is little evidence of battered husbands but the ten years ago few believed that women were beaten by their husbands .Only recently has it been brought to the attention of the public: the phenomenon of brutally assaulted husbands Freeman (1979) goes on to say that when research was produced in 1978 it

stunned and amazed and brought upon bouts of laughter at the very thought of abused men.

Whilst there is little evidence on the abuse of men there has been some, the non reporting of this abuse is a problem. The Family Violence Survey conducted by Straus et al (1979 cited in Mooney 2000) were highly contentious surveys because the results showed that men were just as in danger of violence from their wives as the wives were from their husbands. The survey concluded that men were Just as likely to suffer from domestic violence as women were on this evidence they argued that there was a battered husbands syndrome. Feminists were angered by this survey which was later to be called the Conflict Tactics Scale, this approach caused feminists to strongly oppose the findings stating that there was no distinguishing between defensive and offensive acts, meaning that very often that women use violence as a means of self defence, Mooney (2000).

Straus (1976):133 in Freeman, (1979) declared that there is a greater understanding of underreporting of violence by husbands rather than by wives, furthermore stating that “to be violent is not unmasculine but to be physically violent is unfeminine”. Both men and women have different reasons for not making their abuse known, women may be afraid to report their abuse whilst men may be

ashamed to report their abuse (Freeman 1979). Some experts have argued that society tolerates violence against men more than it tolerates violence against women therefore it is underreported and often ignored or even reported as self defence on the woman's part. Some experts according to Berry (2000) have even suggested that the violence from women is almost equal to that of men and it is on the increase.

Culpability and Victim precipitation create major arguments with regards to domestic violence cases, as many believe women bring their abuse on themselves by provoking their male partners. This is often evident within the courts when faced with prosecution, "a court is entitled to take into account anything occurring within the relationship as a whole, which may reveal relevant aggravating or mitigating factors", Sentencing Guidelines Council (2006). Victim precipitation is the work of Wolfgang 1958 he declared that victims have a role to play in their own victimisation, Wolfgang believed that acts of violence are often precipitated by the victim as they play a direct role therefore culpable for their own victimisation, (Goodey 2005). Von Hentig (1948) and Mendelsohn (1956) were also pioneers of theories they concerned themselves with individual roles the self agencies of people with regards to victim proneness. Both Von Hentig and Mendelsohn's theories claim that there was such a thing as a completely innocent victim to the guilty victim with regards to

their own victimisation, culpability and blame.

### Research

Researchers such as Erin Pizzey caused considerable outrage in the 1970s when she after helping founder the Chiswick refuge for battered women and creating national and international publicity for their plights then claimed that men are just as susceptible to being victims as women are. Pizzey (1982) claims that people who worked in women's refuges were caring and understanding therefore horrified at the attitudes of many of the women entering the refuges to the point where a selection process had to be followed. Furthermore Pizzey writing with Shapiro (1982) in Mooney (2000):47 declared "some women are biochemically addicted to violence- they need to be hurt- and when one violent relationship ends they find another violent partner" Pizzey went on to cause more problems by stating that women are just as violent and possibly more violent than men are. Furthermore declaring, "she will only feel alive and satisfied in a situation of great danger, so she often deliberately provokes a man to the point where he will hit her" Pizzey and Shapiro (1982). Mark Brooks Chairman of Mankind Initiative an initiative of which Erin Pizzey is a patron states "for far too long the plight of male domestic abuse victims has been swept under the carpet by the authorities".

Erin Pizzey was soon to part company with the women within the women's refuge movement, this was mostly because she refused to give in to feminism, and their claim that domestic violence was solely a women's issue. Pizzey maintained that domestic violence was in fact a social issue not just a female issue as domestic violence has no boundaries. Pizzey argued "women possess an almost equal potential for violence towards their partners as men do" (Kirsta 1994):234.

Despite Erin Pizzey pushing for recognition of male victims and not wholly accepting the feminist approach research is still mostly done for the benefit of women sufferers. It is still women who are researched the most when it comes to domestic violence issues. A Merseyside project was established, Merseyside Health Action Zone initiated the "Zero Tolerance" campaign to tackle the issue of domestic violence with women and children being of utmost importance, Bond (2003) issue no: 51. The research was measured by the funders and managed by Narco, it involved researching survivors of domestic abuse within relationships including children, men and minority groups and professionals such as the police, health, housing and volunteer groups such as women's aid. As a result of the Zero Tolerance campaign all those that were studied showed an understanding of the factors surrounding domestic violence, thus confirming that raising awareness works and should continue at a societal level, Bond (2003) issue no:51.



In 1996 the British Crime Survey revealed that domestic violence was widespread and that men were almost in danger of being a victim as women, but not always given victim status, Goodey (2005). Grady(2002) in Goodey (2005) highlighted this notion by claiming that this contentious idea, that men are victims too, is hugely under researched and under reported and when victims of domestic violence is researched it is usually researched by women about women. The British Crime Survey has repeatedly shown that women are more likely to be victims of physical or sexual violence than men, 20% of women to 11% of men, although the British Crime Survey does show that the statistics for male victims of domestic violence is growing in case sizes. According to The British Medical Journal (2002) the British Crime Survey found that on the subject of domestic violence in England and Wales .2% of female and 4.2% of males had suffered some sort of physical assault by a current or former partner”, furthermore 86% of family violence was reciprocal between husband and wife. Another report argued that female to male violence was at a higher rate than male to female violence, The British Medical Journal (2002) declared that “such bias reporting ignores thousands of male victims and alienates those who demand a more balanced presentation”. It has been suggested that if the definition of domestic violence was to include financial, emotional, and sexual abuse then the % would increase to 25% for women and 16% for men, (Walby 2004). This idea of expanding

the definition of domestic violence/abuse makes the plights of women seem to far outweigh the plights of men with regards to victim status, when the statistics between both sexes start to draw close to one another the home office reassess the definition of domestic abuse to fit in line with who should be a victim and who should not feel oppressed. This kind of rule changing with what is a victim and what is classed as abuse in the domestic domain could be judged as the reason the findings from the British Crime Survey have not been completely published omitting the male victims. This could lie in the belief of hegemonic masculinity, the notion that some men are beaten by females is not what the hierarchy of the British society relish, masculinity must always prevail if the history of hegemony is to be believed and maintained. The British Crime Survey in 1996 allowed men the opportunity to reveal their plights as victims of domestic violence, but as explained in (Goodey 2005) the Home Office although finding that men are almost as equal a victim as women of domestic violence made a conscious decision not to publish these findings. The Home Office furthermore even offered an explanation as to why there was a rise in the use of violence by women, stating that it could be the case of women defending themselves against violent men. Borkowski et al (1983) claimed it must not be forgotten that most British research on marital violence comes from agency reports and because not all acts of domestic violence are reported, it would be wrong to assume that the victims in the study are the only people most likely to be abused.

Other research conducted by the likes of (Gelles 1979) has shown that quite often men are more at risk from spousal assaults than the women are.

Harriet Harman has produced the latest government initiative to tackle the issues of domestic abuse from a feminist perspective causing some controversy. This initiative is aimed at targeting school children as young as 5, mostly boys with the intention of teaching them how to behave with regards to family life and their attitudes towards abuse of women and girls. According to James Slack writing for the Daily Mail: Harman proposes to have lessons taught to 5 year old about the evils of wife beating this includes teaching boys that they must not beat their partners or any other female. Considering that the differences in statistics between the genders of victims is very close as 1 in 4 are female victims compared to 1 in 6 male victims, (Mankind Initiative (2006). With the gap in statistics being so small surely that must be reason enough to promote the education programme of domestic violence awareness in schools regardless of gender. If it is to be taught in schools, that husbands should not beat their wives or boys should not beat girls then it should also be taught that women and girls should not beat men or boys thus promoting gender equality within the home and make for a happier environment.

There are a few myths about wife battering, one such myth is that domestic

violence is a working class and lower class phenomenon, with that in mind Straus did some research into this issue. He found through his work that there was more of a tendency within the marriage of blue collar workers than that of white collar workers, he found that the white collar workers did have issues of domestic violence but that the consistency of the violence discovered within the blue collar workers was far greater and more serious,(Straus in Freeman 1979). Straus 1979:134 also noted the way in which the group researched claimed that the violent outburst within their families was deemed by themselves to be “good, normal and even necessary”. Straus believes as a direct result of this research that the lower classes live in situations where violence is present and often “necessary for self preservation” however the lower classes do not like violence anymore than the middle classes but claim it is a fact of life whether liked or not.

Why do people stay in violent relationships is a question always asked when discussing domestic abuse. The answer to that question is, for any number of reasons. Both men and women appear to have very similar reasons for staying in abusive relationships they range from financial reasons, to fear. Ferrero (1991):19 in Barnett and LaViolette (1993) states that even “financially independent women still have a tendency to return to violent husbands even though money is not an obstacle to overcome”, thus indicating to Ferrero that loneliness plays a part in the decision to

return. Turner and Shapiro (1986) agreed with this hypothesis claiming that of women who, left abusive partners 70% returned due to feelings of loneliness and loss similar to that of mourning the death of a loved one. Other reasons according to Varvaro (1991):20 included "status, safety, everyday routine, father figure for their children, love and caring for their spouse, and possessions" amongst others. These reasons all appear to be positive excuses for staying with abusive men the opposite side of the positive is the negative developing rationalised coping mechanisms to keep within the relationship trying to convince the self, some of these reasons include: belief in commitment, being married by law, not wanting to hurt their partner by leaving, fear of not finding another available partner, the idea that they can make the relationship better, not wanting to be a quitter, and telling the self that all relationships have their ups and downs, Vaughn (1987).

Men on the other hand although experiencing similar reasons for staying in abusive relationships such as the sanctity of marriage and the idea that they can change their partners behaviour. They also have the threat of their children being used as pawns. Families Need Fathers cited in Kirsta (1994):242 a men's support group claim that men put off leaving their wives or partners for fear that she will make formal allegations of his instability in the hope that he loses contact with his children. A man's response to his wife's violence can have such a massive

impact on the outcome of his future, thus women can still be in control of their men even though they may be estranged. Women often push for restraining orders to keep punishing their men, especially if they know that their relationship is over. Family courts have got such bad reputations with regards to fathers and children, children are usually said to be better off with their mothers, (Mankind Initiative 2009).

## Chapter 3

### **Methodology.**

A critical social research approach was adopted for this dissertation this is an approach that is favoured by Harvey (1990):19 who states that “critical social research is an extremely varied methodology”. Furthermore, Harvey (1990):3 goes on to claim that “critical social research methodology cuts through surface appearance and offers unique perspectives on gender and racial issues regarding oppression. Harvey goes on to argue in defence of critical social research claiming that the critique part of social research is an integral part of the study whereas other research methods use critique on the outside of their subjects of study. Furthermore the critical social research approach was favoured over other approaches such as surveys or questionnaires because it allowed an in-depth view of the area being researched. Questionnaires and surveys typically rely on honesty and measurability plus questionnaires and surveys can be constructed in a calculating way in order to achieve desired results, for instance Jupp (1989) claims that questionnaires can be compiled to target certain social classes, backgrounds or to measure social attitudes. The results are then collated scored and put on a scale of people attitudes to indicate results.

This approach was unsuitable to such a sensitive area as domestic violence because of ethical reasons, due to personal feelings and the hidden aspects of domestic violence, see chapter two. Weis (1985):168 explained why both with conducting interviews and non participant observation were particularly useful techniques in the gathering of qualitative data. Stating, conducting in-depth interviews allowed the interviewer to become “immersed in the subject”, seeing qualitative methods as more sensitive way of researching meanings and cultural settings. Participant observation is also a method that allows deeper exploration but requires “extreme concentration” by the researcher and that collecting data is made easier due to first hand interaction (ibid). The method of participant observation also requires the skill of being non abrasive almost inconspicuous in order to gain trust and respect of those being observed in order to attain the rich data that can become invaluable and the focus of the research (ibid). The notion of gaining trust and being non abrasive also counts also with regards to the semi structured questions being used, as asking open ended questions did not narrow the scope of the responses allowing the subject being interviewed valuable speaking time to express their feelings. Critical social researchers believe that knowledge is the best way of moving towards an understanding of the world and what shapes the structures within it by “going beneath dominant frameworks to discover the reasons behind the practices that shape society” (Harvey 1990):4. Critical social research prefers observation or experience with regards to material collected, as long as it provides an insight into



the subject of inquiry. Due to the way in which critical social research is structured appeared to be the most appealing and most appropriate process to use for this study. This approach offered a non biased approach and was the most adaptable to both controlled and non controlled situations. All social researchers have a responsibility to ensure the physical; social and psychological welfare of the participants being involved within the boundaries of the research conducted. Ensuring that they are not affected in any way as a result (Hoyle 2000 in King and Wincup 2000). The safety of the researcher is also very important too as Hoyle (2000) demonstrates, claiming that when gender becomes the focus of research, especially if the subject involves females as victims of male violence, it is argued that if the student conducting the research “refuses to sign up unquestioningly to a hard-line feminists agenda she may find herself denigrated or even worse ignored” so care and respect must be maintained when interviewing. This point is reiterated by Hoff (1991):243 the “involvement between the researcher, topic, theoretical components and method are particularly important when researching a topic such as domestic violence”.

The critical social research approach is not a value free position but an interpretivists position it was particularly useful as it helped with the recognition of power relations. It also reduced the likelihood of picking sides as is often the case

with such highly emotive subjects within this kind of environment. Therefore questions asked were open and transparent in order to reduce the researcher affect. To conduct a thorough investigation the methods consisted of an interview using semi structured questions and a non participant observation. Semi structured questions were asked so that the interviewee could convey a rich source of qualitative data and were not restricted to one or two word answers enabling the interviewee to be more free to express himself.

Mark Brooks the chairman of Mankind Initiative agreed to be interviewed, acting as an advocate for male victims of domestic violence as men are often laughed at to some degree or just ignored altogether. Female on male domestic violence is common, but not as realised as it should be due to “lack of reporting, lack of education, communication and more often than not embarrassment on the part of the men involved” (Brooks 2009). This research was vital to the issue of male victims as so many men suffer the indignity in silence rather than tell someone due to the stigma attached. Men often feel ridiculed for being un-masculine and not attaining the hegemonic masculine ideals ascribed to them. Mark Brooks waved the right to anonymity, stating that he is a public figure and speaker and wanted his name to be used in this dissertation because it is a subject he is passionate about. Mark Brooks was asked a series of lengthy questions, which are stated in appendix one along with

his responses.

The non participant observation was carried out at Ormskirk Magistrates Court on Monday afternoons at 2 o'clock in the family courts. One of the main reasons for choosing none participant observation was because it appeared more fitting to this type of study, as you can see the subjects of the research in their natural environment This was also chosen in the hope of gaining a clear insight into how the courts operate with regards to male and female victims and perpetrators of domestic violence, to see if equality exists for both sexes. Permission was granted by the usher of the court after it was explained why it was necessary. The courts were visited on four separate occasions in order to get a good qualitative account of how the courts operated the results of which can be found in appendix two. The prosecution, defence counsels and probation services are there for justice, plus the added advantage of gaining qualitative data made it the perfect option to take above all others. Observation as a tool for investigation was preferred by Hagan (2000) he stated that observation was an excellent way of gathering quality data especially when the subject being researched has a dearth of information. Jupp (2003):63 also recommended the observation method as he claimed it as a "valuable way of collecting data". The idea of observation according to Hoff (1991) provided a necessary context that was extremely informative and trusting with regards to

results. There were however some drawbacks to the observation method as stated by Bottoms and McClintock (1973) they argue that participant observation can be very time consuming and tedious at times often waiting for long periods of time for something to happen to boost research results.

None participation was just one of the focal points of the investigative research into male and female victims of domestic violence, the other source of primary research was an interview which was conducted in London on the 13<sup>th</sup> December 2009 in Euston. The interview was an excellent way of gaining valuable insights into the three key research questions that were discussed in the introduction. Mark Brooks was asked seventeen questions ranging from his personal opinion, to his professional opinion due to his experience on gender inequality surrounding domestic violence issues. The interview, although a huge success it did have a down side, the interview was to be conducted in a cafe at Euston Station. This turned out to be not suitable enough as Euston Station was far too busy with commuters, making it subsequently evident that the location was far from appropriate something that is of paramount importance for future research. The interviewee provided a rich source of information and evidently very passionate about his charity "Mankind Initiative".

As for the courtroom visits, although the court was very informative there were also bouts of tedium, there were long lapses in between cases. This was one of the drawbacks explained by Baldwin (2000):254 where it states that “delays adjournments and administrative inertia can disappoint and quell any enthusiastic researcher”. Nevertheless, numerous cases did get resolved the results of which are in appendix two. Simple little things such as feeling out of depth, intimidated and small were also a down side to researching the courts. The power difference was felt “researchers are in a similar position to defendants ..... they may feel a sense of exclusion, estrangement and alienation” (ibid). Often being asked by Barristers the reason for being there then him whispering to the judge explaining the reason for the extra presence, being blatantly talked about is not an all inspiring feeling. Once again, although the courtroom was at times not really a pleasant place to be, the extra presence did eventually go unnoticed. Within a short period of time the extra presence became accepted and respected by the court officials, as questions from the barristers, solicitors and probation officers were “are you leaving us? Have you had enough? See you next week”, very surreal.

## Chapter 4

### **Findings/Analysis.**

On completion of both the interview with Mark Brooks and the visits to Ormskirk Magistrates Court it was quite evident how comparatively little information there is on the issue of male victims of domestic violence compared to female issues, it appears that the very thought of men being victims still seems to raise a few eyebrows. Often there had been comments about men as victims during this investigation by members of the general public when asked what was being studied, comments such as “good they probably deserve it”. It emerged from the interview with Mark Brooks that there is still hardly any support for male victims as there are still very few refuges for men that offer the support that female victims receive. There is still the stigma of unmanliness attached to being a male and a victim.

The results of both the interview with Mark Brooks and the visits to Ormskirk Magistrates Court both showed interesting data but also provided some insight into what could become future research.

Mark Brooks proved to be an influential and informative source of information

very up to date, for instance Mark talked of Harriet Harman's feminist initiative, Violence against Women and Girls. The VAWG strategy that she is pushing to promote includes entering schools teaching young boys as part of the national curriculum not to hit their partners or any female, as mentioned in chapter two. Mark claims that "women having more equality is not a bad thing" but stressed that the problem was more about women having more rights than men, he argues that the new equity bill "effectively legalises discrimination against men" not only in the workplace but also in other areas such as "health where huge amounts of resources is ploughed into researching breast cancer but nothing into researching prostate cancer or testicular cancer".

Jill Kirby writing for the centre of Policy Studies claims that Miss Harman should not be creating the idea that violent crime is administered or commissioned by men against women especially as statistics do not show this. Kirby (2009) goes on to argue that it is men who are more likely to be in danger of violent crime, she maintains this by saying that this issue should not be "distorted" and turned into a throwback of the 1960s feminism era. This initiative does not however mention girls beating their partners, thus showing a very sexist and feminist view. It also fails to mention same sex relationships, sibling abuse or parent abuse which all comes under the umbrella term of domestic abuse

It is also argued by Hughes (2009) who states that for examples of ultra successful brainwashing of the general public, then you need to look no further than the issue of domestic violence. Hughes goes on to claim that if you were to ask any person in the street to explain domestic violence they would say it was men beating and abusing women and girls and not mentioning men being beaten and abused by women and girls.

Mark Brooks highlights the notion of brainwashing perfectly because he said during the hour long interview that “you often find in a lot of propaganda from the government and the local authorities that during research, such as the British Crime Survey the figures showed that (of the reported violent crimes) 52% are women therefore 48% are men in the year 2007-2008. But when it comes to publicising the reports only the female figures are used they “forget” to use the equivalent figures for men, therefore “a conscious decision has been made to ignore men altogether even though it is part of the very same research”. Mark identified that whilst on a TV programme Alan Campbell Home Office Minister was asked about the recognition of domestic violence against men and he said that domestic violence does happen the other way around as they have had this domestic violence debate before which did



not mention that men could be victims too. The BBC was then inundated with complaints from viewers and from Mark himself. Mark Brooks said that Bill Turnbull asked home office minister Allan Campbell about the bias of such TV features and Allan Campbell said although he can understand that men can be victims “we make women and girls a priority and that is why this initiative is aimed at ending violence against women and girls” Mark Brooks states quite bluntly that he thinks that that is institutional sexism and claims that Campbell was quite proud to admit that on national TV. With regards to the headline stop men getting away with murder, Mark declared that that was fine, but it has to work the other way around too.

When asked about the criminal justice response to victims of domestic violence Mark Brooks stated quite firmly that he believed that the “biggest issue was with the Crown Prosecution Service and the Police”. The biggest problem he believes is the fact that “the Police and the CPS do not take male victims seriously”. The fact that the “CPS and the Police do not take men seriously he suggests is what prevents cases getting to court, and if they do get to court very often more evidence is required for men than what is required in the cases with female victims”. This need for more evidence was actually noted in one of the courtroom visits during the data collection, from the none participant observation. A male being charged with breaching a

restriction order had been in contact with his estranged wife, but what actually transpired was that the estranged wife had been to him. The man facing the charge had been in hospital at the time of the alleged breach of the order, so otherwise unable to do what he was being accused of. The judge in this case asked the defence to seek and produce the hospital visitors signing in book as proof. The defence also argued that his client's estranged wife appears to be setting traps for his client and ringing the police all the time to report him, but similarly she can breach her own order by approaching him (hence the hospital visit).

Another case that was quite hard to rationalise was the case of a young man who had been accused of attacking his partner and her daughter whilst in a drunken stupor. It transpired in this case that, he had allegedly returned home drunk (after his partner had sent someone to the pub to get him out) he attacked his partner for embarrassing him, hitting her, biting her, and dragging her around, her daughter was also hit when she tried to intervene. After the guilty plea was made the accused spoke of the incident and he stressed (through floods of tears) that he was provoked and he had been punched in the face (the result of which was a rather large visible black eye) by his partner kicked when on the ground and bitten on the back (of which police had taken photographs as proof of injury). These injuries were not shown to the court, he was attacked by his partner, her daughter and a male who went to get

him from the pub.

Another case involved a man from London who accepted that he was going to plead guilty to an offence he claimed he did not commit because he said that travelling from London to Ormskirk all the time was too expensive, (see appendix two). During the hours spent in court witnessing events unfold it was a surprise as to how many men were treated quite unfairly and trapped, not with regards to the violent side of the problem as such, but with regards to their children. Restraining orders were handed out quite easily often adding to the grief of these men (see chapter two). This coincides with what both Mark Brooks and Kirsta (1994) explained in chapter two detailing why a lot of men do not report abuse nor leave as most stay to be with their children.

The thing that was particularly noticeable was the way in which the judges treated the offenders. On the three separate occasions of the research visits the judge was twice a male, once female judge. The female appeared expressionless and devoid of compassion. Unlike the male judge who on the occasion mentioned earlier regarding the man from London he seemed quite concerned that an injustice was being done, he tried to reason with the man and offer him the alternative of a not guilty plea but the offender declined the offer maintaining that he wanted the issue over and done

with a quickly as possible.

Worrall et al (2009) states that “it has widely been assumed that women are the sole victims of domestic violence” due to this popular belief almost all interventions to stop domestic violence has been aimed at women for their protection against men. Domestic violence adverts, reports, and other forms of attention seeking headlines all assume that women are the only possible victims based on attention. Such propaganda has ignored the possibility that men can be victims or that women can be equally as violent as their partners.

Mark Brooks the Chairman of Mankind Initiative was asked a series of questions some of these questions were based on news reports, legislation and, his charity work. Some of the questions were designed although to answer the three key research questions but also for an insight into the work carried out by Mankind Initiative, and his own personal and professional opinions on the issue of domestic violence. The full list of questions and answers are to be seen in appendix one. The first question that was put to Mark Brooks was if he thought that the dominant features of masculinity were partly responsible for the non reporting of male domestic violence. The answer came in three parts: he claimed that “embarrassment was part of the reason, stating that men are often attacked with objects such as

irons, knives, and having boiling water poured over them rather than just being physically assaulted often due to the difference in size and strength between men and women". Mark also stressed that "lack of communication that he states comes from the police and the local authorities that he believes are statutorily liable to help, but for the last thirty years have been failing in their duty, as nearly all communication that they produce for public awareness is on females as victims of domestic violence". Mark Brooks was quite passionate on the issue of communication as he reiterated his point later in answer to another question about the Christmas period being an aggravating factor for domestic violence issues again aimed at aiding women. Mark argued that one of the problems he finds is the whole issue of communication he states is "that the whole issue is about biased and sexist reporting and propaganda", he said "it is all well and good reporting about the increase in domestic violence cases over Christmas but it is not good if you are only use female examples because, A. it is sexist and B. it goes against evidence and research".

On the subject of evidence Mark went on to discuss the British Crime Survey figures and the use of propaganda, he states firmly "that although the same research is used when it comes to publicising the results of it, the government and the local authorities choose to use only the female figures, they "forget" to release the male

figures which come from the same source of data" see chapter two (Goodey 2005).

Goodey (2005) however, claimed that the research was meant to give men a voice and yet a conscious decision was made to ignore them, this rendering men invisible and voiceless. This leads to the next question on the visibility of victims. Mark answered by stating that the "growth of feminism" which he proclaimed was a good thing in general, however he did say that a large amount of feminism has been radicalised and are as he put it "frankly anti-male we see that in the present government and other organisations" he went on to say that two or three weeks ago the government announced a new strategy to stop violence against women and girls (for which he had no problem with) his problem lay with the fact that it was an education issue and an education issue that is to discuss domestic violence and why it is wrong for boys and men to hit women and girls it does not work the other way around (see chapter two). On the subject of criminal justice responses to domestic violence Mark Brooks vehemently put that he believes that the crown prosecution service and the police are the biggest problems, as he does not think that these two professional disciplines take male victims of domestic violence seriously enough to bring their cases to court. This is also supported by (Hartman and Belknap 2003) (as seen in chapter one) as they claim that the police are the gate keepers to the criminal justice system if they do not arrest then no court action can take place.

## Chapter 5

### Conclusion

The aim of this research was to address three research questions these questions were: What are the official processes and actions taken by the criminal justice system with regards to domestic violence cases? What are the views from below the criminal justice system? And finally what are the main gender differences, (are male victims the same as female victims).

To get answers to these questions Patriarchal and hegemonic masculinity had to be looked into to get a male perspective this came in the form of researching studies, from books, journals, policy guidance notes, observation and an interview. At the same time as looking into Patriarchy, feminism was also addressed to see if there was any clear distinction between them in the form of power, oppression and rights. On looking at both patriarchy and feminism there just appeared to be a massive argument concerning power and oppression, who does what? who gets what? and who deserves what? Sometimes the feeling came across that some feminists are men haters and just want play the devil's advocate, like a competition almost, the object of the game being to beat the male as the song goes "whatever it is he can do I can do better".

In addressing the three questions above it appears that men do get a raw deal from within the criminal justice system, it seemed when sitting in the courtrooms in Ormskirk Magistrates, that women were in fact favoured over their male counterparts it was also felt that the issue of criminal damage was favoured over women. The female judge was ruthless compared to the male judges witnessed and somewhat sarcastic with it. The female judge along with her left and right associates of the bench although very thorough with her case was more bothered about money, compensation, criminal damage, and fines for court fees than the actual domestic violence issue. She also handed more restraining orders out than any of the male judges witnessed. In a way the female judge it can be assumed was acting in a feminist way, or maybe because she was in a role that is usually classed as a male domain she may feel that she has to act like a man to maintain her position therefore acting a little stern. The female judge let her power be known in the way of issuing monetary penalties and the way in which she put a hold on men having contact with their children. The restraining orders destroyed the male offenders more than any other punishment as some of the men emotionally broke down. One man had not seen his seven year old son for a number of weeks and was told he could not see him until he applied to his ex-wife via his solicitor for visiting arrangements to be organised, without seeing her. It was explained that this could take weeks again. The man in question was broken by this decision he tried to show



text messages from his wife that proved she was contacting and harassing him not the other way around, this proved to be fruitless. This type of action coincides with what Mark Brooks stated in the interview and with what Kirsta (1994) states in chapter two, that children are used against men in such cases and that a lot of the time when men (do) leave their partners, women still seem able to control some aspects of their lives.

The question relating to the views from below the criminal justice system was quite a significant part of this research as it showed again a conflict between the sexes. Men according to Mark Brooks are treated unfairly, this was also evident in the courtroom observation. Women often had police called as testament to their plights, statements and photographs were to be shown of injuries received at the hands of violent men. Men on the other hand did not have police called as witnesses even though they too had photographs of their injuries, these photographs were not to be shown. Erin Pizzey argued in chapter two that some women like to be hurt they feel alive when involved in domestic situations; this notion did support the observation undertaken in the courtroom as many of the men accused had stated that they had been attacked first and provoked into an argument. But to listen to Harriet Harman and the government's plans to teach boys not to hit girls as part of the national curriculum for school children from the age of five, it is clear to see that from an early

age women and girls feelings are fundamental in relationships. Women's issues are at the forefront of government initiatives this gives rise to feminists being somewhat victorious over men. White and Haines (2004) declared that male supremacy and a sexist nature is engrained within the criminal justice system, this is reiterated by Naffine (2007), stating "men think they are superior to women simply because they are men". However this is not the case with this new initiative: violence against women and girls, this initiative, is directly due to the fact that "women are women and girls are girls" so that pours scorn on the idea that patriarchy reigns supreme in domestic violence cases.

There are three major faults with this kind of initiative, firstly it not only undermines men and patriarchy but all that "man" has ever stood for, the breadwinner, the loving father, or the father who walks his daughter down the aisle . Secondly: It does not class men as being sacred in society instead it insinuates that men are violent and that women and girls should be aware of them. Thirdly it can be open to abuse by the very people it is meant to protect "women and girls" (as stated in chapter one) the defence of provocation for men is soon to be history but women can still use the self defence plea even if the offence that was committed against them was not the direct result of a domestic violence episode. In other words women can attack their partners and lie about it claiming self defence whilst her male

partner has no defence. Furthermore this quite frankly feminist initiative also fails to address same sex relationships, women hitting women, men hitting men, is that allowed?

According to Mark Brooks the police forces are starting to see for themselves how serious a case the male victim has, as a lot of police forces are now in contact with Mankind on a regular basis. Mankind has trained some forces and provided information on male victims. Mark believes that the police are beginning to take male victims seriously as they are seeing see male victims at ground level, they are starting to be aware of just how serious the issue is. More and more men are coming forward, plus the police are seeing more and more violent women too. Whereas beforehand police according to Mark were “programmed by default to remove men from domestic violence situations” this Mark declares “is due to the government’s propaganda even if both the male and female are fighting and both as violent as each other it would still be the male who is removed from the situation”. This idea comes on the back of Women’s Aid who claim that until the 1980s little attention was paid to women as victims of domestic abuse, [www.womensaid.org.uk](http://www.womensaid.org.uk). Women’s Aid also state that still many cases of domestic violence goes unreported, pouring scorn on the idea of weekend divorces and their frequency as suggested by Hartman and Belknap (2003) see chapter two.

Witnessing the courtroom action was excellent for this dissertation as it proved that some of the experts used to produce this dissertation were right with regards to how the courts operate and how they are conducted on a hierarchical scale. Men were handed out restraining orders like they were sweets by the judges; solicitors treated their clients often as beneath them as stated in chapter three.

The issue of domestic violence is a very serious matter and one that proves to be very emotive and expressive and possibly a matter for further research but from a different perspective.

## Appendix 1

### Interview with Mark Brooks: Chairman of Mankind initiative. Interview held on 12.12 2009 in London.

#### Questions

1. Interviewer..... Do you think that dominant features of masculinity plays a part in the non reporting of domestic violence? If so what in particular?
2. Interviewer..... In your experience what to you feel is the main form of abuse that men suffer from, physical, mental emotional, sexual, financial and how does this compare with women?
3. Interviewer.....Due to popular assumptions and stereotypes in society it is assumed that women due to social constructions and their ascribed gender roles are the only visible victims of domestic violence, weak, damsels in distress.
4. Interviewer.....Research has been done that caused controversy it has been argued that some women need to be hurt going from one abusive relationship to another liking to be the centre of attention similar to that of Munchausen Syndrome, would you agree with this statement?
5. Interviewer.....Freda Adler Claims that new wave feminism is partly to blame for women becoming stronger more confident and wanting what men have with regards to masculine traits and crime, do you think this can have an impact on violence towards men?
6. Interviewer.....Dominant ideas of male control is a strong argument in debates about domestic violence, women and girls were seen as properties of their fathers, Just been passed through parliament that men can temporary loss of control which reduces a murder charge to that of manslaughter on the grounds of provocation women cant because theirs has usual been after years of abuse therefore it is classed as premeditated, in your experience do you think that this idea of loss of control versus premeditation is gendered to the detriment of women?
7. Interviewer.....Women who have suffered for years at the hands of males and domestic violence and not reported it but go on to kill their husbands has no police record therefore no defence and it works the other way around for the men , no reporting, no defence.
8. Interviewer.....Charming man syndrome versus charming woman syndrome, nice in public putting on a face in private, do you believe in this?
9. Interviewer.....Men and boys over the age of 16 are not allowed into women's refuges, is it the same for male refuges (women and girls not allowed) if not why not ?
10. Interviewer.....Why do men stay with abusive partners in your experience?
11. Interviewer.....Do you go into court rooms at all? If so, Do you think the male orientated environment influences proceedings and outcomes or indeed put men off taking cases of domestic violence to court?

12. Interviewer.....In your opinion (domestic violence has no boundaries) do you see any determining/ distinguishing characteristics such as age, class, race, religion, sexuality impacting on the reporting of domestic violence- do any of these groups of people within society hardly ever if ever report being victims.
13. Interviewer.....All your hard work for Mankind, you always hear of refuges for women and things like that, news paper article headlines in the local paper mentioned the increase in domestic violence cases over the Christmas period always aimed at women.
14. Interviewer.....What funding can be done to get theses refuges for men to be used and stay open and not be embarrassed and scared to use them?
15. Interviewer.....Why is it that more often than not when the police are called to a domestic violence issue it is usually the man that is removed even when it is evident that he is the one being abused?
16. Interviewer.....Is you charity run and funded by the Government? If not how do you fund it?

That concludes the interview, Thank you very much.

Interviewer.....Say your name for me!

It's Mark Brooks, Chairman of Mankind initiative.

## **Appendix 2**

### **Court Visits, Non Participant Observation.**

7<sup>th</sup> December 2009

#### **Case 1**

Male has appearing in Chorley Court charged with breaching restraining order on 2<sup>nd</sup> Dec 09, for following his partner, bail was opposed by the Crown. Not guilty plea was given by the offender to acts of criminal damage to a lounge door, therefore this case is going to trial in Ormskirk as there are no custody trial facilities in Chorley.

Trial to be held on 8<sup>th</sup> January 2010 in court 3 Ormskirk Magistrates. Defendant is applying for conditional bail non contact order until trial man is currently in custody.

Police issued a section (10)

There were 3 witnesses, although none are being called in defence.

Man is defending himself at trial.

#### **Case 2**

Male defendant understands the charge, that of domestic violence on ex partner.

Charged with repeatedly breaching his restraining order the ex partner claims. This case is going to trial at Ormskirk Magistrates, defendant claiming not guilty there are 2 witnesses to be called. Section (10) has been issued, 2 police officers took statements at interviews and the court wants them as evidence. Bail granted on condition that the defendant does not enter Skelmersdale unless to meet with his probation consultant.

Man has recently been in hospital only to be visited by the ex partner, defence solicitor is claiming that the ex partner of his client has in fact incited him.

Solicitor told by court to retrieve hospital visitors books for evidence of such visits, thus breaching her own order.

#### **Case 3**

1<sup>st</sup> February 2010 (see court listings enclosed)

Criminal damage, harassment and intimidation.

4<sup>th</sup> January Citroen Saxo damaged (former partner's friends car) guilty plea. Invited to dismiss the other 2 cases.

Defendant banging on car door that he thought belonged to his former partner, it was in fact her friends' car, eventually smashing the car up with a brick. Police were called to incident which resulted in 1,000 worth of damage.

Compensation has been asked for by the police.

Defendant already has a public order conviction from last May and still under 18 month supervision order in which he complies well with supervisor.

Admitted alcohol played a part in his actions so has claimed to have stopped drinking.

Verdict.....Criminal damage 3 month curfew (tag) between the hours of 8pm- 7am, £250 compensation consolidated with money he already owes, totalling £750. This money is to be deducted from his benefits.

#### **Case 4**

1<sup>st</sup> February 2010 (not in court listing)

Domestic violence case, with a guilty plea.

Criminal damage to UPVC door locking mechanism, costing £50.

Also assault charge, beating his now ex partner of 23 years, again a guilty plea. Chair apparently was kicked which hit his ex wife causing bruising to the legs. No medical treatment necessary, defendant was cautioned by the police. Defendant also has previous convictions; court has the power to issue a restraining order to which the defendant has no problem with. The defendant declares he has now moved back to London from where he originates, defendant claims to have had no contact with his ex since the incident on 16<sup>th</sup> December nor does he wish too defendant also claims to have a heroin addict as a son and has had severe problems with him resulting in his near death, thus claiming mitigating circumstances.

Defendant claims that the door was already broken and that the police already knew this and he also claims that his wife threw an ashtray at him hitting him on the head, he said he is not actually guilty but is pleading guilty because he cannot afford the travelling up from London all the time to appear in court so wishes to get the case over and done with by taking the blame and his punishment.

Verdict.



Conditional discharge for 2 years £50 compensation to wife for the bruising, £85 court costs and a restraining order for 2 years which also includes no text messaging, to which the defendant agreed.

Compensation to be paid at a rate of £5 a week to be deducted from his benefits.

## Case 5

8<sup>th</sup> February 2010. (not in court listing)

Domestic Violence on 2 counts pleading guilty to one.

Arrested also for breach of bail, offender changed plea from not guilty to guilty.

Pleading guilty to assault on wife but not guilty to assault on step daughter. Prosecution argued that he originally pleaded guilty to both counts.

Offender broke down in tears stating that he was actually attacked first. Before anonymous phone call was made over the disturbance, hearing verbal abuse and witnessing criminal damage, claiming man grabbed, punched and bit the wife, while the step daughter punched man in the face causing a black eye.

Step daughter was left with a bump above the eye claiming the defendant hit her too she also had redness of the skin. The wife was bitten on the head and back, had cuts bruises and redness of the skin, she was taken to Southport A&E for observation and check up.

A third charge was brought against this defendant, a charge of criminal damage. A Rover Metro had a window smashed costing £100 on the same day as the assault, defendant pleaded guilty although there were no witnesses. Offender has previous for drunken disorderly in Oct 2009 when he was given a conditional discharge, he has a problem with alcohol and commits most of his offences under the influence.

In defence of this man it was claimed that although he claimed he caused the criminal damage to the car he did not know as he was drunk so he just assumed it must have been him and as there were no witnesses there was no conclusive proof.

The mitigating circumstances were that he was drunk and very emotional admitted to offences that he did not fully understand. Although provocation was not a defence it was seen as a contributing factor, as his partner went "mad" because he had had a drink she (the complainant) punched him in the face first and then she and her daughter continued to assault the defendant. Self defence that went too far, the defendant was left with a black eye, scratches down his back and on his face, the police did take photographs of the injuries received by the male but these did not get shown in court.

The defendant had already been given a custodial sentence before for breaching conditions of discharge, breaching a community order in which he received 6 months in custody and he was also given 6 months in custody for common assault, he committed serious battery offences in 2007 also.

## **Case 6**

8<sup>th</sup> February 2010

Man appearing before the judge accused of assaulting his wife to which he pleads not guilty, claiming self defence.

Male is calling for police officer and witnesses to court, trial date was set for 19<sup>th</sup> March 2010. Residential bail conditions set defendant is to remain at his home address and have no further contact with his wife or children. Man broke down after being told he is not allowed to see his 7 year old son, claiming for leniency as he has not seen the child for weeks already.

He has breached his bail conditions via text claimed the prosecution. The original condition was that there could be no contact by text which is what the defendant did but only after the wife started to text him first therefore breaching her own order as happened in an earlier court case stated above.

## **Case 7**

Guilty plea for criminal damage on 8<sup>th</sup> January 2010, and drunken disorderly on 5<sup>th</sup> October 2009.

Complainant is the ex partner by whom he has fathered 3 children but still resides in the marital home. Offender wanted to reconcile but complainant did not as she has met someone else, complainant wanted the estranged husband to leave the house.

Accused got drunk and started to throw paint around the house in front of his children. A claim for compensation has been applied for, for the sum of £6,790 and court costs of £200.

The defence in this case was that the offender now has a new address and a new partner. Claiming he was not responsible for his actions that he was provoked into his violent mood that he was constantly used as a live in babysitter, also claiming that his ex-wife also had love bites all over her body from her new partner and that she often flaunted them in front of him (offender).

The question being asked in this case was can a person criminally damage their own home. The answer was a resounding yes on the grounds that it was jointly owned. The offender showed genuine remorse for his actions.

He is a painter and decorator that is why the paint was so readily available to be thrown around the house. He has been currently out of work due to recession but has work on the way via a contract. He poses no risk to the public and his defence asked for a suspended sentence with community service or perhaps a curfew.

Verdict: conditional discharge for 12 months, a 2 year community order, 200 hours unpaid work, £3,500 compensation for the criminal damage, and £200 court costs. These monies to be deducted from his benefits at a rate of £5 per week.

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