

Violence Against Women

To Do:

***Read the summary below**

***Read Barak p. 67 onwards**

***Go to the Discussion Forum and answer the questions**

Violence Against Women

Key Themes: problems of definition, types and levels of violence, the hidden figure, explanations, feminist perspectives, the response of the criminal justice system

Violence Against Women.

The work of radical feminists has done much to highlight the extent and impact of violence against women. Male violence is seen as the basis of men's control over women. Early analyses, particularly those of American radical feminists, tended to focus on the subject of rape (Griffin, 1971; Medea and Thompson, 1974; Reynolds, 1974; Brownmiller, 1975). They argued against the positivistic theories of rape which suggest that rape is an exceptional occurrence carried out by a few abnormal men (that is, by those with an inadequate or asocial personality). Hence Andra Medea and Kathleen Thompson stress the widespread nature of rape and maintain,

It is time, then, for women to stop thinking of rapists as sick or crazy men. You might very easily have dated (one) or your daughter might or your elder sister. (He) might have been the man you married or (the men) egging him on might have been friends of yours. The rapist is the man next door. (1974, p.36).

Violence against women is seen as keeping all women in a state of fear because it is impossible for a woman to tell which men are safe and which are rapists or batterers. As Susan Griffin argues with respect to rape, 'rape is a kind of terrorism which severely limits the freedom of women and makes women dependent on men' (1971, p.7). It leads women to seek the protection of one man against all others. Jan Reynolds further develops the social control thesis by suggesting that societal distinctions over what is seen as 'appropriate' and 'inappropriate' female behaviour mean that certain women are targeted, that is those who violate the traditional female role expectations: 'rape is a punitive action directed toward females who usurp or appear to usurp the culturally defined prerogatives of the dominant male role' (1974, p. 66). Thus, women who fail to conform, for example, by being sexually promiscuous or assertive, are more at risk. Male violence denies women their freedom and autonomy, an argument elaborated by Betsy Stanko who demonstrates how women's lives are structured around concerns for personal safety,

Wherever women are, their peripheral vision monitors the landscape and those around them for potential danger. On the street, we listen for footsteps approaching and avoid looking men in the eyes. At home, women are more likely than men to ask callers to identify themselves before opening the front door and to search for ways to minimize conflict with potentially violent partners...Women's lives rest upon a continuum of unsafety...For the most part, women find they must constantly negotiate their safety with men - those with whom they live, work or socialise, as well as those they have never met. (1990, p. 85).

Moreover feminist work has challenged conventional definitions of violence and legal categories: Liz Kelly in *Surviving Sexual Violence* has shown how these are seen to, 'reflect men's ideas and limit the range of male behaviour that is deemed unacceptable to the most extreme, gross and public forms' (1988, p. 138). Thus 'violence' is not just

that which results in physical harm and can fit into the categories of 'actual bodily harm' or 'grievous bodily harm' but is a range of behaviours that include harassment and psychological abuse. For Kelly, sexual violence is, 'any physical, visual or sexual act that is experienced by the woman or girl, at the time or later, as a threat, invasion or assault, that has the effect of hurting her or degrading her and/or takes away her ability to control intimate contact' (*Ibid*, p. 41). The focus in feminist discourse is on how *women* themselves define their experiences.

On the measurement of violence, official statistics and conventional victimisation surveys have been criticised by feminists for underestimating the level of violence against women. Returning to the problem of definition, it is argued that for the official agencies many aspects of violence, for example, psychological abuse, are not seen as warranting the label of 'crime'. Furthermore to take domestic violence as an example, it is repeatedly pointed out that women do not report for a wide variety of reasons, for example, because of fear of reprisals from the man, or his friends and family; embarrassment; that the police will consider it too trivial and so on (Mooney, 2000). Feminists have also pointed out that when domestic violence is reported the police have often been reluctant to intervene and will frequently 'no-crime' such cases even when they clearly fit into the legal categorisations of assault (Kelly and Radford, 1987; Hanmer *et al*, 1989). Conventional victimisation surveys, such as the national British Crime Surveys, are also seen as inadequate in measuring the extent of violence against women: they too have focused on a narrow range of violent behaviours (see Radford, 1987, Mooney, 2000) and women will frequently not inform interviewers of their experiences for this will invoke the pain of the original attack. The perpetrator may also be near to the interview situation and the interviewee will be too frightened to report accurately. Feminist surveys, in contrast, using more sensitive research methods, point to a wide spread problem of male violence: for example, McGibbon,

Cooper and Kelly's (1989) study on domestic violence in Hammersmith and Fulham revealed 39 per cent of women had experienced 'verbal or physical threats', 35 per cent 'punched/shoved', 8 per cent 'beaten-up' and 10 per cent 'attacked with a weapon' from a male partner at some time in their lives. And Jalna Hanmer and Sheila Saunders' (1984) survey in Leeds and Radford's (1987) in Wandsworth found 59 per cent and 76 per cent of women, respectively, had at least one experience of sexual violence in the previous year.

As a result, many feminists have campaigned for changes in legal and police practice and have argued for the government and public agencies to improve their response to women and to make men accountable for their behaviour. However, as Susan Edwards notes, this is not without some ambivalence, for some radical feminists, whom she calls 'feminist idealists', thus linking their perspective with 'left idealism' (see the chapter on critical criminology), 'have argued that the state and the law, the legal mechanism and the police are part of a patriarchal structure, under which attempts at legal reform are only tinkering within the overall system of control and regulation -so legal change serves only to perpetuate the basic conditions of patriarchy' (1989, p.15).

With respect to rape and arguments for improvements in the criminal justice system, Sue Lees work on rape trials in the UK is particularly important. She showed through research conducted at the Old Bailey Criminal Court in London the frequency with which the victim's sexual history was introduced in an attempt to discredit her evidence (the 'inappropriate' behaviour argument). Much of the cross-examination of the woman was degrading and humiliating (see Focus Box below). As Lees observed the implications of some of the questions put to the woman are subtle, as is apparent in this example where the complainant was asked about her red shoes,

The defence asked: 'You would admit these shoes are not leather. They are at the cheaper end of the market'. If her shoes were cheap, the implication was that she must be cheap too. ([www://guardian.co.uk](http://www.guardian.co.uk), 16 Feb.1999)

Lees fought for the government to restrict evidence concerning a woman's sexual history and argued for better training for judges and barristers. She believed that, given the sensitive nature of such cases, there should be special prosecutors for rape trials.

Moreover, feminists have provided women-centred support services for women, such as Women's Aid and Rape Crisis in the UK. These organisations have arisen directly out of women's experiences and, as Liz Kelly argues, 'because of the inadequacies in the responses of statutory agencies and the extent to which myths and stereotypes are reflected in their practice' (1988, p. 380). Moreover, the need for women's collective support and action is constantly stressed throughout the feminist literature,

Our strength must be in our women's groups and organisations. We have to organise to protect ourselves and our children from all forms of male violence and control. (Hanmer and Saunders, 1984, p. 112).

And, as Kelly maintains,

It was never the intention of those of us who chose work in this area in the 1970s that our work become limited to 'band aid' solutions: as Maria Zavala puts it, 'a MASH unit, patching up the wounded and sending them back to the front line'...No matter how effective our services and support networks, no matter how much change in policy and practice is achieved, without a mass movement of women committed to resisting sexual violence in all its forms

there will continue to be casualties in the 'shadow war' and women's and girl's lives will continue to be circumscribed by the reality of sexual violence. (1988, p. 238).

Focus Box: Sue Lees' Research on Rape Trials in the UK: the attempt to humiliate the woman complainant

In rape trials, the woman complainant often finds herself put on trial; she is cross-examined about her behavior, past relationships and her appearance in an attempt to discredit her evidence. One of the areas that Sue Lees found that women are frequently questioned about is that of menstruation. She interpreted this as having a dual purpose, 'to publicly humiliate the complainant (as no respectable woman would broach such a subject in public, let alone in the lofty setting of a Crown Court) and to imply that she was a bit off key, perhaps totally irrational, certainly an unreliable witness, prone to make false allegations' (1997, p.2). Lees also noted that the menstrual taboo is apparent in rape trials with the defence counsel exhibiting obvious disgust when referring to the subject; this is an extract from a trial that she observed in the 1990s in which even the judge makes an intervention and the complainant disputes its relevance,

Defence Counsel (DC): Let me put it to you that in fact you were just coming off, finishing your period at the time of having sexual intercourse with Mr Jones. Do you agree with that?

Complainant (C): I was on for another couple of days

DC: Another what?

C: Two days. I was on for another two days after that.

DC: This is the early hours of Wednesday, so do you mean until the Friday, or when?

C: I can't remember. What has my period got to do with that?

DC: Just answer the questions please

C: I don't know.

DC: You see, let me tell you what I'm driving at. I am putting it to you that you were a willing partner in having sex with Jones.

C: No, I wasn't. It's not right. I wouldn't go near him with a bargepole.

DC: These questions may not be very tasteful, but I have got to put them to you. In order for him to insert his penis, he has to cope then with the debris of your period and the tampon, is that right?

Judge: Well, she can't answer what he would or wouldn't find easy.

DC: The point is - I am sorry to have to put it to you - that the channel was obstructed.

Judge: I think you're making a comment

DC: Am I? All right.

As Lees comments, 'this farcical cross examination belies belief. How is it possible that a complainant is asked whether her tampon and the 'debris' of her period caused the rapist problems? What on earth is the justification for barristers indulging in such questioning?' (*Ibid*). Yes, indeed!

**Sue Lees' work can be accessed at: John Lea's criminology website
(you may need to cut and paste the link into your browser)**

<http://www.bunker8.pwp.blueyonder.co.uk/Sue/Sue1.htm>

The Importance of the Violence Against Women Act

**Access this link for background information on the revisions to the
Violence Against Women Act (I have attached them separately)**

http://www.democracynow.org/2013/3/8/new_violence_against_women_act_includes

http://www.whitehouse.gov/sites/default/files/docs/vawa_factsheet.pdf

Discussion Forum

Now go to the discussion forum and answer the following questions by 12/2

- 1. Discuss the difficulties that women who have experienced violence against them face when trying to make sure the offender is brought to justice.**
- 2. Why was it so important to reauthorize the Violence Against Women act? What changes were made to the Act?**